

FORTY-SEVENTH DAY

Tuesday, April 9, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 9:30 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Representative William Stonebraker, after which the Roll was called showing all members present with the exception of Representatives Davis, Ito and McDermott, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 224) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 224, transmitting the Hawai'i State Department of Health, 2001 Annual Report.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 25) was received by the Clerk and was placed on file:

Dept. Com. No. 25, From Marion M. Higa, State Auditor, transmitting A Study on the Licensing of Private Trade, Vocational and Technical Schools.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate concurrent resolutions were referred to committee by the Speaker:

S.C.R.Nos.Referred to:

15, SD1	Committee on Judiciary and Hawaiian Affairs
60	Committee on Health, then to the Committee on Finance
61	Committee on Consumer Protection and Commerce
65	Jointly to the Committee on Human Services and Housing and the Committee on Health
71	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Consumer Protection and Commerce
75, SD1	Committee on Health
87	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Judiciary and Hawaiian Affairs

102	Committee on Human Services and Housing
108	Committee on Human Services and Housing
110	Committee on Agriculture, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following House resolution and concurrent resolution were re-referred to committee by the Speaker:

H.R.No.Re-referred to:

123, HD 1	Committee on Transportation, then to the Committee on Tourism and Culture
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H.C.R.No.Re-referred to:

172, HD1	Committee on Transportation, then to the Committee on Tourism and Culture
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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, Ito and McDermott were excused.)

UNFINISHED BUSINESS

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1135-02) recommending that S.B. No. 2890, SD 2, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1135-02 and S.B. No. 2890, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Thursday, April, 11, 2002.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1133-02) recommending that S.B. No. 2106, 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. 2106, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," passed Third Reading by a vote of 47 ayes, with Representatives Davis, Kahikina, McDermott and Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1134-02) recommending that S.B. No. 2490, 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. 2490, SD 2, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO COFFEE," passed Third Reading by a vote of 47 ayes, with Representatives Davis, Kahikina, McDermott and Souki 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. 1136-02) recommending that S.B. No. 233, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 233, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

At 9:37 o'clock a.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 9:38 o'clock a.m.

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. 233, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Fox voting no, and Representatives Davis, Kahikina, McDermott and Souki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2106, SD 2, HD 1; 2490, SD 2, HD 1; and 233, SD 2, HD 2 passed Third Reading at 9:39 o'clock a.m.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1137-02) recommending that S.B. No. 2701, SD 1, 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. 2701, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," passed Third Reading by a vote of 50 ayes, with Representative McDermott being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1138-02) recommending that S.B. No. 1575, 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. 1575, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Third Reading by a vote of 50 ayes, with Representative McDermott being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1139-02) recommending that S.B. No. 2934, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2934, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Madame Speaker, I think I mentioned this on the Floor of the House before. This is a really highly urbanized area bill. It should not apply to rural districts or suburban districts. We have amended it in the Judiciary Committee. My concerns and my reason for voting no are that it will go to a Conference Committee and I am afraid of what will come out. So I would prefer stopping the bill right now."

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. 2934, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Bukoski, Gomes, Halford and Thielen voting no, and Representative McDermott being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1140-02) recommending that S.B. No. 3040, 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. 3040, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative McDermott being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1141-02) recommending that S.B. No. 2309, 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 that S.B. No. 2309, SD 1, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Madame Speaker, this bill proposes to add more regulation here in our State government requiring emergency watercraft communications devices for any watercraft that goes out more than one mile from the shoreline. I believe that this should be a decision made by the boaters, that State government doesn't need to be 'big brother' telling individual boaters what they should be doing."

Representative Auwae 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 support of the measure, stating:

"Thank you, Madame Speaker. I am with reservations and if I may just give a couple of comments. I think it is still a little too broad. On page 3, it includes canoes, kayaks, surfboards... Excuse me. I stand corrected. I see that canoes, jet skis, kayaks, sailboats, surfboards, and paddleboards shall be exempt from the requirements of this section. So that means it is not applicable to the bill, and I am straight up in support."

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

"I just think, as the Minority Floor Leader stated, it is like a 'big brother' bill. I live on Kaneohe Bay and a mile offshore doesn't even get you out of the Bay in many places. I think that the boaters should be left to take care of these problems themselves. I am also concerned about the fact that they will be fined. There will be a violation of at least a hundred dollars for the first offense.

"Another concern I have is the enforcement of this. DOBOR doesn't have that many officers. They rarely leave the Bay in their boats. For them to determine who is a mile off and who isn't, there is just a lot of problems with this bill."

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 2, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Auwae, Djou, Jaffe, Meyer, Pendleton, Rath and Stonebraker voting no, and Representative McDermott being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1142-02) recommending that S.B. No. 2500, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, and 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 Third Reading by a vote of 50 ayes, with Representative McDermott being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1143-02) recommending that S.B. No. 2139, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2139, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Yoshinaga's written remarks are as follows:

"Madame. Speaker, I rise to speak in support of Senate Bill No. 2139 SD 1, HD 1.

"This measure provides an appropriation for the preschools Open Doors Program. The appropriation is needed to increase the number of childcare subsidies, pay administrative expenses, and provide parent workshops to the recipients of childcare subsidies in each county.

"Preschooling provides children with emotional, social, as well as, academic preparation for formal education. As studies are now indicating, the early years of childhood have been proven by research to be critical to child and human development that affects adult life. As a legislator that wants the best for the people of Hawaii, the opportunity for preschooling should be extended to low income families that realize the importance of sending their child or children to a preschool, and are seeking for themselves a way to better their next generation. They may need not only financial assistance, but also the support of a preschools Open Doors Program that would help to guide their child or children and themselves to make the most of their lives however disadvantaged socially, economically, or otherwise.

"I strongly urge this body to support this much-needed measure that would truly make Hawaii a special place for all, and show others the way we care for families and children and their future."

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

"Thank you, Madame Speaker. I rise in support with some pretty strong reservations. While I think most of us in this Chamber agree that preschool is an excellent starting education for children before they enter kindergarten, this bill, as originally introduced, would require \$5 million out of the general fund. Considering the problems we are having trying to balance the budget, this is additional money that I don't think we have this year. We should concentrate on seeing what we can do to provide public schools with all the money that they need."

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, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative McDermott being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1144-02) recommending that S.B. No. 2708, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, and the report of the Committee was adopted and S.B. No. 2708, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative McDermott being excused.

The Chair directed the Clerk to note that S.B. Nos. 2701, SD 1, HD 1; 1575, SD 2 HD 2; 2934, HD 2; 3040, SD 2, HD 2; 2309, SD 1, HD 2; 2500, SD 2, HD 1; 2139, SD 1, HD 1; 2708, SD 1, HD 1 passed Third Reading at 9:45 o'clock a.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1145-02) recommending that S.B. No. 2867, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2867, SD 1, HD 1, 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."

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

"Thank you, Madame Speaker. I rise in support of S.B. 2867, but I do have some very strong reservations. Again this bill, as originally introduced, would ask for \$3.4 million in general funds. I am aware of the problem that we have with Medicaid, but after 9/11, I think our more immediate problems are keeping the programs that we have now going and not incurring additional general funds for additional benefits. Thank you."

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

"Thank you, Madame Speaker. I rise in support. The purpose of this bill really is to set Medicaid payments at a level closer to actual costs, and I appreciate the previous speaker in her diligence in the financial situation of our State, which we have considered. It is the reason why we passed this bill, because a lot of our service providers basically, will be getting out of business if they cannot re-coop at least the cost to serve the uninsured. So for those reasons, I ask our colleagues to support this measure."

Representative Rath 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. 2867, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1146-02) recommending that S.B. No. 2026, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2026 SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"If I could just very quickly note that while I support this measure, I believe a more effective means will be eliminating the general excise tax on Medicare and Medicaid. Thank you."

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

"Again, similar to the previous bill, this is to get reimbursements up to at least cover the costs. In this bill Madame Speaker, it addresses the hospitals, who especially on Maui, really need this vehicle to address the issue. So I ask our colleagues' support of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2026, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1147-02) recommending that S.B. No. 2568, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2568, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

Representative Gomes rose in opposition to the measure and asked that his remarks on Second Reading of this measure be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Rath 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:

"This bill is to create a Commission within the Department of the Attorney General. It is going to fund it for \$60,000 and have a Governor-appointed board to try to promote people that have limited English proficiency, so they might be able to partake of, and become eligible for, some of our welfare benefits. This is really not the time for this bill. We have higher priorities than this. Though this is something we should look at in the future. We are having a shortfall this year. I don't know why we want to push this forward now, so I am voting no."

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

"Thank you, Madame Speaker. I would like to speak in strong support of S.B. 2568. I think this bill is a testament to Hawaii's cultural and historical diversity. I think very few of us can claim to be native to the land. Most of us are visitors or have come from immigrant stock. I think it is really foolish to look at language and try to close the door, especially on those who are recent arrivals. There are civil rights that even immigrants have.

"I think that one of the things we may be doing related to this is we may be reducing the DOE budget for English as a Second Language learners by \$3.6 million. This involves not only eliminating all the part-time teachers, who are the native language speakers, but it also will eliminate all the supplies for the program. Now we are being told that by doing that, we could actually be 'shooting ourselves in the foot' because we are going to be leaving ourselves vulnerable to a lawsuit, very similar to what happened to IDEA and the resulting Felix consent decree. We may be under a consent decree if we do not pay heed. Not only in education, but in terms of all the health and human services that we offer. There are requirements.

"There are other jurisdictions in California like San Jose, who are currently under a consent decree, and they are struggling to get out of it. They are paying tremendous sums to provide language access. So what this bill will do is it will create this Commission to provide some needed guidance on where we need to 'shore-up' some of our efforts, so that we will not be forced to spend 'willy-nilly' like how we do in mental health services for children and adolescents. But really have a plan and have an approach on where the monies need to be spent.

"This needs to be done and I think it will be 'penny wise and pound foolish' to say that we shouldn't be spending money like this because in the end, it may cost us a lot more. So it is a matter of whether if we want to pay a little now or pay a lot more later. Thank you, Madame Speaker."

Representative Kahikina rose to speak in support of the measure and asked that the remarks of Representative Arakaki be entered in the Journal as his own, and the Chair, "so ordered."

Representative Kahikina continued, stating:

"Just to expand the description of support. You know, ever since September 11th, there has been a lot of news coverage of the origins of America. I've been really touched by all these people who came from foreign countries and saw the Statue of Liberty and how that represented what America stood for, and

the opportunities. But they wouldn't have gotten those opportunities if they couldn't handle the language barrier.

"Madame Speaker, for the reason that it is America that does, not only Hawaii, but America does accept people, looking for the same government as far as participation in democracy, and an opportunity to better their lives. For those reasons I ask my colleagues to support this measure."

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

"I will be very brief. This measure proposes to create a new Language Access Commission. Madame Speaker, as a son of immigrants, both my mother and father immigrated to the United States, I certainly can appreciate the need to learn English and provide accessibility to the government. However my problems with the bill do not stand with the concept. Indeed, I agree with it. My problems stems from the fact that it is going to create another commission and it is adding to the size of our State government. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I am rising in support with reservations. My grandparents and great-grandparents were immigrants here. They did not speak any English whatsoever. They made it just fine without any government programs. My wife is an immigrant, and she didn't speak English. She made it just fine without government programs.

"The point is, like we heard a previous speaker talk about, the people who came over here and saw the Statue of Liberty, well some of those people were my relatives. But even long before that, when people came, there were no government programs. They made it, so nobody is saying they shouldn't learn English. But I don't think that we need a government commission and government programs to do it. That is the problem. Especially now when we are so short of funds. So those are my reservations. Thank you."

Representative Gomes rose and asked that his comments on Second Reading in rebuttal to the proponents of the measure be inserted in the Journal, and the Chair "so ordered." (By reference only.)

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

"I stand in strong support of the bill. I wasn't going to say anything until I took a look at my own personal experiences and I begin to realize what is happening to Hawaii. The original immigration flow was until 1924. Our later immigration flow started in 1946, but were especially pronounced after the liberalization of immigration law in 1964. So from 1964 to today, we've had not only immigrants from the Asian countries, but in addition, the refugees beginning in the late 1970s into the '80s. All of these things mean this for those people who come to America. They need to have some bilingual help.

"For those of us who grew up with our immigrant parents who came in before 1924, let me give you an example of how important it was. Yes, we did not have bilingual help at Ellis Island or here at Sand Island when they first came to Hawaii, for sure. But like my parents, they had to work long and hard, and had to go to school, had to learn English. They became citizens, but it was through a lot of hard effort and work on their part, which did not take overnight. Without formal education, a sixth grade education in Japan schools. They only had Japanese school education. No education here in Hawaii

except for those classes that were given to them, English classes, which they had to take.

"For a long period of time, they went through a lot of adjustments and a lot of effort and pain to become citizens. As for bilingual access, simply, we just didn't have it. In the case of family, my parents held back my sister and did not go to the hospital because over the years, all immigrant families understood that without the bilingual help, those people in the hospitals, the plantation hospitals, just did not understand, what they were saying and just didn't understand where these people were coming from.

"What happened to my family was very simple, and you can apply this to thousands of other immigrants in Hawaii. Because of the lack of sensitivity and understanding of their own ethnic language, they didn't take their daughter to the hospital because they did not want to go to the horse doctor, as my father would be saying. So when she became ill, she eventually went to the 'home brewers,' the home healers, the home-brewed stuff. By the time they took her, their daughter, our sister, to the hospital, she died of pneumonia. You know why? It was only because of the lack of sensitivity and accessibility to bilingual language that should have been given to them as a constitutional right. That was back in 1924, so I have a very personal feeling of why we should have bilingual language to any immigrant to anyone who cannot speak English or doesn't understand enough. So they can go to the Department of Labor, for example, not to the welfare office. They need to go to an employment office. 'Please give me the information so I can be hired, so I can be employed.'

"So there are many, many services in government that immigrants and those who have limited English proficiency should have access to. That is a constitutional right of any individual, whether they are citizens or not. So I believe right now, we should start with this, go back and take an assessment inventory of the bilingual services we provide to anybody. That include Europeans too, Polynesians, and take a look at it and provide that, whenever is needed. We've done it in that past. We can continue to do it and even do it better. Thank you."

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

"It is obvious that Hawaii is a very diverse State in terms of culture and ethnicity. Obviously we are a State of immigrants, from the early Polynesians to currently, all of those who have come here over the years. Tens of thousands of our residents are bilingual in all types of languages.

"Now plain and simple, this is the right thing to do. We can say that they should pull up their boot string straps and do it on their own. We can say that we don't want to help these people. We don't think they need it. Others have come before us and done a good job of making that transition. Others can do the same thing. But again, the Majority feels this is the right thing to do. It is a compassionate bill. It helps those that need assistance. And I think it is very apparent that we help those with limited English proficiency because, one day, this could save peoples lives. This could give them access to services they don't know that are available to them. There are so many benefits of this bill and we should do all we can to help anyone transition to the American way of life. Thank you, Madame Speaker."

Representative Stonebraker rose to respond, stating:

"Brief rebuttal please. There is a lot of this, 'This is compassionate,' and a former speaker said that it is insensitive to oppose this bill. I take a little offense to that. My wife was

born in Israel. She did not speak English until she came to this Country. My in-laws did not speak English until they got to this Country. Many of those in the Minority Party have friends and family that didn't speak English. We learned English. That is how it works here. You know, the thing about not helping people. Hey, why don't we teach English? Why don't we go in that direction, why don't we create a commission to make people learn English?

"And I'd like to respond to another comment by a former speaker that said that people have a constitutional right whether they are citizens or not citizens. That is not true, you don't have a constitutional right if you are not a citizen. Citizens of this country have constitutional rights. The beginning of the Constitution says, 'We the people...' So there is something known as assimilation and that is becoming part of a culture. This kind of attempt to 'white wash' our culture and to make it flow away in this kind of politics, and with these kinds of double standards. With this kind of stuff, that we are not sensitive. You don't want to help these people. Hey, let's vote on the basis of principle rather than this inflammatory kind of reasoning. It just makes no sense.

"Let's establish here today that Constitutional rights are for citizens of this Country. You invest in this Country and you have a constitutional right. People that aren't citizens do not have constitutional rights of the United States of America. I wish that our State Representatives knew that. This is important policy. We are making policy based on principle. But if people's principle is so far off that they will make a comment that you have a constitutional right even if you are not a citizen, that to me is crazy. This person is voting. I just can't believe it."

Representative Arakaki rose to respond, stating:

"Thank you, Madame Speaker. In brief rebuttal. I did not hear anything about constitutional rights, but I know I did mention civil rights and there is a difference between civil rights and constitutional rights.

"To me, civil rights are a lot more important because it tells us how we deal with each other as human beings. That is really important. I want to draw a parallel because we have a Commission on Access for Disabled Persons. I don't know if anybody is going to say that we don't need that Commission. But they save the State and the counties a lot of money because they advise people when they have to build, or they advise the counties on liability issues when it comes to the disabled.

"Some may say that language is not a disability. Well I'd like to take them with me to a foreign country and see how well they can get along without being able to speak the language. For some, it is a disability and I think the more we can provide in terms of access, the more we can provide access to them so that they can become productive citizens of this State and this Country. And that is the bottom line. So Madame Speaker, I'd say is that it may not be a constitutional issue, but it is a basic human issue on how we want to deal with each other as human beings. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I just wanted to stand in support and make a short clarification. Anytime anybody mentions the Constitution, I feel the need to stand up, especially when I feel it's inaccurate.

"The Supreme Court has stated that the states generally do not have any role in terms of determining the rights of aliens or those of immigrants. Instead, that is strictly federal power. So

a state cannot act in anyway that infringes upon civil rights. Whether it's a citizen or non-citizen, it is not the states rule, so actually they do enjoy some constitutional protections. Thank you."

Representative Kahikina rose to respond, stating:

"Thank you, Madame Speaker. Just some extended remarks.

"Madame Speaker, a previous speaker had made a rebuttal against constitutional rights, and made reference to 'white washing.' That is the whole point. It is white. Homogenized. We are asking everybody to come to America, come to Hawaii, and speak English. We are all different cultures. It is a Biblical order: 'To open thy mouth, judge righteously, plead the cause of the poor and needy.' This is brotherly love. This is about compassion beyond government.

"Madame Speaker, I don't know how people get offended by helping the very people that need the help. Aren't we our brothers' keeper? Aren't we supposedly holding that spirit of God, of Jesus, to go out and help? This is what this bill is all about. Thank you, Madame Speaker."

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

"I am a descendent of immigrants too. The point here, Madame Speaker, is that some of our colleagues here, when speaking in opposition, are not against the wonderful assimilation of these different cultures, these great wonderful cultures adding to Hawaii. What we are against is the government trying to kind of dictate holding hands and things like that. We feel that the government is not the best arbitrator.

"I think there is lots of value to pain and challenge and overcoming these obstacles. There is lots of value to that. I think it builds character, and it makes us all better people. That is the reason why we are opposed to this because it seems like we are going back to this idea that the government is the best arbitrator of this kind of help or assistance. Thank you, Madame Speaker."

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

"Thank you very much, Madame Speaker. I rise in support of the bill. I wasn't going to speak on it, but I am inspired by some of the comments made by those in opposition to this bill.

"Madame Speaker, I spent four years living in Japan working in a Vietnamese refugee camp teaching English. The all spoke pidgin English really well when they left. But that is beside the point. My point is that the refugees that I worked with, of course, they were going to be resettled into this Country and they all wanted to learn because they realized, both instinctively and intuitively, that by knowing the English language, they will get ahead.

"This bill does not say we will allow you to speak whatever language you speak, and the government owes you a right to do whatever it takes to have your education, your documents, everything else, in your language. It does not say that. All it merely says is that there ought to be access. We ought to 'level the playing field' for those who come to this country.

"I do believe, with my colleague here from Kalihi, who said that not knowing the language is indeed a disability. It kind of worries me. Well, it frightens me, when I hear comments like, 'It builds character if you don't know the language,' and that if you do it on your own, that builds character. Well, if that were true, then we should not have welfare. We should not have

spouse abuse shelters. We should not have drug intervention programs. Because after all, if you happen to be a woman who is getting abused by your partner, and we don't have any programs for you to deal with that, well just overcome it on your own. Because if you do, it will make you stronger. It will build your character.

"I hope that is not what we are saying. I hope that is not what we are saying as a government, that we should not have any sort of social services and social 'safety net' programs to reach out to those who, for whatever reason, don't have the quite the opportunity and the blessings that many of us enjoy. We want to reach out and help them, and I think that is all this bills says. Thank you."

Representative Moses rose to speak in opposition, stating:

"Thank you, Madame Speaker. I am rising for the second time. I also have been moved by the discussion we just had today. Let me start by saying that I visited and spent time in Japan, Korea, Taiwan, Germany, France, Belgium, Austria, Switzerland, Ireland, Scotland, even England where it was hard to speak English as we know it. But I made it quite well.

"You know, we are framing the debate now all of a sudden, we are against abuse shelters. That has nothing to do with this bill. The people that have spoken out against this bill, in opposition to this bill, are talking about the money and the fact that maybe it shouldn't be government, maybe it should be some other agency that does this. We are talking about the budget and the money.

"Everybody is screaming now that we have no money for anything. We are raiding funds, we are raising taxes, we have no money, and here we are spending more money. That is the debate and that is how the debate should be framed. It is not about starving children and neglect for immigrants. It has nothing to do with that. Madame Speaker, I have been moved and I am going to change my vote from reservations, to a no. Thank you, Madame Speaker."

Representative Yonamine rose to respond, stating:

"Madame Speaker, it is my second time to speak. I think that this government intrusion on the part of the private sector, just the opposite is true. Back in 1972, the State finally had to come in because the private sector was unwilling or unable to finance programs in which we do provide bilingual services, so that we can provide outreach workers, health education, a whole number of health and related medical programs, assimilation into the schools. All these things that the immigrant faces.

"Government had to step in, in the early 70s and Pacific Gateway Center, which was called Kalihi Palama Immigrant Services, was the first agency to receive State funds to do that very work that all the people were talking about. You know why that organization was founded? Because no one in the private sector was able to step in and work with the thousands of people who were moving to Kalihi for example, which was the Ellis Island back in the 1960s and '70s. I belonged to the agency that did the second hiring of bilingual workers with the Filipino, the Korean, the Chinese, and the Samoans, to do work, essential work, with immigrants who needed assistance. And new arrivals who needed essential interpretation so that we can provide them those services of all kinds, not just welfare. So I think for all of us here, government has to step in whenever the private sector can't do it, and this is a perfect example.

"This work with immigrant services, beginning with the Office of Community Services with all the private agencies

who have their own funding. But mostly purchase of service and grants in aid to conduct work immigrants. So this is an example where we must take a look at the inventory of services in government so we can provide the bilingual services. It is not going to disrupt or unbalance our budget. It is certainly an amount of money that is well needed. It is not going hurt anybody except we are going to benefit by those immigrants and newly arrived people. Thank you."

Representative Souki rose to speak in support of the measure and asked that the remarks of Representative Kahikina be entered in the Journal as his own, and the Chair, "so ordered." (By reference only.)

Representative Souki continued, stating:

"I just want to add further that the great President Lincoln said, '... that government should provide those services that private sector cannot.' Thank you."

Representative Garcia rose to speak in support of the measure and asked that the remarks of Representative Kahikina be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

"Also, I want to add another reference from another President, actually it was a little more than 30 years ago. I want to make sure that I frame these remarks to the issue that is before us.

"Some 30 years ago, when this gentleman politician decided to sign into law and make government responsible for bilingual education in his State's schools. This politician would make it as a carrier against big government and government intrusion and government being an arbitrator, would later become President. That was then Governor Ronald Reagan of California. 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. 2568, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Bukoski, Djou, Gomes, Jaffe, Meyer, Moses, Ontai, Rath and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1148-02) recommending that S.B. No. 2769, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2769, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. This bill will permit facilities to provide services to the mentally ill adults to be accredited rather than licensed. I support facilities to help those who are in the recovery stage of mental illness. What I do not support is, what I believe is the Department of Health's attempt to leave the community out of this whole process.

"What I found in neighborhoods is if you explain to the neighbors on a street that are surrounding this new facility that is going to be put in by the State. If you explain to them what is going on. If you take the time to sit down with them and say that the people are in the recovery stage of mental illness, they are competent and responsible and are assisting in their own recovery. You explain that to them. Those people are not

going to be opponents to that facility that is put into their community. Where you run into problems is when government goes in, without notice to the people that live on that street, puts in a facility, and all of a sudden the next door neighbors find out about it and have not had any communication or dialogue with the government.

"This bill by the Department of Health is actually taking those residents, those neighbors, out of the process. They are saying that we are going to allow this to be accredited by the Department of Health rather than going through the other process, which is to license them and give provisional licenses. I think it is absolutely the wrong way to go. It is going to set up conflict in all of our neighborhoods where different houses will be used for those recovering from mental illness.

"There is a good way to do it and there is a bad way to do it. There is a 'heavy hand' of government going in and saying we are doing it and we don't care about telling you about it in advance. You can complain, but you have no say. We are not going to talk with you. What I find is very dishonest by the Department and this is a Department bill. I find it is very dishonest for them to say there is no impact upon the public. They don't mention the impact upon the neighbors. They merely say that this permits a broad array of community residential living options for recovering mental ill adults. That is very dishonest because 'impact on the public' means what is the impact upon the neighborhood, upon the next-door neighbors. They don't even address that, and that is the public that should be addressed in this justification sheet.

"I think this is a bad idea. I think it will cause conflicts in our communities where we could have avoided those conflicts, with Department personnel simply sitting down with the neighbors and explaining what they are going to do and explaining the level of recovery in which these mentally ill residents have reached. And that they are on the road to being productive and mainstream citizens on our community. It is another example of the heavy hand of government. Thank you."

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

"I am a member of the Board of Directors of Steadfast Housing. It provides housing for mentally ill adults, 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 S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Gomes, Meyer and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1149-02) recommending that S.B. No. 2765, SD 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. 2765, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1150-02) recommending that S.B. No. 2782, SD 1, 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. 2782, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1151-02) recommending that S.B. No. 2944, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, and carried, and 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 Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1152-02) recommending that S.B. No. 2721, SD 1, as amended in 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. 2721, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2867, SD 1, HD 1; 2026, SD 1, HD 1; 2568, SD 2; HD 1; 2769; 2765, SD 2; 2782, SD 1, HD 1; 2944, SD 1, HD 1; and 2721, SD 1, HD 1 passed Third Reading. At 10:18 o'clock a.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1153-02) recommending that S.B. No. 2904, SD 1, as amended in 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. 2904, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FUNDING A SECOND AMBULANCE TO SERVICE THE WAIANAE COAST," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1154-02) recommending that S.B. No. 2768, SD 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. 2768, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1155-02) recommending that S.B. No. 720, SD 2, 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. 720, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives

Djou, Fox, Gomes, Jaffe, Leong, Meyer, Ontai, Rath and Whalen voting no, and Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1156-02) recommending that S.B. No. 2052, 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. 2052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1157-02) recommending that S.B. No. 2227, SD 1, 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. 2227, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1158-02) recommending that S.B. No. 3047, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3047, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted 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," passed Third Reading by a vote of 50 ayes with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1159-02) recommending that S.B. No. 2881, SD 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. 2881, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1160-02) recommending that S.B. No. 2075, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2075 SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Leong continued, stating:

"First of all, I am opposed to it for several reasons. What the bill does now is it allows it to go into a public health setting to include nursing homes, adult day care centers and assisted living facilities. What the bill does not do is, it allows the dental hygienist to go in, but does not require the dentist to be present while the hygienist is treating a patient.

"Dental hygiene procedures are invasive and pose risks to the health and well-being of the patient. It does not require the immediate evaluation of the hygienist's performance on the patient by the dentist prior to the discharge of the patient.

"Also dental hygienists, after high school, go through a two year post program. It is not within the scope with the dental hygiene education to have diagnostic evaluation. The majority of the facilities defined as public health settings lack dental equipment needed to provide dental care adequately, for instance the high vacuum system, the dental x-ray, and compressed air. It would be better if these patients needing help, that they should have a setting whereby a dentist could be there to make sure that there would be no litigation by these patients.

"Right now the dental community does provide a 'good Samaritan' project where they are there to help the very needy. For those who can't be transported to a dental office, the dentist is best trained and skilled to examine, diagnose, and treat the patient appropriately and safely at the bedside.

"Please do not compromise public safety or the quality of dental care available to vulnerable members of our community. Vulnerable meaning the children, medically fragile and aged. These are the people we will be compromising, so I ask that we do not support this bill. Thank you."

Representative Leong's written remarks are as follows:

"Madame Speaker, I rise in opposition to SB2075, SD2, HD1. This legislation compromises public safety and lowers the standard of quality dental care by removing the safeguards of direct supervision of the dental hygienist by a licensed dentist.

"The bill provides that "a licensed dental hygienist may operate under the general supervision of any licensed dentist providing dental services in a public health setting." This provision calls for the minimum of general supervision of dental hygienists that will be servicing vulnerable members of our community. Those most vulnerable are our children, the medically fragile and /or aged community.

"This provision poses risks because general supervision does not require the dentist to be present while the hygienist is treating a patient. General supervision does not require the immediate evaluation of a patient or the dental hygienist's treatment, by a dentist, before discharge. Moreover, the scope of dental hygiene practice does not include diagnosis of dental disease, which may often be the case of the patients serviced in these public settings. The lack of dental x-rays and a dentist on site to provide accurate diagnosis before and during dental care and the lack of proper dental equipment necessary to provide dental care adequately and safely, pose additional risks to the public.

"Eliminating the safeguard of allowing only direct dentist supervision of dental hygienist in a public setting increases the risks to patients and adversely affects the health and well being of the public. For those reasons, Mr. Speaker, I stand in opposition to this measure. Thank you, Mr. Speaker."

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

"Thank you, Madame Speaker. I am in strong support of S.B. 2075. I don't disagree with anything the previous speaker said, however for the past couple of Sessions, we have been talking a great deal and discussing some of our oral health problems that we have in our communities. It is not through the lack of quality dentists, or the supply, or the per patient ratios. Basically we have special needs in our communities. A lot of them are on our Neighbor Islands where we have both underserved geographic communities and underserved populations.

"Dentists are great, if you can go to the dentist. The fact is what is great about a dental hygienist is, they usually go to where the patients are and where the needs are. And these are our schools. These are low-income communities. These are public health settings. And they provide basically, preventive care. That is what we are talking about.

"For all the people who spoke against fluoridation, you should be in great support of this because it is preventive care, so that we don't have to go to fluoridation. The fact is our kids have a very poor oral healthcare so it is a matter of education. It is a matter of preventive treatment, even the use of dental sealants and topical fluoride. So these are things that a dental hygienist can do, and they do it well. And I think we should take maximum advantage of the fact that they are willing to go out and serve our communities, and allow them to do that. Thank you."

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Leong be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Madame Speaker, I speak in strong support of this. I learned that, although I am not member of the Health Committee, that the HD 1 is a little more liberal than the SD 2. I hope that in Conference Committee, we will consider HD 1. Thank you."

At 10:25 o'clock a.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 10:26 o'clock a.m.

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," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Gomes, Leong, McDermott and Thielen voting no, and Representative Saiki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2904, SD 1, HD 1; 2768, SD 1; 720, SD 2, HD 2; 2052, HD 1; 2227, SD 1, HD 1; 3047, SD 1, HD 1; 2881, SD 1; and 2075 SD 2, HD 1 passed Third Reading at 10:28 o'clock am.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1161-02) recommending that S.B. No. 594, 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 that S.B. No. 594, SD 1, HD 2 pass Third Reading, seconded by Representative Lee.

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

"This program is a good one. I understand the intent behind the creation of this Neurotrauma Special Fund, and I appreciate all the stories and testimony we heard in Committee regarding this particular measure. My opposition, however, is not regarding the program itself. My opposition centers entirely around the financing. Madame Speaker, I have consistently spoken out against the proliferation and the creation of too many special funds, and too often, creation of these special funds have such a tenuous connection between the source of revenue and the expenditures. I believe, in this particular case, that this particular special fund does not have the proper nexus between the source of revenue and the expenditures.

"If we want to create a Neurotrauma Fund and have additional expenditures for neurotrauma accidents, I believe we should be appropriating funds from the general fund and not creating a special fund as we are in this particular case. 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. 594, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Djou, Fox, Gomes, Jaffe, Meyer, Moses, Ontai, Rath and Whalen voting no, and Representative Morita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1162-02) recommending that S.B. No. 3053, 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. 3053, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Djou, Meyer and Moses voting no, and Representative Morita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1163-02) recommending that S.B. No. 2763, SD 2, HD 1, as amended in HD 2, pass Third Reading.

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

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

"My concern is regarding the confidentiality of the data that would be put into this data bank about birth defects. Madame Speaker, I was astounded when I was representing a plaintiff in a lawsuit and we did depositions. I was astounded at the discovery process and the material that was received about people that had done a certain action based upon the belief that their information that they gave would be absolutely confidential. Well, it wasn't in the court proceeding. It was discoverable and was then, once it was subject to discovery, it was brought out to the public.

"It is a bad situation if we set up something like this. What people are feeling will be absolutely confidential now may be, 10, 15, or 20 years from now, will be used to track and prevent descendants of this person who had a birth defect, to prevent either that person or the offspring of that person from having

insurance. Health insurance and life insurance. I think it's a very questionable road upon which we would start. I can't support it because of that. Thank you."

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

"I appreciate the comments of the previous speaker. We did receive several testimonies from individuals such as the Christian Science representative, as well as the Office of Information Practices and Kaiser regarding this issue. And as a result, the bill was amended to protect the confidentiality. They are not to reveal names. Basically it is for statistical purposes, but in certain instances it will be able to track birth defects.

"The main purpose for doing this is in the area of prevention and early intervention. So that if there are any disparities that can be discovered, that the health community can take action to prevent birth defects. I hope that we can address some of the issues that were concerns addressed by the Representative from Kailua. Thank you, Madame Speaker."

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 2, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Djou, Gomes, Jaffe, Moses, Ontai and Thielen voting no, and Representative Morita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1164-02) recommending that S.B. No. 2302, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2302, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

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

"Madame Speaker, this measure proposes to create a State Health Authority. I have consistently, or I hope consistently, opposed expansion of government here in the State.

"Madame Speaker, I am very uncomfortable with this particular measure. I believe it will represent a dramatic expansion of our State government. Creating a Health Authority to purchase health insurance for all citizens or all residents of the State of Hawaii, I believe, is the first step towards socialized medicine. I don't believe it's the right step in the right direction. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker I'd like to speak in strong support of this measure. I know there is a lot of discomfort and a lot of questions about this proposal, as very well it should be, because it represents the kind of 'out of the box' thinking and attitude we need to have in order to make best use of the resources that we have. I know the Minority constantly has reminded us that we need to make the best use of the resources that we have, and not constantly look for additional revenues. So this is what it does. It recognizes the fact that we are spending an inordinate amount of money on healthcare.

"In 1981, we spent \$1.3 billion on healthcare. Today we are spending close to \$4 billion. Back in 1981, it represented 7% of the State's gross product. Today it represents close to 12%. Healthcare has been growing and costs have been growing. The question that we need to ask ourselves is: is the quality of healthcare better? Is access to healthcare better? If we are spending more, why is it that we have more people who are uninsured? Why do we keep asking for more mandates and more benefits? Why do the unions come to us and want to retain their benefits or expand their benefits? So these are the questions that we are faced with, and it is a monumental bill because it represents something that probably no other state has ventured into, except for a couple of smaller states like Vermont and Maine.

"We need to recognize the fact that we are a small State, and that \$1.2 million is a limited amount of dollars that can be spent of healthcare. We also need to recognize that we are an island State. For those reasons, we need to look at how we can best bring healthcare and best bring quality healthcare to the people of Hawaii.

"In 1999 there was a Health Futures Taskforce. They recognized, for example, that we are spending, out of \$4 billion, \$1 billion of that is to cover public employees and the QUEST enrollees. So the question is, we are spending \$1 billion, and what are we getting for that? The State is already the largest purchaser of health services, and as a purchaser, the State also purchases health insurance for its citizens. So we need to move towards being a purchaser of services rather than simply a purchaser of insurance.

"I'd like to point out that Speaker Say, when he was the Finance Chair, and also Speaker Emeritus when he was the Speaker, they recognized the fact that with Medicaid, the cost was spiraling out of control and those who were here know that every year, we spending more and more in terms of emergency expenditures for Medicaid. As the Finance Chair and as a Speaker, they demanded from the Department of Human Services, that they find a way to control healthcare cost. The result was the QUEST program. It is the waiver program provided by what was then called HCFA, now CMS. As a result, we have been able to control costs. The problem is we've also had to cap enrollment. So we had to limit coverage for healthcare. At that time, we had also raised eligibility to 300%. The question was, why did we continue? Why did we choose to limit or stay at a 100%? What this proposal would do is raise the eligibility to 300%, which essentially means we would be covering about 60% of our population. Not only that we will be able to draw down a federal match..."

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

Representative Arakaki continued, stating:

"Thank you, Representative. Not only that we will be able to draw down close to \$300 million in federal funds by increasing the eligibility. But this will also address some of the concerns about long-term care. It will allow more people to be covered for nursing home care under the Aged, Blind, and Disabled Program. It will cover some of the costs of prescription drugs. It will virtually wipe out all the uninsured. And on a previous bill that we had to provide more funding for hospitals because of compensated care. That problem should be taken care of as well. And I think that one of the key things that this provides, and we've also had discussion on this, is on the Prepaid Health Care Act, because we all acknowledge that there is a disproportionate share paid for by employers. This would address it because 60% of the population, while working, would be covered at no costs to the employer. Those who are above the 300% would of course, be asked to pay their share.

But it would not be at the rate that they are paying now. In other words, the employers would be paying less.

"It is going to involve taking a risk, because we are probably going to have to do away with the Prepaid Health Care Act because it would have to be modified. I think all in all, in the end, we need to look at how much we are spending on healthcare, how we can best utilize the resources that are out there, and how we can best provide quality care to all citizens of the State of Hawaii. So this is a bold leap for us but I think we need to do it. We need to take that bold step. Just to quote Robert Kennedy. He said, "Some people see things as they are and say, 'why?' I see things as they should be and say, "Why not?" Thank you, Madame Speaker."

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

"Thank you very much Madame Chair. I wish to speak for this with some reservations. First of all, I want to congratulate the Chair of Health for coming up with this comprehensive program. It is quite 'out of the box' and I do give him a lot of credit for taking the time, the effort, and certainly the commitment, for the people of the State of Hawaii in developing this legislation.

"My concern is that it might be, at this point, a little too big, a little too comprehensive. There are a lot of unknowns here yet, and my major concern is the cost indeterminate. I have not been able to see the impact, the cost impact, the pluses and the minuses, and the net result after this is in place. There are too many unknowns. The federal government can provide \$300 million, and that is great. Normally when the federal government provides any dollars, you are going to need a match. Now is there going to be sufficient revenue coming in to provide for the match? Does the match have to come from the general fund? How much from the general fund? I think these are the kinds of things that need to be determined, Madame Chair.

"So I vote with reservations on this, and if these kinds of questions are not answered after we come out of Conference, I will vote down on this, because I don't believe we are quite ready for it. I will ask the members at that time to also vote down. But if we can get the answers, it certainly looks like a possibility. Sometimes, we move a little rapidly in our health programs, as evidence by some of the actions we have taken in the past. So sometimes a little delay might be better. Thank you."

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

"I think this is definitely 'outside the box' thinking. If you think of the box as being the United States of America, the United States has a system of mixed private health insurance and government support for people of low income, and support for the elderly through Medicare. We have a mixed system that provides a lot of choice to the residents in our various states. What is being proposed here is, according to page 4, provision 3(c), 'The authority shall develop a detailed plan to purchase all healthcare for all residents for the State.' What is proposed here is what we are familiar with in other parts of the world as national health insurance. This is a State health insurance proposal that looks very much like national health insurance in Britain, Japan or Scandinavian countries, or anyplace where the government takes on the main burden of handling health insurance.

"Madame Speaker, this is not 'outside the box' in the sense of doing something new. We have vast experience with national health insurance. We can just go overseas and look at how it

works. Long, long lines for entry into facilities, long waiting periods for elective surgery, people going to the private sector to get medical treatment that they don't get through national health insurance. There is much, much experience that tells us this is probably a road we do not want to start down. So I think that it is very important to vote no on this measure this morning. Thank you."

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

"I would like to read some portions of the bill. First of all it says, 'The authority ...' and we are talking about establishing a Health Authority here in the State. 'The authority shall develop a plan that includes ...' and it goes on there with many things in here, but something I want to bring to your attention this. The plan shall be ready to implement on or about January 1, 2003. That is less than 8 months from now. 'The authority shall develop a plan to purchase all healthcare based on the accessing the feasibility of: ...' Accessing. Hmm... Good choice of words huh? 'Reimbursing all certified healthcare providers at a rate to be determined by the authority within thirty days of the provision of care; ...' So this commission is going to establish the rate. Doesn't sound very 'free market' to me.

"They are going to be 'collecting from each employee earning a wage or salary in the state, a monthly employer health insurance assessment ...' There it is, 'assessment' again. Sounds like a tax to me. '... based on the percentage of the employee's monthly wage, based on hourly wages, of each employee of all hours worked in the month. The authority may determine and establish the employer health insurance assessment ...' So a tax on employers. '... which, at all times, shall be based on the actual payments made for the healthcare in the prior twelve-month period, plus administrative cost for the authority; and collecting or receiving, for purposes of funding the authority's purchase of healthcare, the following: ...' and there is five. I am only going to read the first one. 'The employer health insurance assessment ...' Tax again. '... for each individual who earns a wage or salary in the State, including the current medical portion of the workers' compensation insurance; ...' In other words, instead of helping business thrive, instead of helping the private sector to provide health insurance, we are going to stifle them again. We are going to tax our waning businesses out of existence. Then we are going to have no employees in this State except for government employees. Thank you, Madame Speaker."

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

"Madame Speaker I don't question the motives and intentions behind this measure. Those motives have to do with trying to make sure everyone is covered. I think that everyone here has agreed that those who do not have health coverage need to be covered. We as a society, as a civilized society, have a vested interest, both morally and economically, to make sure everyone is covered. If someone doesn't have coverage, they end up going to the emergency room all the time because that is the last resort. That is not good from a medical standpoint, and it is bad economics. It just doesn't make any sense. We want to cover those people.

"My concern with this particular bill, Madame Speaker, has to do with the charge that is given, that is the directive or goal that is given to this State Health Authority, and the Minority Leader mentioned it. It is on page 4, section (c). I think it merits revisiting. It says the authority shall develop a detailed plan to purchase all healthcare for all residents of this State. It doesn't say to purchase healthcare for residents of the State that don't have healthcare. It doesn't say to cover some whose healthcare is substandard, below medical practice. It says '...a

detailed plan to purchase all healthcare for all residents of the State.' I can only wonder whether this might end up supplanting some of the work of the private sector.

"I really believe strongly in competition in the market. I believe that, sure there are places where the market can't meet all of the needs. That is where government should step in to fill in the gap. But it seems to me that this charge would lead the State Health Authority again, I am using 'charge' in the terms of a directive or command from the Legislature to the State Health Authority, to look at a comprehensive plan.

"I was in Toronto in August of 2000. It is a beautiful country, great people, everyone, has 'healthcare.' But let me tell you, those Canadians would love to be able to have our system. The long lines, the lack of choice, the lack of options. There is a reason why all the best medical advances occur here in the United States and not north of the border.

"Government should look at fixing the problem. What we want to do is cover those people who don't have medical coverage. I am concerned that this may go too far and end up, as the Minority Leader said, having a State medical plan that everyone has to buy into. I don't use the medical plan that I am entitled to here as a State legislator. I use the medical plan provided by the private sector employer. My private sector employer happens to be associated with Adventist Health. We have numerous hospitals, and there is no way that any government plan could come close to that particular health plan. Again, the private sector is what we should work hand in hand with, and not try to supplant the work of the private sector. Again, I am not opposed to reevaluating or revisiting the Prepaid Health Care Act. I think we should do that.

"There are a number of statements here where it talks about seeking public input in determining funding mechanisms, etc. Looking at the role that the federal government plays. But again, I am really concerned that here we are going to end up supplanting the work of the private sector, and in many cases, end up giving people coverage that maybe worse off. Because, if we follow the terms of this, it looks like they are wanting everybody to be in it, so that they can have a larger pool. Where there are a lot of people in the private sector who have private sector health coverage, which would end up worse off if we all end up in this same government medicine program. So for those reasons Madame Speaker, I oppose this measure."

Representative Auwae rose in opposition to the measure and asked that the remarks of Representative Pendleton be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Yes, Madame Speaker. I speak in support, however with reservations.

"Madame Speaker, I think this concept is a State funded universal health insurance plan. It may be a worthy one, especially considering the many uninsured people that we have in our State. However, I am also especially aware, like my colleague from Maui who indicated that there are too many unknowns. And I think until those unknowns become known, I will support it with reservations for a lot more discussion. Thank you."

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

"Thank you, Madame Speaker. I rise in support with reservations. I simply want to incorporate by reference, the remarks of the Speaker Emeritus and my colleague from Kauai. Thank you."

Representative B. Oshiro 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:

"Earlier it was stated that this was a monumental bill and I think unfortunately, it is a monumental illusion if we are going to go ahead and pass this bill forward. I think it presents an unconscionable burden on our society and our economy at a time that we can least afford it.

"The kinds of things that we ought to be doing to help, not just our economic health, but physical and mental health, is to re-effectuate across-the-board tax reductions. Eliminating the tax on medical services, growing our economy, creating incentives and a better competitive environment for different companies to provide different employment. All those things go to our health and well-being, our physical and mental, not just financial. Those are the kinds of steps that we ought to be taking. I believe that this particular approach is socialist in its grounding. And I think if you are in support of socialist governance, then support this bill. I am not, so I won't."

Representative Espero rose in support of the measure with reservations and asked that the remarks of Representative Kawakami be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in opposition to the measure and asked that the remarks of Representative Pendleton be entered in the Journal as her own, and the Chair, "so ordered." (By reference only.)

"I am also in opposition to this bill in its previous incarnation which is when it was in the Senate. I consider it not a monumental bill, but a monstrous bill. I think that generally, in Conference Committee, one side or the other prevails. But in the event that we end up with the Senate version or the House version at Final Reading, we are going to have ourselves a 'two-headed monster' in this measure. Thank you very much."

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

"Thank you, Madame Speaker. I am with reservations also and I share the same concerns as the Representative from Hanapepe."

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

"Thank you, Madame Speaker. I speak in support with reservations for the purpose of the Conference Committee to meet and to take a look at the purpose of the bill as it was first developed, and perhaps looking and seeking an adequate solution to that particular need. That need is, very simply put, we are trying to extend coverage to the uninsured and that is where this bill comes. It is to address the uninsured including raising the 300% eligibility to the federal poverty level. That is what we are trying to do. So I think it is a noble effort and we ought to take steps, in terms of our providing appropriations in the future, plus, with medical services to the uninsured, especially with primary healthcare clinics that come in, year in and year out, asking for additional medical services that the do need.

"Now having said that, what is the solution to it? Is it the Health Authority? As previous speakers were saying, perhaps we are trying to take on too much, too soon. We ought to take a deliberate look at what the Health Authority really means. We don't have any in the United States and for good reason. Because when we first discussed this six years ago in a conference made up of the federal officials, State government elected officials, the State Insurance Commissioners and representatives of the health industry, and those from, at the time, the beginnings of the HMO industry. We all felt that this Health Authority was too big a step to take. It was too complicated and certainly could not be carried off in any particular jurisdiction in the United States. This was the consensus of the panel and all those who attended that conference. Six years later, the situation is still the same. The Health Authority is one giant step. It is too fast and too soon. So I think, as the previous speakers have said, perhaps we ought to take a look at it and the Conference Committee ought to take a look at what we can do with the insured, and the uninsured, and perhaps find us solutions to solve the needs of the uninsured.

"Now going back to the Health Authority. Previous speakers have said, 'Okay, what do we do?' Well we've given the Health Authority almost absolute power. It is made up of eleven people, by the way. Three ex-officios, which includes one from the Insurance Commission. They have already told you what the purpose of that Health Authority is going to do. But in effect, what we are doing is we are doing away with all that we know that the private sector has been doing, and public sector. I have said previously that government should step in if the private sector cannot do its job. If there is a loophole or there is a crack in the seams, etc., government has to step in.

"Now in this particular case when it comes to the healthcare industry, I do not think that the private sector is not doing their job, or cannot do their job. And this is a giant step in which government suddenly comes in and takes over all of your health plans. We don't have to even worry about discussing VEBA plans because the Health Authority, under this jurisdiction, we're giving them that authority.

"By the way, it is not accountable to anybody in the bill. They can say that we don't need that, we don't need the Public Employee's Health Fund, do away with that, take all that amount that is in there the employees' pay for it and put it into this giant trust fund. We don't even have to worry about employee union trust fund that we have been working on for about six years. We had a legislative audit. The years and hours and days of discussion of what we need to do to reform the system. What we are doing to is taking away all of the medical portion of worker's compensation, auto insurance, the liability insurance, your home insurance. Take the medical coverage and put it into these giant funds.

"What it does, and this is what the Representative from Kalihi Valley is mentioning, is it maximizes the federal funds from your State Medicaid and your federal Medicaid and Medicare funds into this giant health fund. But what it does is we don't even have to worry about the Prepaid Health Care Act because the authority is now told to take a look at it. We have already established a Health Fund. The Prepaid Health Care Act is a very complicated issue. We need to look at employer-employee contributions as part as the thorough study. We've already established that.

"Now we talked about the health regulation of the health insurance like HMSA. They will be practically out of business. They'll be reduced drastically."

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

Representative Yonamine continued, stating:

"Such things like HMSA and a bill that we had passed to regulate them. Their services would be so curtailed that their operations would be reduced where we would be breaking up the health industry, and we would be reducing jobs. In effect, what we are doing is taking them out of business, taking the Hawaii Dental Service out of business, and all of the other carriers in the health industry like HMAA, Kaiser and UHA. We are taking them out of business, reducing their business so much by transferring all the assets over, all the medical coverage premiums over to the Health Authority. So in effect, what we are trying to do is we don't have to worry about drugs. Did we pass a bill to curtail or do something with the cost of pharmaceutical drugs? Well, the Health Authority will be taking care of that. So in effect what we are doing is we are doing it in the private sector rather than in the Prepaid Health Care Act, and all the employees will be bearing the cost of that premium.

"Let's make it clear, this is what the Health Authority can do and will do. So when you put all of these pieces together, we are creating a giant trust fund with 11 people in authority who can make these laws that govern the healthcare of Hawaii. I am not sure, as the Representatives from Maui and Kauai have said, the two of them, saying that we know, right now, what this bill actually impacts upon. So I am saying right now, get the Conference Committee to take a look at what we can do about the uninsured. Certainly within this bill, what a Conference Committee should be authorized to look at is the alternatives, and bring it back to the full Body.

"The other thing is, the State, by transferring all of the medical portion into this trust fund, the State assumes all the liability. Now think about that. Right now, under the private sector, your insurance companies and your employers assume certain liability, and they have represented themselves well. It is functioning well. It is very effective and efficient. Under this set-up, the State assumes all liability, and at this point, I am not too sure if we have the resources, or the time, or the place, and the staff, to start facing many, many, many lawsuits, complaints, or litigation that can occur.

"All I am saying to you, my fellow colleagues is, that let's pass this bill. Throw caution to it, and hope that some adequate and appropriate solutions can be found. Thank you."

Representative Arakaki rose to respond, stating:

"Thank you, Madame Speaker. Just some additional comments, hopefully in responses to some of the concerns.

"First of all, I really appreciate this discussion that we are having, a very serious discussion, because it affects, I think, our future and our children's future. Healthcare is so important, as I mentioned before, that it is a basic right that we all should have. We also know that healthy people equate to a healthy economy and a healthy society. That is one of the main motivations to looking at, this new way of thinking about healthcare.

"And yes, there are concerns. But think about why we decided to put our public employees into one single trust. If competition is so great, then we should have left them where they were so they could compete and get the best benefits possible. The fact is we are looking at costs because the costs are spiraling. We have to put more tax dollars into the Public Employees' Health Fund to cover the total cost of public employees. The other thing is there is not equal access for all our public workers. We want to find a way to provide quality

care and access to this care. That was the motivation behind the single trust. So all we're doing in this bill is expanding that concept that we want to control healthcare costs for the State and our people.

"But we also want to provide access to quality care, and we want to be consistent across the board so that it doesn't depend on how much you can co-pay or what kind of plan you have. If you need to be taken care of, let's provide the care. I think that is the ultimate goal of society that we care for each other.

"In answer to Speaker Emeritus, it will require some funding to obtain the match. At 300% we are going to need \$204 million, and this bill proposes to use the Hawaii Public Employees Health Fund. But we are going to cover all of our public employees with this plan. The thing is we are going to be adding \$263 million to that pot for a total of \$467 million that we are going to cover our employees, and hopefully other populations as well. This bill kicks in for the public employees in 2003, and the reason for that is we have a single trust proposal and they need to decide by July of 2003. They need to come up with a plan.

"We are going to ask all of our public employees to be covered by this plan. So if we do come up with an alternative, it has to be by then. For the rest of the State, the bill says that you have to come up with a plan by 2004, to be implemented by 2005. But think about this. We have a service economy and how many of our employers would say, 'no,' if we told them that we would cover every one of their employees who are under the 300% federal poverty level. Let me translate that to you."

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

Representative Arakaki continued, stating:

"Thank you, Mr. Majority Leader. For a family of four, under the current federal poverty guidelines, a family of four at 300% can make \$61,500. How many of our families make that much? So we are going to be covering a lot of our families at no cost, no cost to the employer. Because they are going to be covered basically, through State funds, that we have at no additional revenues or general funds, but with additional federal funds. How many of our employers would say no to that? The plan is going to be that we'll have to cover those who are above 300%. By calculation, that is still going to be the employee's contribution that will have to be more than the 1.5% that is required now by the Prepaid Health Care Act. We need to have this reform. I agree that our employers pay way too much for healthcare, so this is another way of addressing it. I know there are still some questions that are unanswered, but this is an approach that is really worthy of discussion.

"Again, this is real serious because it does affect not only ourselves here, but our future as well. And we just can't afford to let healthcare costs spiral out of control. So this is my proposal. If you have any concerns, I'd like to hear about them. I've heard a lot of them today and I hope that we can either answer them or address them during Conference. Thank you, Madam Speaker."

Representative Gomes rose to a point of inquiry, stating:

"A point of inquiry with regard to procedure, and I don't want to suspend the discussion we are having now. With your indulgence and the Body's indulgence, I would like to be allowed a late introduction at the appropriate time, because we've got some important folks in the gallery that I wanted to recognize."

The Chair responded, stating:

"Why don't we go through this one bill first, and then I will recognize you."

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

"The Chair of the Health Committee said that there is a lot of discomfort on this bill, and I appreciate that, as evidenced by the many strong votes with reservations on the part of the Majority. As a matter of fact, my distinguished colleague that I sit with on the Health Committee mentioned the word 'giant' in reference to the Fund a couple of times. He also mentioned that this proposal would put health insurance companies out of business. And he also mentioned the fact that this would create huge liability for the State, and those are reasons, in my opinion, that I vote down on this measure and not with reservations.

"What it does is it creates a new tax. It says here in the bill, on page 3, 'Collecting or receiving, for purposes of funding the authority's purchase of healthcare, the following: (A) The employer health insurance assessment for each individual who earns a wage or salary ...' This will collect from each employee earning a wage or salary in the State, a monthly employer health insurance assessment, and this is based on the percentage of the employee's monthly wage.

"Also we would try to tap the federal government. We would, as mentioned, tap in to the federal Medicaid matching funds. We would also appropriate money out of the general funds, so this would take general appropriations. And it would also tax those who are self-employed, including individual monthly dues from automobile insurance premiums, as well as public liability and homeowner's insurance policy premiums. So what we are going to do is drive up the cost of our car insurance and our home insurance. We are going to tax each individual on their paycheck. Employers as well. We are going to appropriate money out of the general fund, as well as try to get money from the federal government.

"How much money is this? In our testimony, the budget that we are looking at, it is a \$5 billion per year budget. You know, our budget right now is \$7.4 billion. That is up 94% from 1992. In 1992, our budget was \$3.8 billion and so this monster would be bigger than our entire State budget in 1992. And the board that would control and pull the purse strings, or yank the chain on this 'animal,' is a Board of 11 members, 9 of whom would be appointed by the Governor. That is a lot of power. I fear mismanagement; I fear some problems that we would have with that. So I encourage all those that are sitting on the fence with reservations, to come down and vote no. That is the best way to go."

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

"This hasn't worked in Japan and Canada and Australia. My son-in-law happens to be from Canada, and his family can sit down and tell you the horror stories about the medical system. So I want you to think about this. The State of Hawaii, our government really hasn't got the basics down pat. I mean, we don't do the basic things that government is supposed to do extremely well. If we did the basics extremely well, let's say for example, if our educational system in the State of Hawaii was the top in the nation or even in the top ten, there might be some glimmer or reason to believe that we can go on to some gigantic plan like this and be successful at it. But the truth of the matter is the stuff we do now, we don't handle well.

"It is incredible to think that we aren't doing things well. We aren't handling money well. We are not living within our budget. We are not doing a good job at public safety, at education, and the list goes on and on and on. We haven't got the basics down, and now we have the unknown cost of liability out there for socialized medicine.

"No other state has done this and the places that is has been done, it has been proven not to work. Yet you go anywhere in the world and they'll tell you that the United States has the best medical care on the planet, bar none. It's the United States of America. I tell you what, if you opened the world's borders tomorrow, everybody would fly to the United States. Nobody is trying to get into these other countries. We have the very best medical care. You don't see anybody in the United States going to Canada for medical care. But you see hoards of Canadians coming over every year to have operations that they are not even allowed to have in Canada because of socialized medicine.

"This is the wrong way to go. This is something that should have died before it hit this Floor. This is something that we have no reason at all to believe that we could do this well. We haven't got the basics down pat. Let's put the tape on rewind, go back, and see if we can fix things like our educational system. When we get that to where we are one of the top five in the nation. Then we ought to look at other programs. But for right now, this should be put on the back burner, way, way back on the back burner. Thank you, Comrade Chair."

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

"Thank you. Briefly Madame Speaker, I must say my reservations have deepened listening to the debate on both sides of the aisle, from both proponents and opponents. Just a couple of quick comments that caught my attention as we went through this discussion, and that need to be addressed in Conference.

"I had understood first of all, the discussion on increasing the federal poverty level eligibility up to 300%. From prior discussions, that essentially would be a net plus because of the increase in federal monies which would be coming in as the result of doing that. But if the net increase to the State budget is in the hundreds of millions, then we have got to go in a different direction there.

"I think there are really only two reasons to even consider doing this. The first reason is if we can conclusively prove that it will solve the problem of our underinsured, or those who are uninsured, and those who do not carry adequate medical insurance through no fault of their own. So I am not talking about people that simply opt-out of the program because they don't want to put the money into their insurance. This is for those people that cannot gain medical insurance. If we can solve that problem through this approach, I think that is a worthwhile goal. I unfortunately, believe that the only reason they were proceeding down this road is to solve that problem. I've got to believe that there is a better way of doing it that is more targeted, more topical, to that particular problem.

"I think the second and biggest reason is really, that the only reason to go down this road is if we can conclusively demonstrate that it will lower the cost of healthcare across the board, whether we are talking about public employee health, whether we are talking about private employee health, whatever we are talking about. If we can show that this approach can lower the cost and maintain sufficient levels of quality, across the board, it will be worthwhile going in that direction.

"I frankly, have my skepticism. So I think that if those questions are not answered in the next four weeks in Conference, we have got to let this one go, and go in a different direction. Thank you."

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 Thielen continued, stating:

"I would also like to add to the Representative from Kona's list of things that we don't do well. We still haven't been able to get playground equipment into our elementary schools. Three years and counting."

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 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 31 ayes to 19 noes, with Representatives Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker, Thielen and Whalen voting no, and Representative Morita being excused.

LATE INTRODUCTIONS

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

Representative Gomes introduced on behalf of Representative McDermott and himself, Major Stephan Clutter and the men and women of Hickam Air Base.

Representative Schatz introduced on behalf of Representative Case and himself, 8th grade students from Punahou School and their teacher, Ms. Rachel Lau.

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1165-02) recommending that S.B. No. 2416, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2416, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Madame Speaker and colleagues, fondest of my thoughts on this issue is the urgency that is created by the aging of our 'baby boomer' generation. They are a very large group that has no end to their golden years. We need this legislation not only to prepare for the crushing demands and the types of services that the demographics obviously illustrate. But also for those who are urgently in need of assistance now.

"I acknowledge the diligent effort of the Chairman of Health and support the keen foresight that went in to crafting this bill. For many of us, the island lifestyle and values that we cherish provide a mandate that compels us to respectfully care for our honored elders. Many of them need or will need some form of assistance to live with the basics of comfort and dignity that they, as well as we, all deserve in our *pau hana* years.

"This bill addresses a major concern of this issue, the issues that all of us must face now and especially in the near future. Therefore I support this measure as a new fresh start for long-term care. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I am rising in opposition to this measure. Madame Speaker, this measure proposes to create a long-term care program. My opposition is not based on opposition to long-term care. Indeed I recognize that it is a major problem here in our State. This bill is an effort to try and alleviate that problem.

"My opposition revolves entirely around the financing. The most offensive aspect of this measure is the \$128 a year tax. The \$100 million tax on the people of the State has been removed. Unfortunately, the wording of this bill still contains a directive to the Board of Trustees to come up with the income-based tax. So in other words, if we are passing it without the tax now, the tax will eventually come and hit the people of the State of Hawaii. I would much prefer to see that this be revenue neutral or a mandate that the Board come out with a revenue neutral way to finance this program, and until then, I must stand in strong opposition for the tax aspects of this bill."

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

"Madame Speaker, I rise in support with reservations. In demonstration of that, I wish to incorporate by reference the remarks of the two previous speakers.

"Let me just expand briefly. I stand in support because I don't think that any of us can doubt what the Representative, the proponent of this bill that just spoke says: we need something along these lines. I am very hopeful that, as we go forward in the next couple of years, we will succeed finally in prioritizing this particular approach over other less important functions of government, so that we do not simply add a whole other layer, whole other expense onto government.

"We need to do this on a net basis, so if we want to go in this direction, we have got to take something else out of the pot that we don't consider quite as important. And I am certainly willing to do that. So I am willing to go down this road because I believe it rises to that level of importance. I am also willing to support this because my understanding, and again, I ask that I be clarified and told that I am wrong if I am wrong, is that there is nothing in this bill that is legally effective on all of us, other than the creation of a Board, and other than a relatively small appropriation to allow the Board to function for a year, unless and until this Legislature, and the Executive act. That includes the language to which the Minority Floor Leader referred which allows the Board to provide directives to the Department of Taxation. My understanding of the bill is that the Legislature has to first act before that becomes effective.

"So what we are really doing here is putting the 'cart before the horse.' We are allowing the Board to get going. We are allowing them to talk about it a little bit more. We are giving them a little funding to do that. But we have to stand there and say whether this proceeds. I am willing to go down that road because of this issue's importance, but if I am wrong in my understanding, then I would have to vote against this measure at this time unless and until we are able to prioritize. Thank you."

Representative Pendleton rose in support of the measure with reservations and asked that the remarks of Representative Case

be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Madame Speaker. And I hope that we don't need any long-term debate on this measure. I think that we all recognize the need for it. Unlike the previous measure, I think that we discussed this many times. The disagreement has always been on the financing. But I've also been down this road before too.

"We have had several proposals in my 16 years here on the Floor. So far, none has been able to pass muster. I do want to acknowledge the suggestions made by the Representative from Manoa and the Minority Floor Leader. And I think if we could, we would like the Board to look at a way of perhaps, revenue generation that's also cost neutral in terms of additional taxes. I think it is possible, in my discussion with the Tax Director. So we are going to be postponing that decision. However, it doesn't take away from the fact that the population that we are trying to address, again, is the so-called 'gap group.'

"These are people that we know. They are our neighbors, our relatives. And these are people who are caring for the elderly and disabled at home. Most of the cost of care is coming out-of-pocket. There are only 10% of the disabled and frail elderly in institutions. So that means the rest of them are being cared for at home, at great stress, at great, I think, expense to the caregiver. This is not the panacea as I've said before. It is not going to take care of everybody's problem. It is not meant to cover nursing home costs. But it is meant to provide relief to families who are caring for a frail elderly or disabled family member. And it is time limited. It is benefit limited. After that, they need to find other resources to continue that type of care.

"I just want to mention, I know we are discussing this in terms of a State program, but as we speak, there is right now, a global conference going on convened by the United Nations and a 160 countries are looking at this problem. It is a global problem. They're saying that by the year 2050, the ratio of working age people to retirees will shift from 9 to 1 now, to 4 to 1. You think about the impact. We are going to have less people working to cover more people who are retired or people who need care. So that is going to mean fewer tax dollars to cover more.

"So we say that in 50 years, if the trend continues, the number of people older than 60 will triple. Those two billion seniors will outnumber the world's youth. We need to think about that too. What happens if we don't do anything about it? It is not only going to create a crisis here in the State, it could create a worldwide economic crisis affecting national budgets. They mentioned Argentina as one of the prime examples.

"It is going to change patterns of savings, investments, consumption, labor markets, pensions, taxation, healthcare, family composition, living arrangements, housing and migration. All these things will be impacted by the strain of our global population, and it is going to impact our poorer countries a lot more than developed countries like ours. Governments may end up having to borrow heavily for retirement payments, and 'baby boomers' will have to cash in savings reducing the capital available for business investment and pushing up interest rates. I guess what they are saying is that we cannot have these discussions isolated from our economy, and I know people are saying we can't afford this."

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

Representative Arakaki continued, stating:

"I just wanted to close by saying that people are saying that we can't afford to do this, but I am saying that we can't afford not to do it. Thank you."

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

"Thank you, Madame Speaker. I rise in opposition to this measure. While the HD 2 before us is a clear improvement over anything we've looked at it earlier in this legislative Session, my no vote is predicated on the previous versions, because when this gets into Conference, all these versions will be in play. And the first one being the \$10 per month that we first voted on here in the House, and then this second version coming over from the Senate that would require this newly formed Board to consider an income tax based funding mechanism. So it seems clear to me that the intention is to create some kind of a tax to take care of this long-term care problem.

"I do want to make some comments on this version, the HD 2, which makes it kind of hard for me to vote no on it. As I've said, because of the previous intention, I am voting no. I like the fact that this new Board is going to establish benefits packages for three levels of care. I think that is a good way to go. And the fact that it no longer talks about some kind of a tax. I like the provision that requires the Board to conduct public education programs to educate residents about the long-term care problem in Hawaii, and the importance of long-term care financial preparation. I would like to see that elaborated on a little bit more because I firmly believe that what we should be looking at is creating tax credits for people who are forward thinking and pay for long-term care, which gives them the ultimate long-term. Where if they are bedridden, they can go into a home and know that their families will not be bankrupted. Thank you."

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

"Thank you, Madame Speaker. I was interested in the discussion by the Representative from Kalihi Valley talking about the worldwide long-term care problem, and also about Hawaii. Missing from his discussion was a reference to the United States of America.

"In the United States, in 1965, we basically decided that the national government was responsible for the care of our elderly people when under President Johnson we passed the Medicare bill. That is still the philosophy of this Country, and clearly Medicare is failing to cover long-term care as it should. And many other states have recognized this failure and have called upon the federal government to pick up the cost of long-term care, and nursing home expenses out of Medicare and return the money that is currently in the Medicaid program to support long-term care to the states. That would give Hawaii \$200 million a year more money because that is how much Hawaii spends on hospital long-term care for people under Medicaid. With that kind of money, we could finance a fantastic long-term care program. So let's go to our Congressional delegation and get them going on reordering Medicare to cover long-term care and let's elect a new Governor who could help us deal at the national level with this issue."

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

"Madame Speaker, I would like to speak in favor of the measure. Someone just cautioned me that I shouldn't make a

long-term speech, but I feel very passionate about this issue so please forgive me if it is a little bit long.

"Not long ago I asked this Body why some of us are still in denial over this after 10 years of debate over long-term care, and then I realized I was wrong about how long it has been. It has been 15 years since the program called Family Hope was brought to the community. I know some here were probably in high school then. I was Chair of the Mililani Neighborhood Board at that time and I placed the issue on the agenda. To my shock and amazement, the Board shot it down and some of the reasons were that the private sector will take care of it, the federal government will take responsibility for it, families will take responsibility for it, it cost too much, it won't work, we don't need it, this program is headed in the wrong direction, and we don't want a new tax. Fifteen years and here we are, no further along in our quest to solve the problems of aging disability and provision of long-term care than we were then. In fact, we spend more on Medicaid and have only convinced 6.5% of the population to purchase long-term care insurance.

"A lot more of our tax dollars also now go to Medicaid. According to the National Conference of State Legislatures, in 1999, Medicaid spending by all the states grew 5.3% to \$66.4 billion. In fiscal year 2001, Medicaid spending rose 14% over fiscal year 2000 levels. More ominously, almost a third of all Medicaid dollars were already spent on the elderly, and the bulk of that spending is on long-term care. Only 11% of Medicaid recipients were elderly, yet 31% of all service calls go to support the needs of that important group.

"You heard that the Associated Press said in the *Advertiser* this morning, that the predictions for the future are almost cataclysmic being that longevity could bring worldwide economic crisis, and national budgets could be overwhelmed in trying to provide retirement and health benefits for the elderly. Some have stated this entire proposal should be eliminated. They want to change the State's mechanism to pay for long-term care using Medicare instead of Medicaid. One critic of the program was quoted as saying that if Medicare covered long-term care instead Medicaid, Hawaii could use the money spent on Medicaid for a new in-home long-term care program. But of course Medicare does not cover long-term care, and if it did, we as taxpayers, will be paying higher federal taxes because Medicare itself is facing difficult economic times. Some estimate that the current Bush Administration proposals for Medicare are \$300 billion short of what would be needed simply to maintain current services, much less, adding long-term care or prescription drug benefits.

"Long-term care is not for sick people. It is for those who have lost the capacity to be independent in activities of daily living. The potential cost of this program as a federal entitlement is 'mind-boggling,' and that is why a modest program such as this, which begins asking folks to take responsibility for their own future care makes so much sense. Besides, if we do wait for the federal government to take responsibility for long-term care many of this in this Body won't be around to see that happen, much less utilize the services. It really is a cruel hoax to tell people that the federal government is planning to take over the responsibility for long-term care. The U.S. General Accounting Office recently issued a report on the increasing demand for long-term care by the aging 'baby boom generation,' and its effect on federal and state budgets. According to the GAO, the aging 'baby boom generation' will lead to a sharp growth in federal entitlement spending that absorbs meaningful reform, and will represent an unsustainable burden of future generations.

"The report concludes by suggesting the consideration of various proposals addressed by this very bill. I wish you and I, Madame Speaker, could be mice in the corner of every

emergency room on these islands to really see what is happening. To see how many of the patients that come through the door require non-emergency care, but require some help to get them through the week, through the day. We would see exhausted mothers who are part of the 'sandwich generation' struggling to care for kids and to make sure grandma and grandpa are safe at home. Then there are the older children, the 60 to 70 year olds who are still caring for aged parents at home. Much of the burden of this falls on women. Many women need to leave their jobs in order to care for aging parents. In the ER you would also see social admissions. People who are admitted to acute care facilities, perhaps for only 23..."

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

Representative Lee continued, stating:

"Thank you, Mr. Speaker. Some people are admitted to acute care facilities for perhaps for only 23 hours of observation for altered mental status. Many times it is the mental status of a caregiver that makes these admissions necessary. Caregivers need some time off, some respite help with feeding or bathing. A chance to do their own thing. Help to the caregivers in our community would be a tremendous boost if this program comes into being. We must recognize the fact that family and other informal caregivers play a critical role in supplying the bulk of long-term care to disabled persons. An effective policy must create incentives and support for enabling informal caregivers to continue providing assistance, and to recognize their physical, emotional and social burdens.

"Madame Speaker, I wish we could also talk to the caregivers. If anyone deserves a place in heaven, it's the woman who day after day, purees food, feeds, cleans dirty diapers, tends to bedsores, and sometimes tolerates physical and verbal abuse caring for loved ones at home with no assistance. And remember, the tasks I mentioned are not at the level of skilled nursing. That is, these services do not always entitle a person to enter a nursing home. Caregivers are isolated, unappreciated, and many times give up their entire personal lives to care for a loved one. These people deserve our help.

"Listen to what Maui Memorial Hospital Administrator, John Shamby, said in an interview with *Pacific Business News*, in speaking of opening an old wing to accommodate patient demand, he said, 'The real problem is not the fact that we are under-bedded. It is the fact that we have an insufficient long-term care infrastructure.' What we are seeing is similar to flooding, where if you a heavy rain during high tide and the water has no where to go, you have a flood. Tony Creeks the CEO of Hale Makua which operates two of Maui's three nursing homes that provides 352 long-term beds says, 'Hospital emergency rooms are backed-up with people who are, literally, into the hallways because of the shortage of long-term care facilities.'

"Wayne Fairchild, Kula Community Hospital Administrator said that facilities like Kula Community Hospital and Hale Makua have become 'senior hotels.' We're supposed to improve the quality of life of our clients and assist them to go back to the community. That is the part of the puzzle that is missing. Although Maui needs more skilled nursing beds, there has to be mechanism to transition people back into the community. Bear in mind that Medicaid pays the expenses at these 'senior hotels.'

"Madame Speaker, another reason for us to be really concerned about this is the lack of personnel who continue to be available to work in long-term care facilities. The numbers are dwindling because many prefer to work in acute care where

the pay is higher and the working conditions easier and more pleasant. We talk a lot about developing our economy. Well how about looking into how we can develop a core of family caregivers who are able to teach others and develop a kind of cottage industry around home care. We all know this bill is far from perfect, however we have a start. I ask the members not to reject this proposal without coming up with serious and realistic alternatives. Please don't make this a 'political football.' Statements like 'CarePlus will only further damage Hawaii's already weakened economy,' are not only irresponsible, but pure fiction. We can't afford to wait much longer to take action. If we don't take the responsibility, the flood will be ours. Thank you."

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:

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. Numbed 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. 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 not 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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(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 Gomes rose to speak in opposition to the measure, stating:

"Thank you, Madame Speaker, I am in opposition and have a few comments.

"I am in opposition for the reasons stated by several of the opponents thus far. And also, just with reference to the bill itself. I have a question with regard to its constitutionality, and perhaps if there are some self-appointed constitutional experts here that want to correct me if I am wrong, they may do so. But I want to point the members' attention to, first of all, to Article VII of our State Constitution, where in Section 1, the taxing power. 'The power of taxation shall never be surrendered, suspended or contracted away.' And in Section 2, 'In enacting any law imposing a tax on or measured by income, the legislature may define income by reference to provisions of the laws of the United States ...', etc. Then, in Article VIII, Section 3, 'The taxing power shall be reserved to the State, except so much thereof as may be delegated by the legislature to the political subdivisions, ...' etc.

"Going to page 6 of the bill, under Part III it says, 'Board Powers and Duties.' Starting with line 15. 'The board shall administer and carry out the purpose of the program.' Under (b), 'The board may require the department of taxation to assess, levy, and collect any income tax that may be imposed under this chapter.' That would seem to me that, that's an unlawful delegation of our taxing authority, and for that reason, and again if anybody would like to advise me contrarily, let me know. But this would violate our State Constitution and for that reason, ought not to be passed."

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

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

"Thank you, Madame Speaker. I am rising to speak against the bill, reluctantly. Madame Speaker, the need for long-term care has been very ably stated by the Majority Floor Leader, and I highly respect her and her comments. I have a concern. It doesn't quite rise to the level of my colleague from Waimanalo, but there is a concern, that the Board may require the Department of Taxation to assess, levy and collect any income tax that may be imposed to implement long-term care. I do see while they can do that, I do see that the Board has to come to the Legislature with a detailed proposal of the benefits package, method of financing the program, by December 31st of this year. And then it goes into the proposal shall be in a form ready to be immediately implemented by the Legislature. We then, will be the Body that would be implementing the tax. And that throws you back to the provisions of H.D. 1, where it is really more fleshed out with what is contemplated by the long-term care proposal.

"I am sorry that the young people have left the gallery because they're the ones to whom this question should be raised. Young people. There are a few that are somewhat young in this Body. There are some late 20s, but there certainly are 30s, 40s, 50s, 60s, 70s, 80s. The ones that are really going to feel the brunt of the \$10 per month, per person, which goes up and escalates, and the need would be determined that it should escalate. Those are the ones that will bear the brunt paying this money year after year after year after year. When you start adding up that \$10 per month per person, with the subsequent raises you are getting into, some very serious money out of the pockets of our working young people who have families to raise, that have children that they need to educate and clothe and feed. It is a concern Madame Speaker, that I think the funding apparatus is not correct at this point.

"The problem is if we pass HD 2, in essence we take the first 'olive out of the bottle,' and the rest of the olives come easy. As you know, if you ever opened a bottle of olives, it is the first step, and after that, the next will be taxation that will be imposed on our working people in this State. I don't know if the young people would stand up and support this mechanism. I have a feeling they would say 'Let's work harder to find a way that would not be so onerous on the working people of our State.' Thank you."

At 11:47 o'clock a.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 11:49 o'clock a.m.

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 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," passed Third Reading by a vote of 36 ayes to 14 noes, with Representatives Auwae, Bukoski, Davis, Djou, Gomes, Halford, Jaffe, Meyer, Moses, Ontai, Rath, Stonebraker, Thielen and Whalen voting no, and Representative Morita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1166-02) recommending that S.B. No. 3011, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3011, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

Representative Suzuki 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 Suzuki continued, stating:

"Madame Speaker, when the House companion bill, H.B. 1821 was before this Body on the First Crossover, we agreed that this was a worthy and timely measure worth passing. At that time, I requested that the members move the measure forward in order to work out the funding requirements that would conform to the actual cash flow. This bill, S.B. 3011 with the House amendments now accurately incorporates the actual cash flow and funding mechanism through the creation of the Auditor's Revolving Fund and the appropriation of \$575,000 in general funds. Since the federal grants for the single audits are not paid until the completion of the audits, the establishment of the Legislative Auditor's Revolving Fund requires seed monies of \$575,000 from the general fund to pay for these funds. Reimbursement from the federal government would subsequently be deposited in a revolving fund so that the balance would always be \$575,000 at the end of any cycle.

"Although this bill also appropriates \$2.5 million in general funds, this appropriation is merely a reallocation of funds from the Executive budget to the Legislative Auditor's budget. No additional general fund dollars are necessary beyond the \$575,000. For all these reasons, this measure is now ready for Conference and for the Governor's signature. Thank you."

Representative Suzuki's written remarks are as follows:

"Madam Speaker. I rise in support of this bill and would request permission to insert my comments in the journal and offer additional comments.

"This bill reallocates \$2.5 million from the executive budget to the Legislative Auditor's budget to provide the Office of the Auditor with sufficient funds to conduct financial audit of the departments of education, health, human services, and other state agencies.

"The Office of the Legislative Auditor is authorized by Article VII, Section 10 of the Hawaii Constitution. Section 10. states, ('The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall be appointed. The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause.') 'It shall be the duty of the auditor to conduct post-audits (and I emphasize the words 'post-audits') of the transactions, accounts, programs and performance of all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report the auditor's findings and recommendations to the governor and to the legislature at such times as shall be provided by law. The auditor shall also make such additional reports and conduct such other investigations as may be directed by the legislature.'

"In addition, chapter 23, Hawaii Revised Statutes, requires the Office of the Auditor to conduct post-audits of all (emphasis on the word 'all') departments, offices, and agencies of the State and its political subdivisions at least once every two years and that such other times necessary by the auditor or required by the legislature. The Office of the Legislative Auditor reports to the legislature. The Office is funded annually by general fund appropriations.

"The current practice of allowing DAGS to conduct the audits of executive departments and agencies raises questions regarding the independence of the auditing function.

"In 1959 the Legislature assigned the audit duties to DAGS. When the Office of the Legislative Auditor was activated in 1965, however, the original provision for audits by DAGS was not changed.

"The 1978 Constitutional Convention determined that the issue was one for legislative rather than constitutional remedy. Since no legislative remedy was implemented to transfer the appropriation to the Legislative Auditor, DAGS continued to conduct and contract for financial audits.

"In 1989 the National Conference of State Legislative (NCSL) conducted a study of the Hawaii legislative services agencies, which included the Office of the Legislative Auditor. They found that most of the financial audits for the state departments and agencies were conducted by the staff of DAGS or by public accounting firms contracted by DAGS. The Office of the Auditor conducts, under contract with public accounting firms, an average of only three financial audits annually. Auditing principals and standards require that the audits be conducted by an entity independent of the one being reviewed.

"The NCSL study recommended that the Legislature fund the Office of the Legislative Auditor adequately to meet its constitutional and statutory requirement for financial audits.

"When the House companion bill H.B. 1821 was before this Body on the First Cross we agreed this was a worthy and timely measure worth passing at that time. I requested that the members move that measure forward in order to work out the funding requirements that would conform to the actual cash flow.

"S.B. 3011 with the House amendments, now accurately incorporates the actual cash flow and funding mechanisms through the creation of the auditors revolving fund and the appropriation of the \$575,000 in general funds to that fund.

"Since the federal grants for the single audits are not paid until the completion of the audits, the establishment of the Legislative Auditor's Revolving Fund requires seed monies of \$575,000 from the general fund to pay for these audits. Reimbursement from the federal government will subsequently be deposited in the revolving fund, so that the balance in that fund will always be \$575,000 at the end of any cycle.

"Although this bill also appropriates \$2.5 million in general funds, this appropriation is merely a reallocation of funds from the executive budget to the Legislative Auditor's budget. No additional general fund monies are necessary beyond the \$575,000.

"For all these reasons, this measure is ready for conference and the Governor's signature."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3011, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXPENSES OF THE LEGISLATURE," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1167-02) recommending that S.B. No. 2246, SD 1, 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. 2246, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC.," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1168-02) recommending that S.B. No. 2819, SD 2, as amended in 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. 2819, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1169-02) recommending that S.B. No. 2816, 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. 2816, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ontai voting no, and Representative Morita being excused.

The Chair directed the Clerk to note that S.B. Nos. 594, SD 1, HD 2; 3053, SD 2, HD 1; 2763, SD 2, HD 2; 2302, SD 2, HD 2; 2416, SD 2, HD 2; 3011, SD 2, HD 2; 2246, SD 1, HD 1; 2819, SD 2, HD 1; and 2816, SD 2, HD 1 passed Third Reading at 11:55 o'clock am.

At 11:55 o'clock a.m., Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:06 o'clock a.m. with the Speaker presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1170-02) recommending that S.B. No. 2457, SD 1, as amended in 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. 2457, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH," passed Third Reading by a vote of 48 ayes, with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1171-02) recommending that S.B. No. 2069, SD 2, as amended in 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. 2069, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER," passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Djou, Fox, Jaffe and Meyer voting no, and , with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1172-02) recommending that S.B. No. 2067, 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. 2067, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1173-02) recommending that S.B. No. 2184, SD 1, 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. 2184, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes, with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1174-02) recommending that S.B. No. 2121, SD 1, 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. 2121, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAPAYA RESEARCH," passed Third Reading by a vote of 48 ayes, with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1175-02) recommending that S.B. No. 2132, SD 1, 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. 2132, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes, with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1176-02) recommending that S.B. No. 2136, SD 1, 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. 2136, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED," passed Third Reading by a vote of 48 ayes, with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1177-02) recommending that S.B. No. 2666, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2666, SD 2, HD 1, pass 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."

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

"I will be voting in opposition to that measure. This is the bill dealing with the Seal of Quality Program for agriculture products. While in the Committee hearing there were a lot of proponents, it appeared that it was going to create quite a little bureaucracy. In looking at some of the rules that have been drafted, for many people that are either in agriculture or value-added products with seafood or whatever, depending on the gross, the fee these folks are going to have to pay for their license, the least expensive if you have a business that only grosses \$50,000 a year, you pay \$360 a year for the right to be part of this group and use the seal. If you are up at \$500,000, it is about \$3,600 a year, which is a considerable expense, and I think it has not been so totally embraced by the people that theoretically, would get the benefit of this. That is why I am voting no."

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

"Mr. Speaker, I am in opposition to this measure. My understanding is that a private company will be licensing various businesses to use this Seal of Quality, and that amounts could be quite high. For companies with gross sales less than \$50,000 annually, they will be required to pay \$30 per month. For those companies making gross sales in excess of \$500,000, they will have to pay \$300 a month. So that is the main reason for my opposition. Thank you."

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

"Thank you, Mr. Speaker, in support. I understand that there are still concerns despite the fact that the statements given by the Representative from District 49, during our public hearing, there were so many proponents. The reason why I am standing is because of the information given during the public hearing.

"I also understand that after we made a decision on this measure, there are still some concerns, especially on the Neighbor Islands. So as your Chair, what we decided was to ask the proponents to explain to them their concerns, hoping that their concerns were going to be addressed. Apparently, they are not fully addressed yet. So as we move on with this measure, I have taken into consideration some of the concerns that are being brought up this morning, and will see to it that if this measure is going to go into Conference, I will take those concerns into consideration. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In fairness to the Chairman of the Agriculture Committee who has done a good job on this bill. And in fairness to the whole Committee, the opposition to this proposal did not come until this bill had gone through the Senate and mostly all the way through the House.

"I do want to express the concerns that I believe are legitimate, and need to be looked into. Again, I want to thank the Chairman of the Agriculture Committee for his consideration on this matter.

"Primarily, branding is proposed in this bill. It does not need legislation to occur. There is already branding being done privately by Kona coffee, for example. There is 'Made in Maui'

branding, and I believe 'Island Fresh,' etc. So, statute isn't required to accomplish any of the good aspects of this measure.

"Lastly, I just want to point out that there are proposed fees, since rules have already been proposed by the Department of Agriculture, even before we pass this bill out. The proposed fees in some cases exceed 1% of the gross sales of companies, and likely that is an excessive amount."

The motion was put to vote by the Chair and carried, and 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 Third Reading by a vote of 34 ayes to 14 noes, with Representatives Auwae, Bukoski, Davis, Djou, Fox, Halford, Jaffe, Leong, Marumoto, Meyer, Ontai, Pendleton, Rath and Thielen voting no, and with Representatives Case, Souki and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1178-02) recommending that S.B. No. 2931, 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. 2931, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS," passed Third Reading by a vote of 48 ayes, with Representatives Case, Souki and Takai being excused.

The Chair directed the Clerk to note that S.B. Nos. 2457, SD 1, HD 1; 2069, SD 2, HD 1; 2067, SD 2, HD 1; 2184, SD 1, HD 1; 2121, SD 1, HD 2; 2132, SD 1, HD 2; 2136, SD 1, HD 2; 2666, SD 2, HD 1; and 2931, SD 2, HD 2 passed Third Reading at 12:14 o'clock pm.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1179-02) recommending that S.B. No. 2228, 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 that S.B. No. 2228, SD 1, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Just a quick question. My concern is that essentially what that this is, is what I believe to be just a scheme to refinance a debt. I don't think that is an appropriate use of a SPRB. Thank you."

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. 2228, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Third Reading by a vote of 50 ayes, with Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1180-02) recommending that S.B. No. 2438, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2438, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I won't go through a whole speech. I only stand because I'm disappointed. I thought that what we were going to do is fix this bill up. I realized that there is still technically, time in Conference. But it passed out with exactly the same problems.

"Just to highlight. The bill would have an employer in violation of our discrimination laws. If their receptionist is a victim of abuse or a relative of abuse, and wants to have the phone number of the business changed, because the ex-boyfriend is calling and harassing her. The employer has to change the business phone number, or put her somewhere else, or do something. Once again, the extremeness of this nature is what I am trying to draw to our attention, yet it is falling on 'deaf ears.' I'm just rather amazed by it. Thank you very much."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her 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 Meyer rose in support of the measure with reservations, 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 support of SB 2438. This bill will make it possible for victims of domestic abuse or sexual violence to maintain the financial independence they need to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic abuse or sexual violence through an array of services including medical and counseling. Also the bill would prohibit an employer from discriminating against an employee who is a victim of domestic abuse or sexual violence, as well as allowing a victim of domestic abuse or sexual assault and the victim's minor child domiciled with the victim, to obtain unemployment insurance benefits, if the individual suffers a loss of employment status as a consequence of domestic abuse or sexual violence.

"Mr. Speaker, domestic abuse is a real and devastating problem for those who are its victims. This measure would go a long way to ensuring that these victims are treated properly. 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. 2438, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT," passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Auwae, Bukoski, Gomes, Halford, Jaffe, Leong, Ontai, Rath, Stonebraker and Whalen voting no, and Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1181-02) recommending that S.B. No. 2043, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2043, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Magaoy's written remarks are as follows:

"Mr. Speaker and colleagues, I rise in support of this measure. SB 2043, SD1, HD 1, relating to adoption. A 'hanai' adoption is a centuries-old tradition. The Aloha spirit that Hawaii is well known for opens your heart, your arms and your home to a child in need of love and nurturing.

"With no second thoughts or delayed consideration and no 'red tape' legal process, a child becomes one of your own. There was never any regard for tax benefits or a need for formal documentation; it was an unspoken expression of love.

"Perhaps it is an issue that is long overdue for consideration. As we look and see many families being torn apart we ultimately see the young and the innocent suffering the most. With a task force in place we may have a better oversight of the services and the programs we can introduce to support these families.

"The content of this bill stands to support this very important issue; therefore I stand in support of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2043, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," passed Third Reading by a vote of 50 ayes, with Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1182-02) recommending that S.B. No. 2737, 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. 2737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Third Reading by a vote of 50 ayes, with Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1183-02) recommending that S.B. No. 2817, 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. 2817, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," passed Third Reading by a vote of 50 ayes, with Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1184-02) recommending that S.B. No. 2750, SD 1, 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. 2750, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed

Third Reading by a vote of 50 ayes, with Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1185-02) recommending that S.B. No. 2682, SD 1, 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. 2682, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Stonebraker voting no, and Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1186-02) recommending that S.B. No. 2476, 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. 2476, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 50 ayes, with Representative Case being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1187-02) recommending that S.B. No. 2477, 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. 2477, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 50 ayes, with Representative Case being excused.

The Chair directed the Clerk to note that S.B. No. 2228, SD 1, HD 2; 2438, SD 2, HD 1; 2043, SD 1, HD 1; 2737, HD 1; 2817, SD 2, HD 1; 2750, SD 1, HD 2; 2682, SD 1, HD 2; 2476, SD 2, HD 2; and 2477, SD 2, HD 2 passed Third Reading at 12:19 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1188-02) recommending that S.B. No. 3060, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3060, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"I am opposed because I think what we're doing is asking the DOE to teach kids how to ride a bike in fourth grade. I think our DOE has plenty of things to do and I just don't see why it is a primary interest for us."

The motion was put to vote by the Chair and carried, and 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 Third Reading by a vote of 50 ayes to 1 no with Representative Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1189-02) recommending that S.B. No. 2422, 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. 2422, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1190-02) recommending that S.B. No. 2488, SD 1, 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. 2488, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1191-02) recommending that S.B. No. 3049, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3049, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. Within my district on the island of Oahu, and even on the Neighbor Islands, traffic congestion and transportation problems are big issues before us. This bill looks at a Ferry Service Special Facility Revenue Bond. We need to look at all the alternatives that are available for the people in order to get them out of their vehicles, and give them options. And this bill would provide an option using our ocean resources. Thank you, Mr. Speaker."

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 SB 3049. This is the third or fourth time I have had to stand in opposition to an inadequate proposal for a ferry project for Oahu. The problems always seem to be similar.

"This bill purports to provide an alternative mode of transportation that would alleviate the traffic congestion in West Oahu by authorizing the issuance of special facility revenue bonds to construct facilities for a ferry service between West and East Oahu. The bill cites the ferry system from Iroquois Point to Aloha Tower, claiming that it 'proved beneficial to many Oahu commuters.' But, the facts are that the passenger counts fell far short of projections and never reached a level that would make a ferry cost effective. We keep going after federal funds just because they are available, not because the ferry is viable. This is good for a few vendors who cash in on the development money, but is useless as far as a real solution to our traffic congestion problems. We need to look at ferries that can carry cars and passengers and that run inter-island as well as intra-island. For these reasons I continue to oppose these ferry projects which are doomed to failure. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am concerned that ferries have not had a very good track record of producing what we want in terms of reducing commuter traffic, and they tend to waste taxpayers resources."

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

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

"We all know ferries don't always work, but we haven't always given them the ample opportunity to succeed. We haven't picked the proper locations where people can congregate and park their cars. And of course, we haven't even considered a ferry like in Seattle where you drive your car on board and you go to town or wherever you are going. You drive off and you don't have to worry about parking, and you can get around wherever you are. But until we do something like this, or dig a tunnel, or build a nice suspension bridge, we are going to have troubles getting from West Oahu to Honolulu. 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. 3049, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Halford, Jaffe and Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1192-02) recommending that S.B. No. 2306, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2306, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"My opposition is not in regard to the first part of the bill, which is the airport concessionaires relief. But instead, it is in opposition to the passenger facility charge. This measure proposes to raise how much we are going to charge our visitors coming into the State. The charge will rise up to \$4.50.

"Mr. Speaker, I realize tourism may not be the future, but right now it is the engine that drives our economy. I don't believe we should be 'nickel and diming' our visitors. Before we know it, if we keep on doing this, we are going to be slaying the 'goose that lays the golden egg' here in our economy. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2306, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Davis, Djou, Gomes, Halford, Marumoto, Ontai, Rath, Stonebraker, Thielen and Whalen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1193-02)

recommending that S.B. No. 3028, SD 1, 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. 3028, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Djou, Gomes, Halford, Jaffe, Moses, Rath, Stonebraker, Thielen and Whalen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1194-02) recommending that S.B. No. 2805, 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. 2805, entitled: "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1195-02) recommending that S.B. No. 2667, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2667, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Magaoay's written remarks are as follows:

"Speaker Say and colleagues, I rise in support of this measure.

"This bill does away with the 'urban' requirement that limits the Board of Land and Natural Resources when leasing public lands for historic preservation. The 'urban' requirement excludes the Board of Land and Natural Resources from leasing state owned fish ponds, taro poi lands, and historic buildings for preservation purposes in rural parts of the State which constitute a significant portion of Hawaii's cultural past and should be given equal treatment with urban historic preservation sites. So Mr. Speaker, based on the reasons mentioned above, I rise in support of SB 2667."

The motion was put to vote by the Chair and carried, and 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 Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1196-02) recommending that S.B. No. 2242, SD 1, 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. 2242, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 3060, SD 1, HD 1; 2422, SD 2, HD 2; 2488, SD 1, HD 2; 3049, SD 2, HD 2; 2306 SD 2, HD 2; 3028, SD 1, HD 2; 2805; 2667, HD 1; and 2242, SD 1, HD 1 passed Third Reading at 12:26 pm.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1197-02) recommending that S.B. No. 2802, 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. 2802, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS," passed Third Reading by a vote of 49 ayes, with Representatives Leong and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1198-02) recommending that S.B. No. 2804, as amended in 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. 2804, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS," passed Third Reading by a vote of 49 ayes, with Representatives Leong and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1199-02) recommending that S.B. No. 2810, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2810, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. Protecting our environment and especially protecting our endangered plants is very important for all of us here. However, this bill looks at a balance between protecting our endangered plants and the needs of the people in terms of development and growth, and what is the best for these areas that are being urbanized. One of the projects included here is the North South Road in the Ewa region. And this bill will pave the way to build this long needed, long awaited transportation arterial for West Oahu and the Ewa Kapolei region. I urge my colleagues to support this measure. Thank you very much."

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

"Mr. Speaker, I just want to point out that this measure does not in any way endanger endangered species, because it allows the State now, or anybody who owns public lands, to then move the plants to another location, make sure they are established so they can flourish. So we are not getting rid of these endangered species. We are actually helping to propagate them in new locations. And they have to be certified to be able to thrive before we can move ahead. 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. 2810, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Hale, Jaffe and Thielen voting no, and with Representatives Leong and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1200-02)

recommending that S.B. No. 2702, 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. 2702, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," passed Third Reading by a vote of 49 ayes, with Representatives Leong and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1201-02) recommending that S.B. No. 2007, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2007, SD 2, 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."

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

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

"Mr. Speaker, the purpose of protecting lands from essentially urban sprawl is, I think, one we can all identify with. The trouble is that the current system basically has not worked. The system we have in Hawaii puts control over conversion of agriculture land to urban use in the hands of both the county and the State. You have to get through two levels of government in order to convert agricultural land to urban land. As a result we have something akin to what we have in our public education system. We have no accountability because accountability is dispersed between two levels of government.

"I would like to request that the Body re-think the business of how to protect land use, and place the responsibility in the hands of one Body of government that can be held completely accountable for how it handles the use of our precious lands. It is quite clear that, that level of government should not be State government. This authority belongs with the county. The county is the primary level of government that determines land use and it is improper in the fashion that is embodied in S.B. 2007, to come in and second-guess the county on how to handle questions of zoning of land that relates to houses and other property being put on land. That is the responsibility of the county.

"If the State gets out of the business and puts the responsibility solely on the counties, people will start having to retain their office or lose their office at the county level based on how they handle land issues. They won't be able to dodge the issue. It will be up to them. They'll have to defend themselves at the polls and we'll start getting the kind of control over land use that we lack with our two-headed, no accountability system. Thank you, Mr. Speaker."

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

"Let me just respond to the previous comments of the Minority Leader. I think he made some good points.

"But in essence, if you read this bill very carefully, and if your goal is to comply with our constitutional requirement to protect prime agriculture lands, and if your goal is additionally one of protecting against urban sprawl, which is a tremendous

problem that we've been talking about in several issues today, ranging from West Oahu to some of our other islands, if your goal is that, then your focus has to be on ending what the Minority Leader adequately describes as a real problem in terms of the enforcement of that protection. And what this bill essentially says, in several components, is that that does have to be a primary objective of all of us. And that objective has failed us under the current system. And it has failed us for a couple of different reasons.

"The first is because our State land law essentially allows circumvention of the use of agriculturally classified lands with relative ease through the permissible uses of that land, which goes well beyond, at this point, anything that resembles agriculture in any traditional way. That is the number one problem.

"The number two problem is that there are a number of loopholes in the law that allow the use of lands for non-agriculture purposes at the individual county level. There are several examples of abuse at the county level in terms of how that law has been implemented. I can name a couple of them, but they are all familiar to us. We've all heard from our constituents about them.

"The bottom line here is that you have to make a choice -- and the Minority Leader is correct -- you have got to make a choice as to who is going to enforce the protection of prime agricultural lands. This bill, I believe correctly says that the protection of prime agriculture lands, lands that we know are utilized for prime agriculture uses or may be utilized for prime agriculture uses, is a statewide concern and should be enforced at the State level. And that is what this bill says. That as to those lands, we need to provide for those protections at a State level, and to tighten up those protections. And that's what this bill does, and I think it complies in that respect with our constitutional mandate, and will at the same time meet the objective of preventing further urban sprawl.

"Now what the bill goes on to say -- and it goes to the Minority Leader's concerns -- is that we are talking about lands currently classified agriculture that are not regarded as prime or unique agriculture lands, but are really marginal. That those lands, should in fact, be continued to be governed at the county level. And in fact the counties, under this bill, get more discretion, more ability, to say how those lands are used as well to make much better use of the rural district.

"So in fact what this bill is doing is going to the exact concerns that the Minority Leader raises in trying to solve these problems. Protection at the statewide level of prime agricultural lands, and much more discretion at the county level as to lands that are not prime agriculture and should be utilized for individual rural type purposes. Thank you."

Representative Kanoho rose to respond, stating:

"I wish to add some comments addressing the Minority Leader's concerns. Mr. Speaker, for a long time, I too was concerned about the 'two-headed' approval process, but that's in the Constitution. And even if we wanted to delegate that responsibility to the counties, statutorily, it would have to be a constitutional amendment, and I would submit that proceeding with a constitutional amendment would not be possible. We would not be able to get the public's concurrence to do that.

"I would like to say that this bill takes a very reasonable, logical, and balanced approach in trying to serve the needs of the landowners. They would be able to reclassify lands toward development purposes, needed development purposes under the criteria, yet assure that abuses do not occur, some of which were alluded to by the Representative from Manoa.

"Additionally, the bill provides for a declaratory ruling where anyone can file a petition if there is suspicion or if in fact the counties or the State for that matter do not abide by the intent of the language. This is really a good bill and I want to thank Leadership and to the members of the Agriculture and Water and Land Use Committees, as well as the Finance Committee for their support, because as we all know, and as we have said previously, that we have been trying to address the mandates of the Constitution for the last 25 years, and this is probably farther than we've been able to get.

"I want to thank everybody because we are not sure what might happen in Conference, given the treatment that our original bill received in the Senate. But if we don't debate this again or it does not come to the floor for Final Reading, I just want to assure members it would not be for the lack of trying because this is something that we need to do, and we'll make every attempt to do so. Thank you, Mr. Speaker."

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 S.B. No. 2007, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Fox, Meyer, Ontai and Rath voting no, and with Representatives Leong and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1202-02) recommending that S.B. No. 3010, SD 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. 3010, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Third Reading by a vote of 49 ayes, with Representatives Leong and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1203-02) recommending that S.B. No. 2078, SD 1, 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. 2078, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Leong and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1204-02) recommending that S.B. No. 2715, SD 1, 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. 2715, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Leong and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 2802, SD 2, HD 2; 2804, HD 1; 2810, SD 2, HD 2; 2702, SD 2,

HD 2; 2007, SD 2, HD 2; 3010, SD 2; 2078, SD 1, HD 1; and 2715, SD 1, HD 1 passed Third Reading at 12:38 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1205-02) recommending that S.B. No. 2784, SD 1, 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. 2784, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1206-02) recommending that S.B. No. 2757, 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. 2757, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1207-02) recommending that S.B. No. 2964, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2964, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"This is to create a Hawaii Commission for National and Community Service within the University of Hawaii. My concerns are that we don't know how much it is going to cost. There are going to be a number of staff positions. This Commission will consist of between 15 and 25 members, and it makes it permanent by statute. I think it should be subjected to further review. Hopefully in Conference Committee these things can be addressed."

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

"Thank you, Mr. Speaker. I rise in opposition and a few comments.

"I've done volunteer work myself. I was a volunteer for a couple of years in Micronesia with an outfit called Jesuit Volunteers International, so I support these kinds of things and this type of effort. But I don't support this particular one. This looks, frankly, more like a receptacle to receive federal monies, and then we get committed and have to attach a lot of State money to it over time.

"Also at a time where we apparently have a budget shortage, at least that is what the Governor and some of the Majority claim, here we are adding six new staff for a brand new program. Maybe they exist already and we are just transferring the positions, but it just seems to me that we are going in the wrong direction. And as worthy as volunteer programs are, and this one may be, although I have lots of questions with regards to what it is that they are supposedly trying to do, and what

kind of service they are supposedly trying to accomplish, I just don't think this is what we ought to be doing right now. Thank you."

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

"Thank you, Mr. Speaker. I would like to speak in strong support of the measure. First of all, I would like to reveal that I am an appointed non-compensated member of the Commission. All of us are volunteers and as stated, this does not really create anything new. It is merely a matter of transferring the function from the Office of Community Services to the University of Hawaii, and the staffing itself will also be transferred, so there are no additional dollars.

"I do want the members to know that the Commission draws down a match of \$1.5 million and this money is mainly spent to support volunteer and subsidized services, many through our schools and through volunteer programs with the elderly and in our communities. The Commission, I think, is going to find a very appropriate home within the University of Hawaii because I think there is going to be a lot of learning opportunity, a lot of opportunity for experiences and job training, on-the-job training for many of our students at the University.

"So I think this is going to work out to be a very excellent partnership between the Commission and the University of Hawaii. And as one of the Commissioners, I would like to forward that effort as well. So I would like to ask all the members to please support this effort."

Representative Gomes rose to respond, stating:

"Just in continuing the opposition and with regard to the \$1.5 million draw-down. As much as \$1.5 million is, it is not a lot. After my volunteer experience, I worked in the administration of that organization for some period, and we did it on a 'shoestring,' and we did quite a bit. I guess the previous speaker could answer this: Just how much of that money is in fact going to go to services as opposed to overhead? My guess is that a substantial part of that money is going to salaries, benefits, you name it. Things that have nothing to do with delivering volunteer services and all of the nice things that supposedly go with that. So again, I am opposed to this and it looks more like a large-scale bureaucracy than it does an effort to really provide volunteer services. Thank you."

Representative B. Oshiro rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I stand in support with some reservations. I believe that currently the Commission is, as the Chair of the Health Committee said, it is currently housed in the Office of Community Services. While I support and believe that actually maybe a transfer is in place to better utilize some student resources over at UH, I do question the motivation behind this. It is my understanding that perhaps it is a 'turf battle,' and they just don't get along with the Executive Director. However, with that being said, I do think it may be something worthwhile looking at.

"My concern is that I believe they are requesting to take away some of the staffing that already exists for the Office of Community Services. And I believe that is something that I am really concerned about because that Office already is hacked and it has numerous, numerous things that it does for our community in terms of volunteer services and social services. So for the AmeriCorp program, which is basically what we are talking about, to want to take away one staffer from the State Office that provides services for many, many programs is a bit

questionable, and I hope that the Committees will continue to look at it as it moves to conference."

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

"Mr. Speaker, I am in strong support. Several months ago, I had a chance to meet with Rosie Mock, the National Coordinator for the AmeriCorp Programs. She made a representation to me that this was important, that we statutorily create this Commission. Right now it is only established by Executive Order, so we need the statutory creation to put it in statute. Mr. Speaker, for the members recollection, this is a similar measure that we passed out last year that was vetoed by the Governor."

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. 2964, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Gomes, Jaffe and Meyer voting no, and with Representatives Souki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1208-02) recommending that S.B. No. 2111, 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. 2111, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1209-02) recommending that S.B. No. 2112, SD 1, 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. 2112, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1210-02) recommending that S.B. No. 23, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 23, SD 2, 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."

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. 23, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Third Reading by a vote of 49

ayes, with Representatives Souki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1211-02) recommending that S.B. No. 2127, as amended in 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. 2127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Auwae, Djou, Jaffe, Pendleton, Rath and Stonebraker voting no, and with Representatives Souki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1212-02) recommending that S.B. No. 2787, 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. 2787, entitled: "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW," passed Third Reading by a vote of 30 ayes to 19 noes, with Representatives Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker, Thielen and Whalen voting no, and with Representatives Souki and Yoshinaga being excused.

At 12:44 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 12:44 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos. 2784, SD 1, HD 1; 2757, SD 2, HD 2; 2964, SD 2, HD 2; 2111, HD 1; 2112, SD 1, HD 1; 23, SD 2, HD 2; 2127, HD 1; and 2787 passed Third Reading at 12:46 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1213-02) recommending that S.B. No. 2669, 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. 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," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1214-02) recommending that S.B. No. 2900, 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. 2900, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1215-02) recommending that S.B. No. 2615, 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. 2615, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1216-02) recommending that S.B. No. 2774, 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. 2774, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1217-02) recommending that S.B. No. 3063, 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. 3063, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1218-02) recommending that S.B. No. 484, 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 that S.B. No. 484, SD 1, HD 2, pass Third Reading, seconded by Representative Lee.

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

"When this project first came before the Legislature, I was adamantly opposed to it. But through the legislative process, I feel that it has been really improved. I call your attention to Section 5, which is an unusual thing for a special revenue bond. 'No special purpose revenue bonds authorized under this Act shall be issued until the County of Hawaii awards and approves the contract to the Hilo Coast Power Company for the project described in section 2 of this Act.' In other words, there is a limitation. I have been very concerned since I've been in this Body with our propensity to just approve the special revenue bonds for whomever and wherever they are requested.

"Furthermore this is proposed by the Finance Committee to change the effective date to 2050, but I understand that is just for purposes of discussion. So if the bill passes in H.D. 2 form as stated here, then I certainly support this bill. Thank you very much."

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

"I rise in opposition. And my opposition is not against a waste to energy facility, but this special purpose revenue bond proposes to establish a waste energy facility in Pepekeo on the island of Hawaii. I am sure that economically it is a good thing for them to use the superstructure of the old mill. That mill was built a very long time ago when we were not thinking about preserving the environment. They used to have 'shoots.' They would squeeze the sugar out and then all of the bagasse would go down into the ocean. Just about anytime you drove along the coast of Hamakua and outside of Hilo you would see these

big fields of brown looking stuff floating around. And that was why they sort of perched them on the side of the cliffs or close to the ocean.

"It is a gorgeous area. It is a scenic spot and it definitely is not a place for a waste to energy facility in today's world. We don't need to be close to the ocean. There is so much land around in Hilo. There is no shortage of other locations that would be much more preferable, and would definitely show some sensitive planning. Thank you, Mr. Speaker."

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

"I stand in support of this legislation. I just wanted to point out that a lot of the review of this particular project and other SPRB bills will happen in the environmental review process. I also want to point out that the next bill we are coming to deals with waste to energy facilities on private property, and that is one of the reasons why it is important to pass this bill. So the project that we are discussing right now can be reviewed under this process. 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. 484, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1219-02) recommending that S.B. No. 2505, 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 that S.B. No. 2505, SD 1, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, it seems to me that those of us that are involved at State government sometimes have a pretty inflated view of ourselves. I've worked at both the State and the county level. I think the county government works more effectively than the State does. I object to legislation like this that comes along and allows the State to second guess and oversee a process that is being handled at the county level, particularly when we are dealing in the area of land use and its related consequences, including environmental impact statements and environmental assessments. That is legitimately connected with the land use process at the county level. We do not need legislation to second guess the counties in how they do this. Thank you."

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

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

"I spent 20 years on the local level and I think the Minority Leader is not familiar with what has happened on our island and the local level. We just recently had a big project that had been approved by a former Administration declared illegal by a judge because they are putting a big resort area in an agriculturally zoned area. So I support this very much because I think we need the oversight all the time. The local level politicians are not necessarily the best. Thank you."

Representative Bukoski 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:

"I rise in support of this measure. In the particular section that we are addressing right now, what happens many times is the applicant is the same as the accepting agency. So there is a conflict there. What this bill will do is to allow OEQC to go in, especially when this conflict exists, to review the document. One of the benefits of this bill is to reduce lawsuits because when the applicant is the same as the accepting agency, and they accept a flawed document that doesn't have full environmental disclosure, it is ripe for an appeal process. So it is heading the problem off at the pass to make sure that the environment impact statement is complete and addresses all concerns before it moves forward. Thank you."

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

"I stand in strong support. I just wanted to clarify something."

"I think people are forgetting what the EIS and the environmental assessment process, Chapter 343, is all about. It is all about making informed decisions so it doesn't require anything new. All we are saying is that if you are going to be making a decision, even at the county level, perhaps you should have all the information you need. And that is what we're doing here. We are trying to make sure that the process of information gathering is proper so that they can make the right decision when it comes to permitting or whatever decision they are going to make. We are not taking away any of their authority to make the decision. We are just saying that maybe you should take a look at what kind of information you are receiving, broaden the scope a little bit, and accept all that information."

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

"I am rising in support of Standing Committee Report 1219-02 and the attached bill, especially as it will have an impact on another measure that is also under consideration by this Legislature, Mr. Speaker. And I speak in reference to the proposed landfill in the Kunia area. This bill, as I read it, would also call for an EA, whenever there is a facility of this type that is proposed, and I would think that going to the comments by the Vice Chair of Judiciary, that the disclosure is very important for all the surrounding and impacted communities."

"So I would hope that if that other measure passes, that this measure would pass as well, so that we would have a fair chance in trying to comment on that measure. Especially too, Mr. Speaker, this debate also reminds me of an issue that I had to deal with in my rookie year in this Legislature, and that was the medical waste incinerator that was proposed to be built in Waipahu. There was no disclosure, save for the fact that the applicant had to file an estimate permit because it was to be built close to the Westlock of Pearl Harbor. So it sailed up to that point, under the radar of most people. If not for that estimate permit, no one would have known that this incinerator would have been built in someone's backyard, literally. So I would hope for the sake of disclosure that this bill will pass as well. Thank you."

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

"Mr. Speaker, thank you very much. I wish to speak with some reservations. I look at this measure as possibly another layer of bureaucracy and time. Probably it will provide for more delays in much needed projects, and additional cost to the consumer, ultimately. For these matters, I speak with strong reservations."

Representative Bukoski rose to a point of inquiry, stating:

"Point on inquiry. I am not sure who to direct this question to. But if someone could define what agency is referred to in this bill?"

At 12:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:26 o'clock p.m.

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

"I just want to register some reservations. I believe that it may do what it is intended to do. I do have a problem with superseding 'home rule.' But as the previous speaker mentioned, you know there was a medical waste facility that was going to go into the Waipahu area, which is part of my district. Instead it went into the Kapolei area, which is also a part of my district. But there was very little input from the community. I think maybe it is time to have a little more input and have the ability to talk about these programs a little more. 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. 2505, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Djou, Fox, Gomes, Halford, Leong, Marumoto and Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1220-02) recommending that S.B. No. 2179, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2179, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I would like stand in favor of S.B. 2179, SD 2, HD 1, and express some reservations if I may.

"I would like to see lower gas prices. I think we all would. But I just don't quite understand how this will come about. The energy person for the Department of Economic Development and Tourism expressed some reservations as to whether this could also be done. And he expressed them on the House bill.

"If I may, I would just like to bring out some points of his testimony about the concept of adjusting prices and setting prices in regards to gasoline. 'We...' and he meant the Department,

'...have strong reservations regarding attempts to control prices of any commodity, such as gasoline, which is traded in, and priced by, the forces of the global market. One concern is that past attempts to control the price of gasoline

by the federal government actually resulted in distortions and inefficiencies in the market. For example, under the price controls of the 1970's, regional supplies shortages and long lines for gasoline were experienced.

Another concern is the difficulty of controlling the price of one petroleum product without creating serious market distortions. Unlike a single energy commodity like electricity, petroleum products are jointly produced goods with a wide variety of commercial, consumer and industrial products coming from a barrel of crude oil. An East-West Center study observed that when petroleum products are priced in a competitive global market and a single product price is controlled locally, serious distortions of other product prices occur. This finding was reportedly based on actual experiences in countries which have attempted to regulate the price of gasoline.

In addition to these market problems, we are unaware of any analysis to support the benchmark pricing envisioned by this bill. Notwithstanding the uncertainties of getting the price right, such a regulatory function would require staff resources and expertise, which are not resident in DBEDT. Also, DBEDT is not a regulatory agency and should not be assigned such functions that would conflict with DBEDT's mission as Hawaii's business advocate of energy producers and distributors in emergency situations.

Thank you for the opportunity to offer these comments.'

"Thank you, sir."

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

"Mr. Speaker, I would like to speak in favor of the measure, particularly to the gasoline price section of the bill.

"Mr. Speaker, as I've said before, most of us have great faith in the free competitive market. However, where there is little or no competition in a specific market, it then becomes the Legislature's duty to serve as a 'watchdog' to protect against companies using their unchallenged status to excessively price their products.

"Last week, we were very fortunate to have an informational briefing, and the presenter was Mr. Spencer Hosié who was the lead State attorney in the gasoline price-fixing lawsuit. I was impressed with the evidence collected for the lawsuit, that we have confirmed what we had theorized. That there is very little competition in our gasoline marketplace, number one. And number two, there was excessive profit taking. As Mr. Hosié put it, the gasoline market is broken and it must be fixed.

"Mr. Speaker, it is comforting to know that the larger general public understands the urgency of this issue. Both the *Star Bulletin* and the *Honolulu Advertiser* support action by this Body. In the April 2nd *Star Bulletin* editorial, the headline said, 'Legislatures must pressure oligopoly to lower gasoline prices.' The *Star Bulletin* points out to the admissions of an oil company attorney, Maxwell Blecher who said that Hawaii's high gasoline prices are because companies in Hawaii don't compete against each other. As he said, 'Once you decide it's an oligopoly, you've got an explanation for the phenomenon of the high prices, the high margins, the high profits, the lack of competition. That explains it all.'

"The *Advertiser*, in its April 5th editorial says, '... we should accentuate the positive results of this lawsuit ...' now what we know for sure as a result of the lawsuit: (1) The production of gasoline in Hawaii cost no more or even less than on the mainland. (2) It is not high cost that causes high gasoline

prices in Hawaii. It is high profits. (3) Gasoline isn't in short supply here. Indeed it has been exported from Hawaii and sold elsewhere for less than it would have here. (4) The Hawaii gasoline market is profoundly un-competitive. The *Advertiser* recommends at the end, 'Armed with this knowledge, it is time for the Legislature to accomplish what no lawsuit could do: regulate the price of gasoline in Hawaii.'

"Fortunately Mr. Speaker, this Body in the past, we would be discussing whether there is a problem of high gasoline prices at all, and I am glad that we have moved beyond that. So now the issue is what do we support and whether we should support this immediately. Again, as Mr. Spencer Hosie, the State attorney stated as part of his informational briefing, 'The gasoline marketplace is broken and it needs to be fixed.' And this message Mr. Speaker, must not be ignored, and therefore I am supporting this measure. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure, and I particularly want to address my comments to that part of the provision of the bill, incorporating the House language, proposing to regulate the price of gas in the State. I want to expand on the remarks of the Chair of Consumer Protection.

"I think that there has been a lot of 'water under the bridge' since the last time we saw this bill go through a couple of months back. At the time, we were simply speculating on some of the items that were going on in this particular lawsuit and in the market.

"Now we know with greater certainty what exactly has been going on here. Because basically the lawsuit has been settled, subject only to the federal court's concurrence. Some of the information has been coming out, and frankly nobody has the excuse to say that the lawsuit is pending so we can't talk about it. So let me just take the time to perhaps enlighten everybody as to what actually was brought forward in the testimony last week. And I agree with the Chair, it was very interesting testimony.

"The first is, what is the situation today? The situation today is essentially that there is a tremendous gap between what we are charged for gas at the pump, and what it cost to actually get the gas to that pump. If you go back and you add in every ingredient that it takes, every cost that it takes, every excise, tax, fee, you add it all up, you have a tremendous distance still to the price of the gas at the pump, what we put in our car.

"If you buy that oil, the crude, in Singapore, wherever else crude is bought, and you put it on a tanker and you ship that tanker here, and you anchor it and you off-load it, and you refine it and you deliver it, and you let the retailers take 10 cents on the gallon, you are still only up to somewhere in the range of \$1.20 to \$1.30, and that is after you add in all of the taxes that we pay, the fees and the taxes that are appended to that. The fact of the matter is that there is still a difference in the 40 cent range on each gallon of gas, and that is why the testimony was unequivocally that this was the highest profit market for Chevron, as one example, in the entire Country, by far. So the observation that we were told for many years, that high gas prices are simply due to the high cost of doing business in Hawaii, it is totally false. That is what the situation is.

"What are the possible causes of that situation? Well there are a couple of causes. I think we already eliminated the high cost of doing business in Hawaii: not true whatsoever.

"Is it because of a violation of the antitrust laws? Federal and State antitrust laws? Well, the fact of the matter is that, to prove that, you have to prove outright collusion. An agreement among business entities or people to really control the price of gas. Now all that happened in this federal court lawsuit is that we weren't able to prove that. Again that doesn't mean that it didn't happen, but it is pretty much 'water under the bridge.' We weren't able to prove it, so whether it is happening or not, we won't be able to prove it. So we don't really know whether that is the cause.

"But what we do know as a result of this lawsuit is that, as the Chair pointed out, and has been admitted to by the oil companies, this market is, in fact, an uncompetitive market. So even if there is not outright collusion going on, what is clearly going on is that because of the lack of an adequate open market, companies are able, in one way or another, to maintain an incredibly high profit margin. That is the situation and that is the cause. That is at least a cause.

"Now what can we do about it? Well we've got a couple of options. We can first of all sit here and bring another lawsuit. We are not actually precluded from bringing another lawsuit. But the fact of the matter is that unless and until we see a different set of evidence, unless and until we find that evidence of collusion, if in fact it has occurred, we will not be able to overcome that burden of proof. And so that does not appear to be a productive use of our time any longer. We will not be able to take advantage of federal and State antitrust laws to address this situation, at least unless we amend our State antitrust laws to provide a different level of proof.

"Second, we can compete in one way or another. The State of Hawaii can step in and say, okay fine, we are going to make this market competitive, and we are not driven by a profit motive or else we will take less of a profit motive. Maybe we can privatize it. Privatize it out to somebody and say to them, 'Hey, it's a pretty good deal. You take 10 to 15 cents on the gallon. You will still will be the most profitable in the entire country. But at least you can compete against these other oil companies.' Now that is a possibility. It is not out of the realm of something that might actually work. Unfortunately, states usually don't do a good job of getting into the private sector and competing, so I would be a little skeptical there.

"Third, we could do nothing. Now if we do nothing, we can depend on this situation continuing. We can depend on this situation worsening and the reason we can depend on it continuing and worsening is because there is no reasonable likelihood..."

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

Representative Case continued, stating:

"Thank you. There is no reasonable likelihood that this market will end up being anymore competitive than it is today. In fact there is every likelihood that it will become less competitive. What we have going in the world market and in our own county is a consolidation of oil companies, not the reverse. So we can depend on being continually subject to the ability of the oil companies to directly or indirectly control these prices.

"Now that leads us to the last option, which I think is the only option, the most feasible option, and that is to regulate. Oh, by the way, just to emphasize it again: with the do nothing option, you can depend on the prices continuing to be where they are including on the Neighbor Islands. Regulation seems to be the only practical way for us to take our destiny into our

own hands and control the price of gas that our consumers are charged at the pump.

"Now we can regulate a couple of different ways, and the Representative from Waialae-Kahala referred to one of them, which is really a Public Utilities Commission-style of regulation. The same kind of regulation that, for example, our electric utilities are subject to. That is a tremendously complex type of regulation, which frankly has had mixed results as we can see just from watching the regulation of our electric utility.

"The other way of regulation is simply to peg the price to some index, some international price index, where we insure that the oil companies are having an adequate level of profit. And to make this real simplistic, we just say to them: 'Hey, take the spot price of oil somewhere in the world, some benchmark by the industry standard. We will allow you to take all of your costs to get that to the pump, and we will give you a profit. But after that, no more profit. In fact, we will give you more profit than you can make in any other market, but you cannot take profits in the range of 30 to 40 cents. We want you to take much less than that.' That is a particularly reasonable thing for us to do. To control what happens in our own State.

"Now many are going to say that we have got to study this some more. Well, there is not much more to study, to be honest. I don't think there is anything more to be studied, for example, on what the situation is as it exists. There is no reason for us to doubt that this is going on. Neither is there really any reason for us to study forms of regulation. We can pick one and proceed with it. Maybe all we need to really study is what the spot price is that we index to. We can do that simply enough, and I agree with those that say some study needs to be taken in the interim as we move towards a more perfect form of regulation. But I will also say this, that just because we have to work out the details of regulation doesn't mean we should do nothing today.

"We can say today that for the next year, we are going to allow a spot price, which, under any stretch of the imagination, under any scheme, under any reasonable interpretation, will still insure a very high profit to the oil companies, and we can let that run for one year while we work out the details. At the end of that year, we'll have a better form of regulation. But in the interim, they won't be hurt. They will still be making tremendous profits. They just won't be able to make the exorbitant profits that they've been able to charge thus far."

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

Representative Case continued, stating:

"So in conclusion, I urge that we all proceed with this right now, and I urge that we frankly, together with the public, 'turn up the heat' on our Senate counterparts who seem unwilling or unable to grasp the enormity of this situation, and are unaccepting of the responsibility to proceed right now. Let's get this underway. We've got four weeks to do it. We can fashion a stopgap solution that will help us all today, then get to a more lasting solution next year. Thank you."

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

"Yes Mr. Speaker, thank you very much. I wish to speak with some reservations. The eloquence of the last two speakers is certainly compelling, however I do have some very serious concerns.

"As you begin to regulate an industry, there are the after effects and you don't know what are going to be the other

problem. As you compress things, others will move in different directions. We have the electric companies that are regulated and yet Mr. Speaker and members, we have the highest electrical rates in the Nation. So to think that gasoline price regulation will automatically drop the cost of gasoline I think, is wishful thinking at this point in time.

"Mr. Speaker, what else do we regulate? We have the highest cost of food. Our food is 20 to 25% higher than the mainland. I believe that if there is anything we should regulate, it should be food. Our housing is about 30% higher, and being a realtor, I hate to say it, but maybe we should regulate real estate too. Where does this end, this regulation? Is regulation the answer? Why not look at this a little more comprehensively, Mr. Speaker and members?"

"As was mentioned by these two very eloquent speakers before me, it is a lack of competition that seems to be the problem. So why don't we invite more competition? Why don't we do more to invite oil companies to come here? Make land available at no cost to them. Provide tax credits like one of these bills that is going to be appearing before us. A 100% tax credit for everything for five years. Whatever it takes. But provide the incentive for them to come here, rather than to regulate. Regulation does not necessarily yield lower prices. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition.

"I think there was a lot of wisdom in the remarks of the former Speaker, the Representative from Wailuku. Basically we are dealing with the fact that something is rotten in Hawaii. Why don't we just all agree that the gasoline prices are too high and we're assembling as a Body of serious thinkers to try to do something about that problem? And the question is really what to do? I am very much afraid that price controls are not the way to go. Now I don't think that price controls are illegal under the U.S. system. We've had them nationally. We've had them during war times and during periods of crisis. It is very common in many places on the mainland to have price controls on the rental of apartments. Basically Mr. Speaker, they don't work. They act to reduce competition, to narrow the market.

"Now in the United States we have been dealing with the problem of the fact that basically, the demand for oil is inelastic, and oil companies constantly try to corner the market for their product. That is why we have the Sherman Antitrust Act. The Sherman Antitrust Act, our first effort to break up monopolies, was specifically directed at Standard Oil. So we have a long history of dealing with oil companies trying to control prices. All of this is in the effort to create more competition. Why don't we think about what we have already accomplished so far?"

"We shined the bright light of publicity on what is going on in Hawaii. For the first time we discovered that Chevron has a thing called the 'blue book.' And the 'blue book' provides a very clear picture of their profit margins. Chevron tried to hide that 'blue book' from us for ten years. Now we know about it. We know that information exists to tell people readily, the kind of profits they're making. Since those profits are so high, it follows that somebody can make a lot more money selling gas if they undercut these high profit margins and get people to come to their companies. So let's think about that. Let's think about how to help companies compete with Chevron and grab the market. That is the direction we should be moving.

"Price controls, like national health insurance and other things that are being considered by this Body are not new ideas.

They've been tried in many other places and they don't work, in the end they don't work. Price controls in the real estate market have narrowed the market. Every time you fix prices you reduce the number of competitors, and the result is a more restricted market. We want to go the other way. Let's recognize we have a common problem. Let's work for a different solution. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in strong support. For the edification and the benefit of the two former speakers, and the rest of the Body, let me explain this to you.

"Hawaii is not a very big state and hasn't got a very big population. We've got 1.3 million people and it doesn't look like it's going to grow significantly in the future. There are 35 cities in the United States that are larger. Salt Lake City is the same size. Let's get a grip on how big we really are. Let's look at the reality of the situation in the United States of America.

"Throughout the entire country in the last 25 years, there has not been one refinery built anywhere. One of the reasons is that now, the environmental laws and the cost to building one of those plants to meet all the environmental criteria is extremely high. So let's say for instance that we could invite another refiner here to the State of Hawaii. Well, I'll tell you exactly what would happen. Because Chevron's plants are already paid for and because it is operating 'grandfathered' under the old laws, they are just going to undercut whoever comes in, drive them out of business and go right back to business as usual. Do you have any idea what it would cost nowadays to build a brand new refinery?

"And then the other thing is the oil company, like a lot of other international businesses that operate on contracts. They have contracts with the oil suppliers. Now are you going to trade selling your oil to Chevron, the refinery here, and sell it to the new guy and possibly lose that business? I don't think so.

"So what we're talking about is not regulation. We are not talking about a regulatory body to set a specific price. We are talking about a price cap. That is what this is. It is a price cap and it fluctuates monthly because it is tied to the price of crude. So as the price of crude goes up, the price of gasoline can go up, allowing for a larger profit than is made any place else in the United States. Now everything is out in the open in this. There aren't these guys behind close doors that work for the industry and sit on the board like is the case with PUC type entities.

"What you have is four markets of oil worldwide. You can get those out of the paper. The guy from DBEDT, all he or she does is take those, average them, multiply by .035, and presto, you get the wholesale price. That is pretty simplistic and everything is known. The formula is known. The price of oil is known so there is no way to get around it. That doesn't mean that is what the price of gasoline has to be. That it just the 'tippy-top' of the price. They can charge less if they want to. They could do that now. But they are not going to unless we cap it at some point. If we say, 'You can gouge yourself up to this point, but past this point, we are just not going to take it anymore.' And that is what this does. And it is simple. We should pass it. Thank you very much."

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

"Mr. Speaker, I rise in strong support. I can't add anything to what was said by the previous speakers, other than that I think the public has been getting the shaft for a long time. And short

of building another refinery, which would set the environmental community off for reasons like where would you put it. For all those reasons, I think this is the best way to go and I salute the bipartisan effort from the Chair and my good friend from Kona."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. Myself, like most of the people here would be very happy to pay lower gasoline prices, but at what costs? And I say what cost Mr. Speaker, because if we set a cap and regulate the wholesale price of gasoline, this will send a loud and clear message to the rest of the United States that Hawaii again, has proven what an unfriendly business atmosphere we have created here.

"We keep looking for ways to encourage people to bring their capital to our shores and invest in new and high tech businesses that pay good salaries, and yet we keep doing these things that send such an unfriendly message to the rest of the country. I was one of those Representatives that went to the briefing that was held in the Auditorium. There were to be Senators there and there were only eight Representatives. Mr. Spencer Hosie put on a very slick, professional presentation. It was absolutely one sided. He had large video cameras where he would display 15 to 20 second spots of very carefully selected depositions from a case, that we all know, took 2 to 3 years. There had to have been hundreds of hours of depositions taken. And yet as we sat there, as an audience, to see the most effective pieces that he wanted to convey the message that Chevron has indeed been raking us all over the coals for years and years. We all want to put our best foot forward, but you want to have a fair game. And when there is only one team on the field, you are not having any kind of fair game going on there.

"Mr. Speaker, the last time I looked it was not illegal to make a profit, and that is what we are talking about here. Chevron is just too profitable. What is too profitable? This bill calls for having the wholesale price capped for manufactures and jobbers. But that is done quarterly, not monthly, as someone else said here. But then there is a provision that allows the manufacture or jobber to petition DBEDT to readjust the maximum wholesale price in the event of an abrupt change in crude oil prices.

"Imagine yourself in a business that is very sophisticated, very competitive, and you got the quarterly price set and now this morning, Saddam Hussein says they are not selling anymore gasoline to America. This is going to have an impact. Businesses need to react quickly we are now putting ourselves, layering the State, in the middle of this business and they are going to have to come over to DBEDT and make their case every time they want to adjust the price.

"The other problem I have is we set this cap, and well, we have jobbers. Chevron, and we have Tesoro. They all have different costs. Tesoro is the newer station. It is a little higher upgrade. It had to put a lot more expensive kinds of equipment to comply with all the EPA regulations because it came online after Chevron.

"Take Shell. They've got trucks. They don't have a big refinery. Their overhead is quite different. Their underlying costs are quite different, but we are going to set a cap that is going to be the same for all of them. It doesn't matter.

"I just have real concerns over this bill. I think we are moving too quickly. In one of the editorials that I read in the *Advertiser*, while they were very supportive of doing something

to bring the price of gas down, they admitted that they realized it is complex and there is a lot to be considered before we jump. There are unintended consequences. The price of jet fuel would be adjusted up. Everybody is going to pay more to fly here. That is going to affect our visitor industry. It is a very complicated issue and I think we need more information. Thank you, Mr. Speaker."

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

Representative Bukoski continued, stating:

"Mr. Speaker, I've been listening to all the comments this afternoon, regarding the lack of competition and possible tax credits. From what I've been hearing, I think that some of the concerns I have are that the focus of our discussion has been pretty much towards competition, as far as other fossil fuel competitors coming into Hawaii. And there is discussion that building additional refineries might be too expensive and wouldn't work. I think if we open our imagination to look at other possibilities, we would see the possibility that there may be answers to a lot of our problems that exist in Hawaii including agriculture and fuel, and reducing our reliance on imported fuels.

"There is a facility that is actually going to be blessed, I think, in about 2 to 3 weeks. It is called Bio-Diesel, down on Sand Island Road. I know the owner fairly well. He resides on Maui and he has a facility on Maui. He sells bio-diesel fuel at \$2.30 a gallon and it provides 50% more fuel efficient cost to your travel.

"My point is, and I am really kind of torn because I support one of these bills, but when I look back to the original Senate version, SD 2, it was interesting that Section 1 was completely gutted when we did the House draft. It is kind of ironic because in the Senate draft, we are stating that the State should promote energy efficiency, water conservation, use of renewable energy products, help foster markets for emerging technology like bio-diesel. The Legislature further finds that government should lead by example by mandating a reduction in energy use in the State facilities and use of renewable energy. So by placing a price cap on fossil fuel just seems to me like we are actually increasing the use of fossil fuels rather than reducing it by creating a lower cost. If we allow the market to work itself out, and we allow the market to basically to go in the direction it is headed, it may very well create a niche market for bio-diesel to come in and be competitive with fossil fuels.

"In an island state as we are, where our agriculture industry is now hurting, we are losing sugar and we're losing pineapple, we could replace those agriculture industries with bio-diesel, and grow agriculture that will actually make us self sufficient as an island state. For those reasons, I stand in opposition to this measure."

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

"Thank you, Mr. Speaker. I rise in opposition and a few remarks.

"I do aspire to his head of hair one day, but for the time being, I would agree with the comments of the speaker from Maui. And I agree that basically the bottom line issue is one of competition, and many people have spoken to that. And I think that the problem is the oligopoly, as we call it, and that is in

large part, I believe, created by policies effectuated by government and the legislature over the years.

"I don't think price controls are going to help. They may be a short-term way to try to get back at those bad guys. We do need to continue exploring other ways to deal with this, and frankly I think that one thing that should be considered and discussed in seriousness is the potential for condemning basically, the refineries and the terminals that hold the various products. The reason I suggest that is, in my mind, I equate those facilities much like our infrastructure: our highways, our harbors, our airports. We don't allow United Airlines to own the Honolulu International Airport. We own it. And we allow everybody to come in, charge a fee or what have you. We can contract it out to have somebody operate it for us so the State doesn't have to necessarily get in to it. I am not necessarily advocating for State control of lots of big assets, but the fact is energy is critical to our economy and we want inexpensive fuel, and we don't want to be price-gouged. And perhaps that part of the problem is on the front-end, and that control that we talk about. That we want to be able to seize from them. The control that the private entities have over the importation of the product into this marketplace which allows them to dictate prices as they may be. It is something that perhaps should be explored and looked at, and then let's get out of the rest of the marketplace.

"You know, we don't need additional price caps or regulatory divorcement legislation or whatever. Let it work itself through, and let it work itself out. But it may be perhaps time to talk about what would happen if government controlled those assets, that vital infrastructure to our economy, and allowed whoever would want to come in the door, to come in to the door. And we would charge them all the same minimal fee, cost, whatever it is, and away we go. What would happen? And perhaps those are the kinds of measure that we need to look at. But on this 'instant' measure and the price caps, I just think that it's not going to help, and it's going to hurt what we are trying to really resolve, and the problem that exists. So for those reasons, I am in opposition. Thank you."

Representative Yoshinaga rose to speak in support of the measure with reservations and asked that the remarks of Representative Souki be entered in the Journal as her own, and that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Yoshinaga continued, stating:

"The reservation that I have is that we need to support competition as a solution, and everyone seems to now assume that it is a given, that we have no alternative but to resort to regulation. I would like to encourage further discussion of this because having the unique experience of negotiating exchange agreements and working in the petroleum industry for one of the major suppliers to this State for 16 years, that the best way to encourage competition perhaps would be to consider other alternatives to providing entrepreneurial opportunities to bring in spot cargo, which is always the best way to provide a check and balance in terms of pricing. If the pricing moves up with your current suppliers to such a level that other entrepreneurs are able to bring in spot cargoes in competition with them, that is always an incentive to discipline the market such that the larger supplier would think twice about having elevated profit margins.

"With respect to the barriers to supporting those entrepreneurs from doing that, the current problem is sufficient terminaling. But my understanding is that there may be opportunities for expanded terminaling if the State would support it. And we've discussed that in some of my briefings when I was Energy and Environmental Protection Chair. So I

would still submit that there are other alternatives that we could explore to encourage competition, and we should not dismiss it out of hand. Thank you, Mr. Speaker."

Representative Yoshinaga's written remarks are as follows:

"Mr. Speaker, I rise to speak in support of the intent of Senate Bill no. 2179 SD2, HD1 that would bring relief to consumers who have suffered for too long from the unfair pricing practices of the oil companies who do business in this State. The recent unsatisfactory settlement of the State's anti-trust lawsuit against the oil companies has done nothing to fundamentally change the way they are allowed to do business. The time for this Body to act is now to safeguard the interest of the consumers of this State.

"However, I am disturbed that the solution that is passing through our house is a simplistic formula that does not account for the complexity of the industry we are attempting to regulate. I agree with the widespread notion that the oil companies have us 'over a barrel.' I cannot agree, however, that a simple multiplication of some factor by the price of crude oil is the best way to set our gasoline prices. This session, I have again introduced a package of legislative proposals which would address this lack of data and information. These include:

HB 2338: this bill requires each wholesaler of petroleum products in Hawaii to report its earnings to the State on the basis of total gross earnings, total net earnings, and return on capital employed (ROCE). Any company whose ROCE exceeds 15 percent shall pay the difference between its actual earnings and a 15 percent ROCE to a new special fund for petroleum overcharges that shall be dedicated to educational programs as requested by the DOE and approved by the Governor. Any report from any petroleum wholesaler may be audited by the State annually, at the wholesaler's expense. All information submitted to the State or used by the Auditor will be deemed proprietary and kept confidential.

HB 2335: a proposal that adds a monthly report to the governor of recommended 'fair' prices to the responsibilities of the Petroleum Advisory Council. The rationale behind this initiative is to force the Department of Business, Economic Development and Tourism to provide consumers with some analysis of gasoline pricing information.

HB 2336: a proposal to require the Petroleum Advisory Council to release the excess profitability of Hawaii gasoline sellers versus a benchmark market. This information shall be reported to the Governor, the Speaker of the House, and the president of the Senate and released to the public.

HB 2337: a mandate that wholesale sellers of petroleum products report to the State Attorney General the gross profit and loss statements for the previous quarter. The goal of this proposal is to provide the Attorney General with information to bring any antitrust actions it deems necessary on the basis of these reports. Recognizing that these reports will contain proprietary information, the bill also mandates that the information be kept confidential.

"Furthermore, I believe that these proposals would further promote a healthy debate of this issue and would help this legislative Body make the tough decisions it needs to help all of the consumers of this State. I urge this legislative Body to look into the merits of these measures that I have introduced this Session before it acts to cap the price of gasoline.

"Mr. Speaker, thank you for this opportunity to speak on SB 2179, SD2, HD1."

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

"Thank you, Mr. Speaker. I am in opposition.

"I just want to make three points, Mr. Speaker. I too was a little bit concerned about the program that was presented to the Legislature last week. It was a one-sided program and I think it is always dangerous to just hear one side. I saw representatives from Chevron. I assumed that they were going to be there but I didn't see that, unless I missed it, but they were not invited to participate. I think it is a bad way to go about making policy.

"The second thing that I wanted to mention was in regard to taxes. I paid, I think it was like \$1.53.9 cents per gallon last night on gasoline. Out of that, by my calculation Mr. Speaker, about 54 or 53 cents of that were taxes. Sure it's federal, State and county, but we as a State, and government are part of that, I believe we are either first or second as far as the total tax burden on a gallon of gas. So we, as a State have to take part responsibility for that. So we are kind of in competition for every cent of gas on every gallon of gasoline.

"Third, I am a little concerned that if we look at this, we are talking about capping the wholesale price of gasoline. It seems like a reasonable solution however, I am a little concerned that I am trying to picture how this works out for a company like Tesoro that doesn't really wholesale. They own their company, their distribution, their network. So I think it will be kind of a joke if we set an arbitrary price for them because they're not really worried about invoicing their stations at a wholesale price, and the station makes a profit.

"We understand that we have a problem Mr. Speaker, but I think fundamentally this problem is even deeper and this solution might sound good, but I think it is going to cause us more problems than we need. Thank you, Mr. Speaker."

Representative Pendleton rose to speak in support of the measure and asked that the remarks of Representative Case and Rath be entered in the Journal as his own, and that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Pendleton continued, stating:

"Thank you, Mr. Speaker. I am rising in support of this measure.

"Mr. Speaker, my general inclination is for free market. I believe that competition and having more players, offering more types of services and products, brings prices down. It is good for the consumer. It is good for entrepreneurs. However in certain settings, the unique circumstances make it so that the market is not working properly, that there is actually a market failure. I think that nationally when you look at President Nixon's Administration, probably the biggest mistake he made was to institute price controls. That was the biggest mistake he made. Lying, covering up Watergate was an illegal thing. But the biggest mistake was he was to introduce price controls.

"But here in Hawaii, as the Representative from Kona said earlier, we are a much smaller marketplace than the continental United States. In fact, we are much smaller than many municipalities, a number of municipalities. So it seems to me that extraordinary circumstances sometimes require extraordinary solutions.

"I don't think this is a perfect panacea. I don't think it's a 'silver bullet.' But I think it is maybe something that we can work with, in the meantime, until some point in the future when hopefully there can be more players in this market and there

can be true competition. So I am going to support this measure at this time Mr. Speaker. I'd also like to incorporate the remarks of the gentlemen from Manoa as well as Kona. And I would also like to insert some additional remarks, Mr. Speaker. Thank you."

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill number 2179, Senate Draft 2, House Draft 1, relating to energy efficiency in state facilities and maximum wholesale gasoline prices.

"At the outset, Mr. Speaker, let me point out that this bill has two very distinct aspects. Let me begin at the beginning.

"Section 196-B is entitled 'Greenhouse gases reduction goal.' This heading makes clear that each agency shall reduce its greenhouse gas emissions attributed to facility energy use by thirty per cent by January 1, 2012, compared to emission levels in calendar year 1990.

"Now I know that we cannot legislate that new technology be developed. We cannot magically legislate that there be fewer greenhouse gases emitted. But we can put into the law incentives and goals and targets to move technology along. We must at least do something, for truly the question of greenhouse gas emission is a serious one. It is not just something alarmists worry about.

"The Enhanced Greenhouse Effect is a phenomenon that should be taken seriously. The earth has a blanket of gases called 'greenhouse gases' that absorb infra-red radiation coming from the sun. The gases absorb more radiation than they emit back into space. This causes the earth's atmosphere to warm and the surface temperature to rise. The net incoming solar radiation equals the net outgoing infrared radiation. This is called the Natural Greenhouse effect.

"This natural occurrence is not what we are worried about today. As a state and overall as a country, we are worried about the Enhanced Greenhouse Effect. This occurs when excessive greenhouse gases are released into the atmosphere, allowing more infra-red radiation to be absorbed and trapped which causes the surface temperature to rise. This 'global warming' enables the earth to release the extra energy.

"Less than 1 percent of the atmosphere consists of greenhouse gases. The major gases are methane, nitrous oxide, chlorofluorocarbons, ozone, and carbon dioxide. The levels of all of these gases are affected by human activity. The industrial boom after the 1850's and the recent technology boom has increased human activity drastically as to affect these levels.

"In 1994, the United States was responsible for approximately 1/5th of total greenhouse gases, according to the United States Environmental Protection Agency. The United States has begun to work on a plan to reduce national greenhouse gas emissions. It is estimated that the United States will produce nearly 183 metric tons of greenhouse gases per million dollars of gross domestic product. President George W. Bush just announced an alternative to the Kyoto Protocol in February which would ask for volunteer businesses to register with the federal government in order to monitor their greenhouse gas emissions. The Administration is attempting to reduce the greenhouse gas emissions by 18 percent in 10 years. Those that do so would eventually be able to receive government subsidies to further reduce their greenhouse gas emissions.

"Mr. Speaker, Hawaii should be following in the footsteps of our nation. The Enhanced Greenhouse Effect is certainly not

limited to any part of the world, and we as a state should do our part in controlling our greenhouse gas emissions. Heating homes and businesses and driving our cars accounts for 80 percent of carbon dioxide emissions.

"According to the EPA, Honolulu's average temperature has risen 4.4 degrees Fahrenheit in the past 100 years. Our hydrological cycles have been affected as well, as rainfall has decreased nearly 20 percent in the same period of time.

"The Hong Kong Observatory has released a study showing data gathered from the Mauna Loa Observatory. The study tracks the amounts of the greenhouse gases in the atmosphere in parts per million by volume. The study shows that carbon dioxide gases have steadily increased by 48 parts per million by volume since 1960. There was a steady trend in the amount of carbon dioxide released, with a steeper trend upwards in the 1980s and 1990s.

"While it is unclear as to what the exact effects global warming will have on Hawaii in the next century, we need to be aware of the proposed impacts. Scientists from the Hong Kong Observatory have outlined several impacts that may or may not happen within the next two centuries, including effects on agriculture, aquatic systems, and the hydrological cycle—all of which affect this State.

"Currently the State of Hawaii has a peculiar reverse market situation. Usually, competitors will charge less than their competition in order to steal business away. However, in Hawaii a gasoline competitor will set the price of gasoline a few cents higher than everyone else, and the other companies soon follow suit.

"This bill takes into consideration the fluctuations of crude oil prices within the world market. There are provisions for manufacturers or jobbers to petition for a readjustment of the gasoline wholesale prices in the event that a major variation occurs throughout the world. Should the petition be accepted and the price of gasoline raised, the public will be informed by a publishing through the department of business, economic development, and tourism. They will know exactly why the gas prices are high, unlike the current situation in which most citizens grudgingly pay the high prices of fuel without really knowing why.

"Mr. Speaker, I am an advocate of protecting our environment as well as a gasoline consumer.

"So for these reasons, Mr. Speaker, I support Senate Bill 2179, Senate Draft 2, House Draft 1 which adds a new part to energy efficiency in state facilities; requires DBEDT to establish quarterly maximum wholesale gasoline price for Hawaii, and prohibits oil companies from charging more than the maximum price to retailers while establishing civil penalties. I urge all my colleagues to support its passage. Thank you, Mr. Speaker."

Representative Moses rose to speak in opposition to the measure and asked that the remarks of Representatives Souki, Bukoski, and Ontai be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"Thank you, Mr. Speaker. In opposition. I was starting to get persuaded by our good fellow Representative from Kona, but I listened to the other Representatives too. I'd like to first of all incorporate the words of the Speaker Emeritus, in fact the Maui delegation, also the Representative from Kula, and also the Representative from Mililani.

"You know I am very concerned about the gas prices but I also believe in the free market and I may be persuaded to vote in favor of this measure if, out of Conference, I see that we are capping the State taxes as much as we are capping the oil prices. Because, as was brought out, 52 cents for every gallon is taxes. Basically we should put our money where our mouth is, you know. We are talking about capping profits but we won't cap ourselves and we are responsible for some of that burden that is placed on the tax payers."

Representative Marumoto rose to respond, stating:

"I only rise because I think I heard the Representative from Manoa refer to the Representative from Waialae-Kahala as a proponent of regulation. Since I am the only one from Waialae Kahala, I might have heard wrong, but I would like to refute that.

"I am opposed to regulation of oil companies, and in fact voted against an earlier bill that would have put the oil industry under the Public Utilities Commission. But I am not at all certain that in order to achieve lower prices we should set one price for gasoline. To me, that is price fixing. Because there is a big difference in oil companies, some have refineries and some do not, and some are big and some are not. Some have higher costs and some have lower costs, some have heavy liability and others not so heavy. Some make a lot of money and others do not. So I just want to reiterate that a uniform, one size fits all policy or price may not work here in Hawaii, or for that matter, anywhere."

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 Third Reading by a vote of 43 ayes to 8 noes, with Representatives Bukoski, Davis, Djou, Fox, Gomes, Meyer, Moses and Ontai voting no.

The Chair directed the Clerk to note that SB Nos. 2669, HD 1; 2900, HD 1; 2615, SD 2, HD 2; 2774, SD 2, HD 2; 3063, SD 2, HD 2; 484, SD 1, HD 2; 2505, SD 1, HD 2; and 2179, SD 2, HD 1 passed Third Reading at 2:13 o'clock p.m.

RECALL FROM COMMITTEE

Representative M. Oshiro moved that S.B. No. 2234, SD 2, HD 1, be recalled from the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

The Chair then announced that the required 20 days had lapsed for a recall, and that S.B. No. 2234, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION," had been recalled by unanimous consent and was brought to the floor for action.

Representative M. Oshiro moved that S.B. No. 2234, SD 2, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Hamakawa then offered the following floor amendment to S.B. No. 2234, SD 2, HD 1:

Senate Bill No. 2234, S.D. 2, H.D. 1 (RELATING TO SEXUAL EXPLOITATION), is amended by deleting its substance and inserting new provisions to create a H.D. 2. As amended, this bill shall read:

"SECTION 1. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§707— Failure to maintain age verification records of sexually exploited individuals. (1) A person commits the offense of failure to maintain age verification records of sexually exploited individuals if, with the intent to profit therefrom, the person knowingly provides sexually exploited individuals to patrons or customers of a public establishment or to provide sexually exploited individuals to a private club or event, and the person:

- (a) Knowingly fails to create and maintain age verification records for each sexually exploited individual;
- (b) Knowingly makes or causes to be made any false entry into the age verification records of sexually exploited individuals required by this section; or
- (c) Knowingly fails to produce the age verification records of sexually exploited individuals required by this section upon request by a law enforcement officer for the purpose of verifying the age of a sexually exploited individual.

(2) Failure to maintain age verification records of sexually exploited individuals is a class C felony.

(3) For the purposes of this section:

"Age verification records of sexually exploited individuals" means individually identifiable records pertaining to every sexually exploited individual provided to patrons or customers of a public establishment or in a private club or event. Such records shall include:

- (a) Each sexually exploited individual's name and date of birth, as ascertained by an examination of the individual's valid driver's license, official state identification card, or passport;
- (b) A certified copy of each sexually exploited individual's driver's license, official state identification card, or passport; and
- (c) Any name ever used by each sexually exploited individual including but not limited to maiden name, aliases, nicknames, stage names, or professional names.

"Erotic or nude massager" means a nude person providing massage services with or without a license.

"Escort" means a person hired by another person or who is directed to meet with another person by a third person, for the purpose of accompaniment and providing nudity, erotic or nude massage, nude or exotic dancing, or sexual conduct with the other person for a fee.

"Exotic or nude dancer" means a person performing, dancing, or entertaining in the nude, and includes patrons participating in a contest or receiving instruction in nude dancing.

"Intent to profit" means the intent to obtain monetary gain.

"Nude" means unclothed or in attire, including but not limited to sheer or see-through attire, so as to expose to view any portion of the pubic hair, anus, cleft of the buttocks, genitals or any portion of the female breast below the top of the areola."

"Sexually exploited individuals" means:

- (a) Erotic or nude massagers;
- (b) Escorts; and
- (c) Exotic or nude dancers."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval."

[NOTE: Said floor amendment was filed with the House Clerk on this date at 12:59 o'clock p.m., April 9, 2002, and placed on the members' desks pursuant to Article III, Section 15 of the Hawaii State Constitution.]

Representative Hamakawa moved that the floor amendment to S.B. No. 2234, SD 2, HD 1 be adopted, seconded by Representative B. Oshiro.

Representative Hamakawa rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. This measure before us is regarding sexual exploitation of minors, and there was a bill before the Committee on Judiciary and Hawaiian Affairs. In discussions with the Prosecutor's office Mr. Speaker, we felt that the way to put 'teeth' into the bill, into the measure, into the law, would be to put the onus on business owners who have these kinds of businesses: nude dancing, nude massaging and escort services, that they maintain age verification records of the people they employ. In instances where those records aren't maintained, there is a stiff penalty for it. If they know they are employing minors who shouldn't be in this business, then there is a penalty for that. In speaking to the Prosecutor's office, they feel that this is a strong law with 'teeth' in it, that is enforceable, that they are going to be able to get convictions on.

"By way of background Mr. Speaker, I was asked earlier that if we support this, why didn't we bring it out to the Floor as a regular bill? Just for some background information Mr. Speaker. There was H.B. 2428, Relating to Age Verification of Sexual Performers, that was passed by this Body earlier this year, and sent over to the Senate. It passed Third Reading today and it is coming back. So that measure is going to be before us in Conference.

"Secondly Mr. Speaker, there was a measure last year regarding this same issue that is currently in Conference. So we already have these two vehicles that we are dealing with. So we really do feel that bringing this out at this time wasn't all that necessary. However, in talking to the members of this Body Mr. Speaker, we felt that it was the strong preference of the Body to bring this measure out. If not only as a restatement of our position, that we should protect minors who are in this business, and for that reason Mr. Speaker, I urge this Body to support the amendment, as offered, and to pass it on Third Reading. Thank you."

Representative Djou rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I am rising in favor of the floor amendment.

"Mr. Speaker, thank you very much, and I would like to thank the Majority for working with us to get this measure passed. It is important for us to restate and pass this piece of legislation.

"The objective of this Sexual Exploitation of Minors Act is to stop the exploitation of individuals under the age of 18 from working in the sex trade. Mr. Speaker, I would have much preferred a bill that quite simply, and quite clearly states that if you are under the age of 18, you should not be working in any establishment where you have erotic or nude massaging, escort, exotic or nude dancing. Instead, this measure is a good compromise. It requires proprietors of such establishments to maintain and verify the age of such individuals. That, that person does get such verification and knowingly hires someone under the age of 18, prosecutors can prosecute them for corruption of a child. If they fail to maintain such records, we can get them under this particular Act and that proprietor cannot claim the defense of not knowing that this individual was under the age of 18. This is an important measure. This is something that we need and I am very happy to support this. Thank you."

Representative Halford rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, in support, and just briefly. It is very gratifying to see that the useful tool of recall is now a regular part of our 'tool kit.' And I hope that the veto override will become so soon."

Representative Arakaki rose to speak in support of the proposed floor amendment, stating:

"I am in support and I would like to thank both the Chair and the Vice Chair of Judiciary for their work in improving the bill. It did come from your Committee on Health. And as the Health Chair, I would like to offer my concurrence with the amendments. Thank you."

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

"I am rising in favor Mr. Speaker, I am just so happy that we are here and able to debate this. I don't think that anybody will debate this particular measure. But it is just a grand and glorious day here in Hawaii when we can recall a bill and debate it openly on the floor."

Representative M. Oshiro rose to speak in support of the proposed floor amendment, stating:

"I am in strong support of the measure and this amendment. I just encourage all the members to vote to support it. I know that there are probably some members from the Small Business Caucus that might object to this measure, especially in that it might impact the erotic nude massage business, the escort business, and the exotic and nude businesses. They have their advocates here also Mr. Speaker. I encourage all members to strongly support this measure. Thank you."

Representative Meyer rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in strong support of this amendment. It is a happy surprise, given that we tried to recall this bill a few days ago and now that the Majority has brought it to the Floor, I will enthusiastically support it. This is an extremely important bill because young girls are preyed upon everyday. For many of them it is kind of exciting to get into this adult kind of business. And it starts off being not sex at all. It is attention, and that is what young girls want. They thrive on attention. That is why what has been going on in this town and in towns all across the United States. It is so seductive and it is really the first step to moving young girls into the business of prostitution. That is why this bill is so very important and we are doing a very good thing today. I am just proud to be a part of it."

At this time, Representative Whalen called for the previous question, seconded by Representative Rath.

The motion was put to vote by the Chair and carried, and the floor amendment to S.B. No. 2234, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION," was adopted with Representatives Kahikina and Stonebraker being excused.

At 2:22 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 2:22 o'clock p.m.

At 2:23 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:59 o'clock p.m. with the Vice Speaker presiding.

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1221-02) recommending that S.B. No. 2266, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that notwithstanding the report of the Committee, S.B. No. 2266, SD 1, HD 2, be recommitted to the Committee on Finance, seconded by Representative Lee.

The motion was put to vote by the Chair and carried and notwithstanding the report of the Committee, S.B. No. 2266, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was recommitted to the Committee on Finance with Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1222-02) recommending that S.B. No. 2635, SD 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. 2635, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1223-02) recommending that S.B. No. 2331, 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. 2331, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1224-02) recommending that S.B. No. 2382, SD 2, as amended in 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. 2382, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1225-02) recommending that S.B. No. 2709, 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. 2709, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION

CENTER," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Gomes voting no, and Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1226-02) recommending that S.B. No. 2350, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2350, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Madame Speaker, in opposition.

"We cut a deal when we passed the Transient Accommodations Tax. Basically it made a lot of sense. We took a portion of the revenue that came from the visitor industry to begin with. We said that if you guys do a good job, you are going to make more money, and there is going to be more money in that tax. If you do a lousy job, it is going to be less money. There'll be less money in that tax. Now we propose to break that deal, and it is really absurd because we need that money in order to attract more people to Hawaii, in order to build our visitor base and to generate revenue that can be used to fix our natural resources and take care of our environmental lands that need protection.

"All of the good things that we want to do in Hawaii depend on a healthy tourism industry. So it is basically 'cutting off' our nose to spite our face' to interfere with the marketing of Hawaii's tourism, and it is contrary to what we originally agreed to when we set up this Transient Accommodation Tax program to support our tourism fund in the HTA. Thank you, Madame Speaker."

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 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 38 ayes to 7 noes, with Representatives Djou, Fox, Halford, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1227-02) recommending that S.B. No. 2094, SD 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. 2094, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1228-02) recommending that S.B. No. 2729, SD 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. 2729, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Halford voting no, and Representatives Arakaki,

Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1229-02) recommending that S.B. No. 2730, SD 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. 2730, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MERGERS," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Garcia, Rath, Whalen, Yonamine and Yoshinaga being excused.

The Chair directed the Clerk to note that SB. Nos. 2635, SD 1; 2331, SD 2, HD 2; 2382, SD 2, HD 1; 2709, SD 2, HD 2; 2350, SD 2, HD 2; 2094, SD 2; 2729, SD 2; and 2730, SD 1 passed Third Reading at 3:02 o'clock p.m.

LATE INTRODUCTIONS

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

Representative Kahikina introduced a group of students from Guatemala participating in a U.S. Department of State intercultural program.

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1230-02) recommending that S.B. No. 2732, SD 1, 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. 2732, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1231-02) recommending that S.B. No. 2733, 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. 2733, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1232-02) recommending that S.B. No. 2883, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2883, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am in opposition to the motor vehicle limited license proposal.

"To sell insurance is part of a continuing battle between the rental car companies and the people who care about the visitor experience in Hawaii. Basically, we figured out some years ago that people were being 'double-sold' insurance. They had their own insurance when they came before the counter to rent a car, and the rental car companies were pushing on them additional coverage that they didn't really need. We eventually passed a law that took away the commissions and stopped that business so that people weren't essentially being 'ripped-off' when they came to Hawaii to rent cars.

"Now this is coming back through the door from another angle to try to put people who rent cars in the business of 'hawking' insurance to people who are visiting. One out of every four of those people who rents a car in Hawaii is a Hawaii resident and these are the victims of these efforts, along with the tourist that we hope to give a nice experience of Hawaii to and attract back, so it is a big mistake to encourage this kind of activity. And I am speaking here not only on my behalf, but on behalf of the Office of Consumer Protection, which testified against this bill. Thank you, Madame Speaker."

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 Third Reading by a vote of 38 ayes to 9 noes, with Representatives Auwae, Fox, Halford, Jaffe, Leong, McDermott, Meyer, Morita and Thielen voting no, with Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1233-02) recommending that S.B. No. 2885, 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. 2885, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1234-02) recommending that S.B. No. 2724, 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. 2724, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1235-02) recommending that S.B. No. 251, 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. 251, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Thielen voting no, and Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1236-02) recommending that S.B. No. 2723, SD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2723, SD 1, pass Third Reading, seconded by Representative Lee.

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

"My opposition is two fold. The first of my objections is that by merging the individual funds in the Department of Commerce and Consumer Protection, it is difficult for us as legislators, particularly if we are not on the Finance Committee to determine whether the individual programs are running in deficit or piling up a huge surplus. We would have to trust that the Department will use the funds judiciously. And that the money committees will 'ride herd' on the Department.

"Secondly, I am concerned that fees may increase. And of course, in the course of time, there may be a gradual increase in inflation or increased cost. But I am concerned because the new amalgamated fund may lead to greater increases than just inflation or time-lapsed. The fund may be used to buy a building, in other words, real estate.

"In questioning by the Consumer Protection Committee, the Department's spokesperson said that the DCCA new amalgamated fund may be used to purchase or back up buys to purchase the Post Office building in Downtown Honolulu. Madame Speaker, I don't necessary oppose the State purchasing new offices or even the Post Office building. It is a very attractive building, but that is another argument. When I asked whether license fees might be increased as a result of the purchase, the spokesperson said that the Department is of course, very reluctant to raise fees. But at some time, an increase might be in order because of the purchase. I have no idea whether there is a plan or line item in the House or Senate budget to support the DCCA 'wish list.' I simply report this conversation, which took place in the House CPC Committee.

"In these times with our weak economy in Hawaii, I think we have to be very sensitive to raising business and professional fees. It would be an imposition, literally, on a beleaguered business community. That is my basic reason for voting no."

The motion was put to vote by the Chair and carried, and 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 Third Reading by a vote of 37 ayes to 10 noes, with Representatives Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, Meyer, Moses and Thielen voting no, and with Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1237-02) recommending that S.B. No. 940, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 940, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am rising in opposition to this measure.

"I am very concerned that with the passage of this legislation by affording claim rights to third parties to claim against mutual benefit societies and HMOs, we're basically expanding

'deep pockets' for plaintiff lawyers. We are going to make Hawaii even more litigious than it already is, and make it more difficult for health insurance companies to survive than it already is. We have too few health insurance providers here in Hawaii. And we are going to make it more hostile for businesses to operate here in this State. Because I don't like to see an expansion of litigation here in Hawaii, I am standing in opposition to this particular measure."

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

"Thank you, Madame Speaker. I'm in opposition. I just think essentially, this is going to lead to increased healthcare costs and we shouldn't be voting for it for that reason. Thank you."

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

"Thank you, Madame Speaker. I rise in opposition to this measure.

"I just want to bring the House members' attention to the Committee Report that shows that only the Consumer Lawyers of Hawaii, Hawaii Claims Managers Association and three individuals testified in support of this measure. The DCCA offered comments, and then there is this great long list of people that were opposed to the bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 940, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES," passed Third Reading by a vote of 31 ayes to 16 noes, with Representatives Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, Meyer, Moses, Ontai, Rath, Stonebraker and Thielen voting no, and with Representatives Arakaki, Garcia, Yonamine and Yoshinaga being excused.

The Chair directed the Clerk to note that SB Nos. 2732, SD 1, HD 1; 2733, SD 2, HD 1; 2883, SD 1, HD 1; 2885, SD 2, HD 1; 2724, SD 2, HD 1; 251, SD 2, HD 1; 2723, SD 1; and 940, HD 2 passed Third Reading at 3:13 o'clock p.m.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1238-02) recommending that S.B. No. 2336, 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 that S.B. No. 2336, SD 1, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. Just very briefly, I rise in support of this measure.

"This bill is kind of like an old friend. In the mid-1990s when I served under the current Chair of the Consumer Protection Committee, on the Transportation Committee, we started to try to work on teen driving. It was very obvious that was a problem. We proposed and eventually accomplished a form of graduated drivers licensing, which was initially opposed by some members of the Legislature but has since proven to be a good thing and, I think, has contributed to saving lives.

"The unfinished business there was basically teens driving at night, in the deep night. Not just getting to a school game or

getting to work in the morning, but the 'wee' hours. Basically teens were out driving during the time when the curfew was in effect.

"And so I am happy to see this bill here. I guess the only caution I would provide to the Conference Committee on this is that it seems like we are 'carving out' a fair number of exceptions here. I wouldn't want to carve too many exceptions out, otherwise we might not end up with what we seek. Let's just get this job done. We've been ahead of the rest of the country in terms of graduated driver licensing, and I'd like to have us continue to be there. 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. 2336, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Third Reading by a vote of 42 ayes to 6 noes, with Representatives McDermott, Moses, Ontai, Rath, Stonebraker and Whalen voting no, and with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1239-02) recommending that S.B. No. 2337, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2337, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am in support and have some comments.

"I am supporting this for the time being. I am concerned though that this particular measure does not include the graduated penalties. And I think the ultimate penalty that we need to effectuate on these violators would be either forfeiture or impoundment of the vehicle. I think that is the way that we need to go to send a very strong message to folks that are racing on our highways at excessive speeds or otherwise, that this just is not going to be tolerated. The current penalties, and even the penalty here is just not enough of a deterrent in many cases. In fact, I think it was last summer, one of the racers who killed one of our drivers had already been ticketed three or four times, and paid a few hundred dollars each time they were fined, and it did not seem to do much to dissuade them from that activity.

"These folks put a lot of money, evidently, into these vehicles and I think the key message we want to put across is that if you are going to continue to do this, you just don't deserve to own that vehicle. You don't deserve that right. You don't have a right to get out and drive recklessly on our highways, and endanger life and land, including your own.

"So I will support this for now. I will call it a 'work in progress.' But I definitely think it needs to be 'beefed up' and in fact the current law, I believe, makes it even harder to prosecute an offender because of the burden of proof that the prosecutor would need to come in with, to clock a driver at 30 miles plus, whatever it might be. Be that as it may, I will support this for the time being."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2337, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," passed Third Reading by a vote

of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1240-02) recommending that S.B. No. 2898, 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. 2898, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1241-02) recommending that S.B. No. 2628, 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. 2628, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1242-02) recommending that S.B. No. 2231, SD 1, as amended in 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. 2231, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAHŌ'OLAWĒ ISLAND RESERVE," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1243-02) recommending that S.B. No. 2270, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2270, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

Representative Marumoto's written remarks are as follows:

"As an American of Japanese ancestry, I strongly support Section 4 of this SB 2270, SD2, HD2 calling for teaching positions for the purpose of educating public school children about the internment of Japanese-Americans during World War II.

"This tragic event is of great historical significance to the people of Hawaii, since 1,500 of our citizens were interned on Oahu's Honouliuli near Pearl Harbor. There are valuable lessons to be learned about the exclusion, removal and detention of our Japanese parents and grandparents versus the inclusion, participation and empowerment of the *nisei* veterans who participated in the war effort.

"I agree with the need, as expressed in Section 4, to develop curriculum materials to complement and augment resources

currently available on the subject. Videos, plays, presentations, speaker bureaus and exhibitions for presentation to public elementary and secondary schools need to be developed. Oral histories, documentary materials and other artifacts from various *nisei* veterans' organizations and other sources need to be coordinated and utilized. Also needed are contracts with specific museums, archives and other related organizations to provide technical assistance on the subject to the Department of Education.

"To implement all of this right now, given our present deflated economy, may be too expensive. At the very least, however, it is my contention that a curriculum should be developed so teachers will have at their disposal guidelines and materials they can use to instruct their students.

"In these uncertain and troubled times, it is more important than ever that we teach future generations about the mistakes our country made in the past. The price of peace should never again be gained at the expense of our own citizens' human rights, dignity and well-being."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2270, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1244-02) recommending that S.B. No. 2284, 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. 2284, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1245-02) recommending that S.B. No. 2680, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2680, HD 1, pass Third Reading, seconded by Representative Lee.

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

"I am rising to speak in favor of S.B. 2680, which is Standing Committee Report 1245.

"Madame Speaker, this bill will improve the way in which our State contractor, DAGS, is able to handle projects. The Controller shall develop project specifications based on generic specifications or prescriptive specifications. Using standard commercial products and prescriptive specifications may include a qualified product list. This is aimed at improving the construction process for our State facilities.

"Madame Speaker, it is so desperately needed. As of the third week in March, the first list of 35 public elementary schools still didn't have their swing sets in place. And as of the end of the third week in March, 15 were completed, 16 were under way, and others were going to start in April. That is not even talking about the second group of 30 elementary schools that were supposed to be completed by March 25th, that is this last March 25th, not a year from now. So the whole process

needs to be improved. This is a beginning step toward doing that, and I am hoping that before the end of this year, maybe two-thirds of our public elementary school children will be able to have meaningful playground experiences again using playground equipment. Yet it looks as if it won't be possible for more than about 35 to 40 schools before the end of this school year. But I would say that by next September, if it isn't done, then we ought to call those bureaucrats into the Capitol and ask them why they can't get the job done. We appropriated the money two years ago, three years ago for some of it, and the job still is not done. We need to move ahead so our children can be out in the playground with playground equipment. 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. 2680, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

The Chair directed the Clerk to note that SB Nos. 2336, SD 1, HD 2; 2337, SD 2, HD 2; 2898, SD 2, HD 2; 2628, SD 2, HD 2; 2231, SD 1, HD 1; 2270, SD 2, HD 2; 2284, SD 2, HD 1; and 2680, HD 1 passed Third Reading at 3:21 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1246-02) recommending that S.B. No. 2068, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2068, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Madame Speaker, briefly in opposition. It is probably a good measure. It uses the word 'shall' instead of 'may.' If they simply use 'may' instead of 'shall,' I would strongly support this bill."

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 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Halford voting no, and Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1247-02) recommending that S.B. No. 2097, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2097, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Yes, I'd like to stand in support of the Federal Impact Aid Provisions. Thank you, Madame Chair.

"I would like to say that as a member of the Joint Senate-House Felix Committee, we did learn that there was hardly any oversight on the Federal Impact Aid funds and the Department of Defense funds that were received by the Department of Education. This bill now provides accountability for these funds. It requires both the Comptroller to establish new

accounts for all federal funds in each fiscal year, and it prohibits expenditure of these funds without legislative appropriation.

"So, Madame Speaker, fiscal accountability is essential for all the departments and this bill requires this of Department of Education. Thank you. I ask for all your support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2097, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1248-02) recommending that S.B. No. 2792, SD 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. 2792, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1249-02) recommending that S.B. No. 2926, SD 1, 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. 2926, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1250-02) recommending that S.B. No. 3041, SD 1, 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. 3041, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1251-02) recommending that S.B. No. 2512, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2512, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"I am glad that the funding issue is being resolved it seems, with this particular bill, but I am disappointed that the issue dealing with the probationary and tenure issues for the teachers was deleted. I think that is a mistake and I think we need to correct that so that our teachers are treated fairly, no matter what school they teach at. 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. 2512, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 48 ayes, with Representatives Garcia, Hiraki and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1252-02) recommending that S.B. No. 2036, 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 that S.B. No. 2036, SD 1, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am rising in opposition to Standing Committee Report 1252.

"Madame Speaker, this particular measure in my opinion, will severely restrict Charter Schools. Certainly one of the things it does is it reduces the number of New Century Charter Schools from 25 to 23. It also affords the State's ability to put Charter Schools on probation.

"Madame Speaker, I believe that charter schools are an important innovation and should be fully supported however much we can here in this State. I realize that a number of people have concerns with charter schools, and I also realize that charter schools are not the appropriate vehicle for education for everybody. But they are an important reform measure and should be encouraged and should be supported. I think it is too early for our State to suddenly begin curtailing our charter schools. If anything we should be supporting them even further, not restricting them with this measure. Thank you."

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

"I am rising in opposition to this bill.

"It is very disappointing to see this come out of Finance. The bill that was heard in Finance was a very different bill. It was a bill that would have required the DOE to provide transitional funding for the conversion charter schools for its first fiscal year of operation. It deleted the requirement that the increment to the per-pupil allocation provided to a charter school for special education students shall not exceed that provided to other public schools. And it required that the allocation be based on the total Department of Education appropriation for EDN 100, 200, 300, 400, 500. Anyway it was a bill that was supported hardily by principals, people involved in charter schools, the Voyager Public Charter School was one of the testifiers. Kamehameha Schools and several individuals testified. The Hawaii Association of Charter Schools and the Halau Ku Mana New Century Charter Schools opposed the bill.

"At any rate, these people came down and testified and the bill that they were in favor of was changed dramatically in the Finance Committee. It was amended, and as has been said earlier here by my colleague, they reduced the number of charter schools from 25 to 23. I think we passed that number, 25 new charter schools, I think it was 1997 or 1998. So that hasn't taken place actually. Last year in 2001 is when we hit the 25 number. And personally, I had a constituent who had been working for two years to get her school approved, Kalama Ku in Hauula. They were the 25th school. Because they had not gotten a lease on a property that would be approved by the

DOE, they simply didn't make the cut, and they had been funded for two years with federal funds because they were a new charter school. I had hoped that we would increase the number rather than decrease it. Rather, the University of Hawaii Lab School had applied and of course, they had a facility so they became the 25th charter school. There are a few charter schools that are having difficulties and this bill seems to be aimed at making sure that those two go and we'll end up with only 23.

"This is fledgling effort. The federal government recognizes that some of these schools are not going to make it they are going to fail. But it is an experiment and it is not on a grand scale and yet it gives parents choices. And its very disappointing to see that we seem to be moving in the wrong direction going backwards before we have given enough time for this 'baby' to grow and become stronger. The parents that are involved in the charter schools are so enthusiastic they really want to see the schools supported, and it is an uphill battle for them. When we go and start moving in the other direction it is very disappointing for them and for the communities. So for those reasons I cannot support this bill. Thank you Madame Speaker."

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

"Thank you, Madame Speaker I rise in support of this measure. I just want to clarify some comments made by those that have some concerns regarding this bill. We are reducing the number of charter schools from 25 to 23 in statute, because in another bill, we created these things called New Century Conversion Charter Schools. Lanikai and Waialae are those two schools, so in fact we are not losing any number of charter schools by proposing this particular amendment in this bill.

"In addition Madame Speaker, you know we really need to get to 'the heart' of this matter, and 'the heart' really is how effective are these schools? And if they aren't effective, the Department of Education and the Board of Education needs a way to address the deficiencies. And I think if you take a look at the bill itself, the process to place the charter school on probation, is a very fair one.

"The bill allows the BOE to place the charter school on probation for a number of things, including violating applicable State law, failing to adhere to applicable BOE policies or failing to have its students meet statewide student performance standards, incurring expending deficits and not remaining fiscally responsible in other ways. So I think these 5 points need to be stressed. If a school is going to be placed on probation, it is for one or all of these situations.

"In addition, the bill provides for the charter school on probation to submit to the BOE, a corrective action plan, and there is a procedure and process in place that allows these Charter Schools on probation to get out of probation. So I think this is a very fair attempt by us to address some of the concerns that some of us have.

"In addition I just wanted to stress once again that we are not reducing the number of charter schools from 25 to 23 because we do have Lanikai and Waialae that are going to be falling into a different category, New Century Conversion Charter Schools."

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

"Thank you, Madame Speaker. I rise in opposition. I think in fact, the heart of matter is that we have an ineffective

Department of Education, and some later bills are going to deal with that with regard to reform that should be taking place.

"This particular measure before us is an anti-reform bill, and I think it just reflects an institutional bias against success, creativity and innovation. To me, it is what is referred to in the well-known song called, *Another Brick in the Wall* by a popular rock group called Pink Floyd, and I think this is a brick, and I am opposed."

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

"Thank you, Madame Speaker. I am opposed to this measure. First, I'd like to say that charter schools are an important reform. We've seen them work in other states. Not every student may benefit from a particular charter, but the reason why you have a number of charter schools is so that you can have a variety of learning opportunities and different styles of teaching, perhaps with even different emphasis. The whole purpose of charters is to add some competition into the public school system. The whole tone and tenor of this particular measure is very anti-charter.

"One of the earlier speakers had referred to the fact that technically, we are not reducing because of the conversions. We are still at 25. My question is: Why do we even have a cap at all? If parents and educators are eager to get together to be innovative and creative and come up with a new place and a new option for students, we should be encouraging and facilitating that. Not trying to discourage that. Sure this measure says that the BOE can place the charter school on probation for various kinds of problems. But Madame Speaker, those parents will learn of those problems long before. Long before some bureaucrat in downtown Honolulu is going to find out about it.

"People who send their kids to charter schools are active in education and taking a particularly active role in the education of their *keiki*. They are seeking these schools out being part and parcel of founding these schools and bringing them to fruition. We already have enough hurdles and hoops on the part of the DOE to make sure that very few of these can come into existence. The cap is totally unnecessary because the DOE is doing a good job of trying to keep these schools from coming into existence. I just want to say that I oppose this measure because this seems to say that we need to be worried, cautious, concerned about these 'dangerous' charter schools. They may do something dangerous to our youngsters. Well how much worse than the regular system can they be?"

"We need to be innovative. We need to be open to change. I don't see these schools as a threat to the DOE, but as a compliment to what they are already doing. I happen to live in a good district and my son goes to Keolu Elementary, and he is having a fantastic time, but that is no argument for not allowing schools that of a charter nature to come into existence. So for those reasons Madame Speaker, I oppose this particular measure."

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

"Thank you, Madame Speaker. Briefly, this is a painful process to watch. First we failed in our initial charter bill laws, which is one of the weakest in the country by allowing DOE sole control over who got a charter. In all other areas that I am familiar with, if you can't get a charter from your local school board, you have another option. You can go somewhere else to get that charter. And that is designed to get the charters out from under the oppressive bureaucratic control of an operation that doesn't want them to thrive because they are different from

the standard DOE run schools. So mistake number one was allowing DOE complete control over the process, and now that they do have control over the process, they are essentially 'going into the crib and strangling the baby.' And it is a really sad thing to watch. This is a bad bill and we have to try to stop it. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I agree with the previous speaker. In particular this singling out is what bothers me. If we have problems with public schools breaking laws or going into debt or over-extending their budget, they all should be answerable. This singling out is what bothers me. We are picking on these 'infant' schools, this innovation. These attempts to step 'out of the box,' to step out of this line of mediocrity that some perceive. Some parents have chosen to go this other route. By singling them out, that is wherein lies the weakness and the problem with this bill. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I too have a problem with the singling out. Especially with the portion where we say that if they go into debt. Because we know the problem there is they are not given the sufficient funds by us and they go into debt. It is no fault of their own. Now if we want to audit all of the public schools, I would be happy with that. And if any of them go into debt, then they are in serious problems. But right now we are going to audit the charter schools. Thank you, Madame Speaker."

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

Representative Takai rose to respond, stating:

"Just briefly, Madame Speaker. A few points. First of all, the Legislature, when we first created the charter schools, did not fund it, so we need to be honest with ourselves. If we are going to expand the charter school movement, we need to fund it because in fact what is happening is the Department of Education has had to take out \$13 million out of their funds to fund these charter schools.

"The other fact is this there are charter schools with less than 60 people. I think one as small as 40 students in it. If you take a look at a school structure with just 40 students, there is no efficiency there, and those schools in particular cost a lot.

"And the third thing is this there are a number of schools right now, the 23, that are in deficit spending. And you can say that they are not given enough money. The fact is that we came up with a formula that the Legislative Auditor decided on, the per pupil allocation for these charter schools, and even in spite of that, these schools have continued to spend more than what the law currently provides. So what are we left with is that there are no provisions in the law to put these schools on probation.

"There are no provisions in the law that give the BOE or the DOE to suspend or revoke a charter. So does that mean that we just continue to let these schools spend all the money that they want and let them go on their merry way? Maybe go on next year spending \$26 million? And having the BOE and DOE given the responsibility to find that money within their budget?"

"Finding the money in their budget means to go into EDN 100 and to cut their budget even more, and that means for all of

us, going into our schools and their budgets and reducing their budget so that we can pay for deficits that these charter schools have run up. I think that this is a fair proposal that provides for a process by which the Department and the Board can put a strong probation on them should they meet those five criteria, and to help the schools come out of it. So I strongly urge my colleagues to support this measure. Thank you."

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

"Thank you, Madame Speaker. Briefly in opposition. Just wanted to clarify a couple of points. One is that charter schools are public schools and they are under the purview of the DOE.

"Secondly, that deficits that have been run with any of the charter schools have been for two reasons. One is that they anticipated a higher per-pupil allocation. That amount was reduced after the last computation. And more importantly, the State didn't send them the money that they were owed. They were operating without having received the money that was due them. In those circumstances it's hard to not run a deficit. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Madame Speaker. I am rising for the second time. A point of information. Did I hear correctly that there is economy of scale when we operate larger schools? If that is so, then why do we require multi-track funding for schools in my area and in the central Oahu region when there are supposed to be such an economy of scale in having large numbers of students. Thank you, Madame Speaker."

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 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 29 ayes to 19 noes, with Representatives Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker, Thielen and Whalen voting no, and with Representatives Garcia, Hiraki and Yoshinaga being excused.

The Chair directed the Clerk to note that SB Nos. 2068, SD 2, HD 2; 2097, SD 2, HD 2; 2792, SD 2; 2926, SD 1, HD 2; 3041, SD 1, HD 1; 2512, SD 2, HD 2; and 2036, SD 1, HD 2 passed Third Reading at 3:41 o'clock p.m.

At 3:41 o'clock p.m. the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:56 o'clock p.m. with the Speaker presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1253-02) recommending that S.B. No. 2102, SD 1, HD 1, pass Third Reading.

Representative Ito offered the following floor amendment to S.B. No. 2102, SD 1, HD 1:

SECTION 1. Senate Bill No. 2102 SD1 HD1 is amended by amending section 1 of the bill to read as follows:

"SECTION 1. The purpose of this Act is to propose amendments to the state constitution to:

- (1) Abolish the state board of education and replace it with locally elected district school boards of education;
- (2) Establish a superintendent selection commission;

- (3) Require the governor, by and with the advice and consent of the senate, to appoint the state superintendent of education from a list of not fewer than four, and not more than six, nominees for the vacancy, presented to the governor by the superintendent selection commission;
- (4) Empower the superintendent, as provided by law, to formulate statewide educational policy;
- (5) Empower the locally elected district school boards of education, as provided by law, to implement the statewide educational policies and to formulate and implement local district objectives; and
- (6) Require that the internal organization of the statewide system of public education shall be as provided by law."

SECTION 2. Senate Bill No. 2102 SD1 HD1 is further amended by amending section 2 of the bill to read as follows:

"SECTION 2. Article XVIII of the Constitution of the State of Hawaii is amended by adding a new section to be designated and to read as follows:

**"EFFECTIVE DATE FOR SUPERINTENDENT OF
EDUCATION AND LOCALLY ELECTED DISTRICT
SCHOOL BOARDS OF EDUCATION**

Section . The amendments to Article X in Sections 2 and 3 shall take effect following ratification and upon the day the locally elected district school boards of education begin functioning as provided by law."

SECTION 3. Senate Bill No. 2102 SD1 HD1 is further amended by amending section 4 of the bill to read as follows:

"SECTION 4. Article X, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

**"POWER OF THE [BOARD OF EDUCATION]
LOCALLY ELECTED DISTRICT SCHOOL BOARDS
OF EDUCATION**

Section 3. [The board of education shall have the power, as provided by law, to formulate statewide educational policy and appoint the superintendent of education as the chief executive officer of the public school system.] There are established locally elected district school boards of education as provided by law. The locally elected district school boards of education, as provided by law, shall implement statewide educational policies formulated by the state superintendent of education, and shall formulate and implement local district objectives."

SECTION 4. Senate Bill No. 2102 SD1 HD1 is further amended by amending section 6 of the bill to read as follows:

"SECTION 6. The question to be printed on the ballot shall be as follows:

'Shall the state board of education be abolished and replaced with locally elected district school boards of education with the state superintendent of education appointed by the governor from a list of nominees submitted by a commission? "

[NOTE: Said floor amendment was filed with the House Clerk on this date at 2:29 o'clock p.m., April 9, 2002, and placed on the members' desks pursuant to Article III, Section 15 of the Hawaii State Constitution.]

Representative Ito moved that the floor amendment to S.B. No. 2102, SD 1, HD 1 be adopted, seconded by Representative Pendleton.

Representative Meyer rose to a point of inquiry, stating:

"Mr. Speaker, a point of inquiry. I can't find the amendment on my desk here."

The Chair apologized, stating:

"I am sorry if the Sergeant-at-Arms did not give you one."

The motion was put to vote by the Chair and carried, and the floor amendment to S.B. No. 2102, SD 1, HD 1 entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was adopted with Representatives Ahu Isa, Arakaki, Case, Chang, Kahikina, McDermott, Nakasone, Ontai, Saiki, Souki and Whalen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1254-02) recommending that S.B. No. 3018, SD 1, HD 1, pass Third Reading.

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

Representative Fox rose to speak in opposition stating:

"Mr. Speaker, I am speaking in opposition to 1254. Briefly, this is a matter that we've discussed at some length at earlier stages. The process was moving in the right direction, and then it stopped in terms of changing this amendment. We stopped short with a couple of critical matters that still remain in this bill that need to be changed.

"One is that the bill gives complete power over the budget to the Superintendent of Education. It is very difficult to imagine how we can have locally elected school boards operating effectively when the budget authority remains at the central level with the Superintendent of Education. So that is a serious problem.

"Another related serious problem is that the local boards, although they do have the power to select their superintendents, the superintendents are from a short list of three, supplied by the State Superintendent, and that takes away a lot of the needed authority at the local level, to have it restricted to only three and to have to pick from that list. So I think further changes are needed in that area, and at this point although I recognize that this bill is really in the direction of reform, I have to call attention to these remaining problems by voting no. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am in support with reservations. It may seem minor, but the same reservation that was previously discussed, just the power of the Superintendent to do all the fiscal matters. It should not be that way. Maybe each elected school board should have one appointee to a central body that determines the budget. 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. 3018, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Fox, Jaffe, Meyer and Yoshinaga voting no, and with Representatives McDermott and Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1255-02)

recommending that S.B. No. 2540, 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. 2540, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 49 ayes, with Representatives McDermott and Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1256-02) recommending that S.B. No. 3021, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3021, SD 2, HD 1, pass Third Reading, 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 1256, S.B. 3021. Just some very, very brief comments, Mr. Speaker.

"This bill, as well as the next four measures, these five taken together are what I believe are the five tax credits and the major bills, and the only bills, pretty much, for economic stimulation.

"While I support them, I think a better measure than offering tax credits would have been an across-the-board tax relief. Nevertheless, I am faced with voting on what I have, and with what little I have, I will support them."

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

"Mr. Speaker rise in support of SCR 1256 and the attached bill. Mr. Speaker, in remarks in the aftermath of September 11th, it was clear that diversification of Hawaii's economy is essential, and the strengthening of existing industries that provide good paying jobs, garner additional revenues to our State, and do not adversely impact the environment, is a sound strategy to employ.

"Hawaii's film industry is such an industry with good potential for growth, provided we position Hawaii to be attractive financially for television and film productions. Hawaii must now compete with many other filming locations for a percentage of the lucrative and desirable production business. And most, if not all of these locations, Canada and Australia being prime examples, offer highly attractive financial and tax incentives that have been luring productions away from the United States. Even Governor Gray Davis from California, the home of Hollywood, is considering a similar tax credit on wages and salaries to stop productions from leaving his state for other locales. If Hawaii is to continue to be a film location and attract new dollars into our State, create business activity for those local companies that provides goods and services to the industry and provide good paying jobs for our skilled and talented workers, from carpenters and electricians, to technicians and actors, then incentives such as the ones in this measure are essential.

"In a focus group study done in Los Angeles in 1999 with key film and television executives, the question was asked: what does Hawaii need to do to be competitive? The answer was clearly expressed: level the playing field. This bill will help level the playing field and position Hawaii to be attractive to television and film productions by directly affecting the

bottom line. The return on investment is tremendous, particularly in these difficult times.

"A Bruce Willis film is currently filming in Hawaii and it is expected to expend between \$15 to \$25 million during the five months it is filming here. This is just one film. If we provide the right incentives to attract more productions to Hawaii it can surpass the \$136 million that the film industry expended in Hawaii in the year 2000. Hawaii is on the verge of reaching a critical mass necessary for sustainability, but the industry needs incentives to get to the next level of growth and expansion. I ask the members for your support of this bill to make Hawaii one of the prime locations in the world for television and film production thereby diversifying our economic base, Mr. Speaker.

"I also wanted to add that there is not just the film that Mr. Willis is currently involved with, but as you know, there are the other productions slated to be filmed here including an episode of the television show *ER*, and the *Baywatch* reunion film hopefully will be filmed here in Hawaii sometime this summer. And it just comes to my attention that another movie is considering Hawaii as a location for its production here and it would star someone who moonlights as an actor, The Rock, that is going to be announced today. So I would hope that the members would be cognizant of what the potential of Hawaii is with respect to this industry and vote up with this measure. Thank you."

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

"Mr. Speaker, I stand in strong support of S.B. 3021.

"Mr. Speaker, with so much competition from 49 states plus foreign countries, Hawaii's tax incentives have to be competitive and attractive. California's Legislature recently introduced some legislation giving a 15% tax incentive on wages and salaries. Illinois also introduced similar legislation with 25% tax incentive on wages and salaries. These have changed today. All states compete for film and television work. Years ago, there was enough work to go around until other states and countries realized what a lucrative and non-polluting industry this is. Tax incentives make states and countries competitive and attractive for film and television work. Having the infrastructure and support systems in place are also an essential component of film and television industry.

"Over the years, creative talents, crews, drivers and other industry personnel collectively have gained enough experience to warrant an indigenous film industry here. This tax incentive is necessary to help foster the process. This would be part of diversifying our economy Mr. Speaker, plus it compliments tourism. The film and television industry is a good and long-term investment for Hawaii and its citizens. 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. 3021, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION," passed Third Reading by a vote of 49 ayes, with Representatives McDermott and Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1257-02) recommending that S.B. No. 2831, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. 2831, SD 1, pass Third Reading, seconded by Representative Lee

At 5:06 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 was reconvened at 5:07 o'clock p.m.

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

"Yes, I would like to disclose a potential conflict, Mr. Speaker. I am remodeling," and the Chair ruled, "no conflict."

Representative Moses then offered the following floor amendment to S.B. No. 2831, SD 1, HD 1:

SECTION 1. Senate Bill No. 2831 SD1 HD1 is amended by amending section 2 of the bill to read as follows:

"SECTION 2. Act 10, Third Special Session Laws of Hawaii 2001, is amended by amending section 1 to amend section 235- , Hawaii Revised Statutes, as follows:

(1) By amending subsection (a) to read as follows:

'(a) There shall be allowed to each taxpayer[;] who is the owner, developer, or lessee of residential real property, subject to the taxes imposed by this chapter, a residential construction and remodeling tax credit that shall be deductible from the taxpayer's net income tax liability, if any, imposed by this chapter for the taxable year in which the credit is properly claimed. The amount of the tax credit claimed under this section by the taxpayer in all years for which the credit is available shall be limited to four per cent of the residential construction or remodeling costs incurred[;] during the taxable year for which the credit is claimed; provided that the costs shall not exceed \$250,000 in the aggregate for each residential unit; and that the costs are incurred before July 1, 2002; December 31, 2005.

In the case of a partnership, S corporation, estate, trust, or association of apartment owners, the tax credit allowable is for construction or remodeling costs incurred by the entity for the taxable year. The cost upon which the tax credit is computed shall be determined at the entity level. Distribution and share of credit shall be determined pursuant to section 235-110.7(a).

If a deduction is taken under section 179 (with respect to election to expense depreciable business assets) of the Internal Revenue Code, no tax credit shall be allowed for that portion of the construction or remodeling cost for which the deduction is taken.

The basis of eligible property for depreciation or accelerated cost recovery system purposes for state income taxes shall be reduced by the amount of credit allowable and claimed. In the alternative, the taxpayer shall treat the amount of the credit allowable and claimed as a taxable income item for the taxable year in which it is properly recognized under the method of accounting used to compute taxable income.'

(2) By amending subsection (e) to read as follows:

'(e) The tax credit allowed under this section shall be available for taxable years beginning after December 31, 2000, and shall not be available for taxable years beginning after December 31, ~~[2003]~~ 2005.'

(3) By amending the definition of "construction or remodeling cost" in subsection (g) to read as follows:

"Construction or remodeling cost' means any costs incurred on or after December 31, 2000, for plans, design, construction, and equipment that is permanently affixed to the building or structure related to new construction, alterations, or modifications to a residential ~~[real property]~~ apartment unit or house, and shall not include any costs for which another credit was claimed under this chapter."

Representative Moses moved that the floor amendment to S.B. No. 2831, SD 1, HD 1 be adopted, seconded by Representative Djou.

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

"I rise to support S.B. 2831, the proposed HD 2.

"I am offering the floor amendment to make sure we remain accountable for a law we passed in last year's Third Special Session that was intended to help Hawaii's residents, and aid the construction industry in dealing with the negative economic impacts that Hawaii experienced as a result of the September 11th attacks.

"This measure in its current form is nothing more than a ruse that is used to go back on a promise. On the one side, S.B. 2831, in its current form, would extend the date for the residential remodeling construction tax credit from December 31, 2003 to December 31, 2005. That is great news Mr. Speaker, and I assure you, that portion is very, very good.

"On the other side, on the flip side of this, it changes the effective date from December 31, 2000 to October 31, 2001. In essence this puts a wrench in the works of many who depended on the original effective date to continue on-going projects begun before the September 11th attacks. Though this change in effective date may sound logical, it comes too late, because many construction projects that were begun after December 31st, 2000, jumped on the Act 10 bandwagon and based the project planning and future blueprints on the basis that the effective date in the bill was set in stone. They could hold us to the fire on this law because it came in the aftermath of a national tragedy in an attempt to spare the economy. Trust me Mr. Speaker, this kind of renegeing sets a very bad precedent and casts this Body in a bad light with those who were counting on Act 10 to help the State or help to offset the economic impact of the September 11th terrorist attacks, and believed the State when we said that we would help them.

"The State Department of Taxation said revenue losses from Act 10, which was signed into law when images of our towers were crumbling to the ground and people were avoiding air travel like the plague, are estimated at \$18 million for 2002, and \$9 million for 2003. Let us remember that these numbers were no secret when we passed this law the first time. We knew then, and we still know now, that these types of tax credits for construction would be a 'shot in the arm' for the economy because of the increased activity in the construction industry.

"Mr. Speaker, with your indulgence, if the laws we pass cannot be taken seriously because we have developed a reputation of capriciously changing laws whenever it suits our needs, everyone will now take a 'wait and see' approach to every law we pass because we just can't be trusted to stand firm on our decisions. Mr. Speaker, let's do what's right and use the language in this proposed floor amendment which keeps the effected date of the tax credit the same as it was when we initially passed this legislation, December 31st, 2000, in the Third Special Session."

Representative Magaoay rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I stand against this floor amendment that is being introduced. The reason why I am standing against this floor amendment Mr. Speaker, is that Act 10 that we passed in the Third Special Session, was designed to help the people in the spur of the moment, to help the economy after 9/11. Yes, we have helped people after December 31st, 2000, through

whatever construction they had going on, with the end date of June 30 or July 1st. But through the testimony of the DOTAX Director, Marie Okamura, she had prior concurrence from the Attorney General's Office that she could change the date from December 30, 2000 to October 1, 2001. The inclination or reasoning why we should change it to October 1st is because 9/11 is 9/11. So it is a question of what has happened thereafter. Basically, the people who took advantage of this Act 10 will have it until July 1st of this year.

"Also, regarding this Act, it is also an extension to December 31st, 2005. If you look at the effective date, the effective date on this one is July 1, 2050, I think. So basically it goes to Conference for further discussion. So I would say that I thank the Representative from Kapolei for bringing it out. I think we should discuss it more in Conference and I ask my colleagues to vote down on this measure as we continue to discuss it. Thank you, Mr. Speaker."

Representative Suzuki rose to speak in opposition to the proposed amendment, stating:

"Mr. Speaker, I rise to speak against the amendment.

"Mr. Speaker, this amendment restores the retroactive date from November 1, 2001 to, and I think, it is not clear in the amendment whether it is December 31st, 2000 that is in one portion of the bill, or January 1st.

"At any event, the reason why we have approved the later retroactive date of October 1, 2001, is based on Marie Okamura's testimony before the House Committee on Economic Development and Business Concerns and the House Committee on Finance, and I'd like to quote.

The effective date of the credit has been amended to more precisely target the credit to periods after the 9/11/2001 terrorist attack and the impact it has had on Hawaii's economy. Thus, costs that qualify for the credit must be incurred on or after October 1, 2001.

"In addition, the Tax Director reported that the Attorney General had been consulted and stated that changing the date from the previous January 1, 2001 effective date, to the October 1 effective date will not give rise to valid claims for damages against the State.

"It has been argued that projects would not have been completed if it weren't for the January 1, 2001 effective date for credit complication because of the 9/11 attack. The 4% credit justified the go-ahead of the projects. In truthfulness, the projects were already underway. The projects that were already underway were continued because these projects had passed the 'point of no return.' Commitments were already in place for completion, in spite of the 9/11 attack. Tax credits made no difference for these expenditures being incurred, and in fact many of these jobs have been completely completed.

"For those projects that had not passed the 'point of no return' on September 11th, the arguments that these projects would not have proceeded had there not been the 4% tax credit for construction expenditures incurred before October 1 does not hold water. As of 9/11, these projects that did not pass the 'point of no return' would not have been under binding construction contracts. Costs that might have been incurred would have related to investigatory costs like topographical and other surveys, feasibility studies, appraisals, architect and consulting fees. These costs possibly could have amounted to \$10,000 on a \$250,000 project cost. As such, the 4% credit at that time for cost prior to the effective date in this underlying bill October 1 would have amounted to \$400. This \$400 credit in my mind, is immaterial to whether or not a homeowner or

builder would have not proceeded with the project. Those in favor of the January 1st effective date have argued that had the homeowner or builder known that the \$400 tax credit would no longer be available, the decision would have been to drop the project. Rather, if the homeowner could have proceeded with the project assuming he still had the financing in place after the tragedy of 9/11, he would have known at that time as the underlying bill provides, he could still get the \$10,000 credit on cost up to \$250,000.

"In our Third Special Session, any decision to proceed based on knowing that the credit would be available was not known until November 30, 2001 when this Legislature passed the measure. And not known for certain until a week later when the Governor signed the bill into law.

"In addition, there are other compelling circumstances in our economy that drove this decision, and still does so today. We are currently experiencing the lowest mortgage rates in 30 years. For example a 2% savings in interest rates on a \$200,000 home mortgage loan represents a \$4,000 savings. This annual cost savings can be projected over the 30 year life of the mortgage loan, and it represents a much larger incentive than the State can ever offer in the form of one-time tax credits.

"Additionally federal tax rate reductions and Hawaii's own income tax reductions continue to provide residents with more discretionary dollars to purchase or improve real estate, in spite of the 4% tax credit. These two influences bore a larger affect on the decision to incur costs now eligible for the 4% tax credit.

"Now our Legislature feels that the 4% credit will give further incentive to the residential construction industry to grow and be sustained. For all these reasons, this amendment should be voted down because it does not serve the intent of incentive tax credits. I believe the only justification for a retroactive date, and the amendment shows December 31st, but actually I think it means to be January 1, 2001, for purposes other than creating an incentive to boost our economy. This amendment would only serve to give a 'windfall' to specific taxpayers. Maybe it might be helpful if I knew who these targeted taxpayers are, and the condition of their predicament. That might justify my support. However based on the facts we now know, and the information we learned through our Committee hearings, I urge we vote against this unjustified amendment. Thank you, Mr. Speaker."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I welcome the last speaker's remarks, but I can't see why there is any confusion. All we are doing is going back to the bill, to the date, as it was before we amended it with HD 1. It is simply on page 3, line 21, we strike out October 1, 2001, and return to the date that was already there, December 31, 2000. That is the only change. Thank you, Mr. Speaker."

Representative Djou rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, just again, I stand in support of this motion and I agree with points made by the Representative from Kapolei."

Representative Djou then requested a vote by a show of hands and by unanimous consent, granted.

The motion was put to vote by the Chair and upon a show of hands, the motion that the floor amendment to S.B. No. 2831, SD 1, HD 1 entitled: "A BILL FOR AN ACT RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX

CREDIT," be adopted, failed to carry with Representatives McDermott and Saiki being excused.

Main Motion

The motion was put to vote by the Chair and carried, the report of the Committee was adopted and S.B. No. 2831, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT," passed Third Reading by a vote of 49 ayes, with Representatives McDermott and Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1258-02) recommending that S.B. No. 2383, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2383, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I stand in support for this bill that will provide a commercial construction tax credit for construction costs, and expands the definition of qualified hotel facility to include property on which commercial or recreational use is permitted, and offsite improvements necessary to service destination resort areas.

"Mr. Speaker, of our current projects, the Hilton represents approximately a \$150 million investment in Hawaii's economy so far. And we know first hand just how difficult it is to raise the capital needed to sustain this magnitude of investment. Especially in the higher bracket where risk, infrastructure and other costs become more difficult to justify to the global capital investor market.

"This bill is needed to help provide a stimulus for the development and construction industry in Hawaii. An investment in these two key industries will reap numerous benefits for the entire economy of Hawaii. Renovated commercial buildings around the islands will heighten the visitor experience and provide needed jobs. Projects that might have missed coming to Hawaii may decide that this is a great motivating factor. Thank you, Mr. Speaker, for this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2383, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," passed Third Reading by a vote of 49 ayes, with Representatives McDermott and Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1259-02) recommending that S.B. No. 2907, SD 2, HD 1, as amended in HD 2, pass Third Reading.

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

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

"Mr. Speaker, thank you very much. I want to register a no vote on this. This Ko Olina Resort, I went through it one day and I saw what was there, but what I really remember about it

is that was the location that a casino for gambling was proposed not long ago before this Session started or maybe even after it started. And I really don't want to see casinos in Hawaii. I think it will destroy the unique flavor and culture and environment that we have.

"But beyond all that Mr. Speaker, we are already going to give tax credits for construction of hotels and other commercial buildings, as pointed out by the previous speaker, and I see no reason why we should give a tax credit for 10 years to this resort. Possibly on the hope that eventually they can get their casino that might attract people for their supposedly proposed marina and other attractions that they are having.

"Mr. Speaker, 9/11 should have taught us one thing. We have got to get off the dependence of tourism. Because of that, we have passed other bills in this Session that will encourage high technology, the movie film industry, and other educational amenities that would attract people here and give us the kind of environment and workplace that we want, to attract new tourists. You know last year we passed, I don't remember if it was a bill or resolution, to ask the Tourism Authority to do a study on the effects of tourism on our environment and economy, and we were trying to find out how much more tourism these fragile islands could stand. We haven't gotten the reports back yet and I understand that they have just started to even begin to study the problem. And until we do decide what impact tourism is having on our environment and our communities and our social structure, I really think that we shouldn't be in the business of encouraging more tourists and more tourists resorts.

"We are doing enough in the Standing Committee Report 1258-02, in my opinion, to take care of by any means that we have, to continuing the construction industry on this island. I am very much opposed to the Ko Olina resort. Thank you."

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

"Thank you. First, my opposition has nothing to do with gambling out there. I don't think the fellow who is doing this is much intended on gambling, as he is pretty much trying to get the State to pay for all his risks. Basically what bothers me about this is first off, I believe as my colleague up here from Kaneohe represented, I believe we should do across the board tax cuts as opposed to tax credits. But if we are going to do tax credits, this credit is to one business, one developer, one individual. Now if we are going to do that type of thing, if that is something that we as a Body, and we think we should be doing, then I submit to you that rather than something new, we should be looking at the people who have supported this economy for decade after decade after decade. The businesses that are already here, already existing, who have made payroll week after week, afforded our people and provided products and services to our islands.

"Why do I say that? Why should be giving tax credits to people who are ready in business? Well first, it is a lot easier to expand an existing business than it is to start a brand new one. Second, they already have employees and they are just adding more. So if we are going to start handing out tax credits to specific individuals in businesses, let's target those who have already invested for decades in our community, who are business people here already, who have kept our economy alive and kept things going and let's give them a break. If they want to expand let's target them, not somebody brand new. That is number one.

"Number two, the whole idea behind tax credits is to diversify the economy and that is why they generally target at an entire industry like the construction industry, like we saw in

the preceding tax credits. Or in the film industry, like we saw in that one. And we've seen those that have been directed at the high tech industry. But this is not directed to an industry. It is directed, basically, to an individual development in one specific location.

"So the question that arises is: What is that particular business? That particular business is what they call a 'destination resort.' They say that Waikiki is not a destination resort. Oahu doesn't have a destination resort and they need a fancy destination resort here on Oahu like they have on Maui, and of course in South Kohala, where I am from. Well, the reality of the situation is that all up and down the Kona-Kohala Coast, we have some of the most beautiful destination resorts that anybody can imagine any place in the world from the Mauna Kea to the New Four Seasons at Hualalai. These are absolutely world-class, first-class destination resorts, one right after another. You know what? None of those has been built, not one of those have been built with a government subsidy or tax credit or aid. Those are private investors who put their own money at-risk and built those resorts, and are highly successful.

"So what is happening out here on Oahu is you're going to build, I guess you can say you are going to build. The State is going to assist Mr. Jeff Stone in building this thing to compete with Kona and Kohala, where the private sector has gone out and done it all on their own. Now you have a government subsidy that is going to support this one developer in this one area on Oahu. So there is that issue of fairness there. It just doesn't really 'jive' with me. With all those things taken into consideration, I just can't put myself in the position where I want to be Jeff Stone's 'sugar daddy' so I will be voting against this. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. I share many of the concerns expressed by the prior two speakers, but would like to take it from a slightly different direction. And I also want to say that I vote against this with some regret. It has been an evolution of thinking for me over the course of this Session, and I do believe that the Chair of Economic Development and Business has been trying to forward economic development in a variety of ways, including this one. So I regret voting against her on this particular issue.

"I think the entire issue of tax credits as a means to revitalize our economy has become quite problematic for all of us. You know, we've watched kind of an evolution along these lines over the last couple of years of struggling to provide for economic revitalization. And we have opted, for the most part, the tax credit approach because we have been unable or unwilling, for the most part, to provide the kind of tax cuts or the level of tax cuts that would effectively cause revitalization across the board.

"So we've driven ourselves to the tax credit approach on the thinking that, quote-unquote, 'we don't lose any taxes if the money is not invested.' And of course to some extent that is true, to some point that is true. But if you go down that road too much, eventually you are in fact impacting your revenue stream over the long run, and of course you are losing taxes over the long run. And you are also doing it on a very targeted and very individual basis. At some point you've got to say that is enough with the use of the tax credits and we need to go on a different direction. We've given too many of them away now and we just need to go on another direction back towards the reduction of the overall taxes that are borne by business. Let the business community figure out where to allocate them. So I think we've taken this a little too far. At least we are borderline going too far. I think this one is over the line.

"I think the other problem that we have, as I look at the tax credit approach we've taken over the last couple of years, is that I have simply seen every tax credit proposed under the sun. Tax credits have been for the weirdest things that have really nothing to do with economic revitalization in Hawaii. That have no business asking for tax credits. It is simply a break from government in order to be able to compete, to get an edge in the marketplace, oftentimes over comparable businesses.

"So I don't believe that we have adopted any overall rhyme or reasoned approach towards providing for tax credits, and I think at some point we need stop and look at who are we going to give these to and exactly why. Take it to another level than just who happens to know the most people down here

"That is even before we get to the basic problem I have with this bill, and that is the targeted nature of it. Really, one particular location, one type of improvement and frankly, as far as I can see, one or two types of beneficiaries, entity wise. That is where you get into some real dangerous territory. I don't mind a reasoned tax credit that is applicable across the board, where the market determines the eligibility of that tax credit and who is going to take advantage of it. Whether it is location-wise or exactly how the investment is going to go. When you target to a specific area, and the area is very carefully defined in this bill as the Ko Olina Resort and Marina, meaning the 642 acres reclassified to urban district by decision and order, etc, etc. And you very carefully define it to the kind of costs that are eligible, qualified costs, development of facilities for attractions and educational purposes and for infrastructure within the resort, including a world class aquarium, marine science, etc. It is pretty clear that we are giving this money to this specific entity for this specific project, and that is dangerous territory at that point.

"You know, I blanched a little bit a few years ago when we passed a tax credit that looked general, but really in fact only applied to the construction of the new tower at Hilton Hawaiian Village. I think that was a reasonable thing to do, but it was borderline. This one is just over the edge. This is too far. We need to step back and ask ourselves: who are we giving tax credits to and why. Try to allow these tax credits to be utilized within the market itself where people think they should be utilized. I am not sure we should invest, for example, this level of tax credits in the construction of a world-class aquarium in Ko Olina. We can only really afford one world-class aquarium, it seems to me, in terms of the market and being able to maintain it from the revenue stream necessary. But why should it be at Ko Olina? Why shouldn't it be closer to Waikiki? Why shouldn't it be on another island for that matter? Why shouldn't it be on Maui? Why shouldn't it be the Kona Coast?

"We are making a judgment here that I don't think that we should make. This project, this destination resort, will take care of itself. I think the world markets know how to judge a risk, and I think they may have judged this risk pretty well, and maybe that is why we are seeing the request for a tax credit. Thanks."

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

"Thank you, Mr. Speaker, in support. For my Big Island colleagues, I want to just point out that they already have an attraction. It is called a volcano. We don't have anything like that here on Oahu. Also the question raised earlier on the concern of a gambling casino. I just want to pass on a story.

"When I first heard Sun Industries talking about building a casino at Ko Olina, I was quite taken aback. As you probably know, I am adamantly opposed to all forms of gambling.

Casinos, off shore gambling, all of that. So I've made it a point of making everybody know that. I immediately called Jeff Stone out at Ko Olina and I said, 'What is this about a casino built at Ko Olina?' And that was the first that he heard about it too. As it turns out, Sun Industries never talked to Ko Olina resorts or Jeff Stone or anybody else involved. And never got permission. And doesn't own a piece of land out there. This was just 'pie in the sky,' that would be a good place. But Jeff Stone and the people at Ko Olina have no plans for a casino, and I would be the first to oppose them if they ever tried it.

"But in this measure before us, we are talking tax credits. Any of you that have been with me in Finance know I always ask the Tax Director how she can talk about the revenue loss. There is no revenue loss if there is no money made. If you don't have any income, you can't have a tax on it. And you don't get any money, so the State doesn't lose money. They just defer getting money that they might not get any other way, because there wouldn't be anything there to tax.

"Now Mr. Stone pointed out that we are talking about thousands of construction jobs. We are talking about hundreds, maybe thousands, of employees between the aquarium and the educational facilities and the new resort that they are talking about building. So we are talking about things that will stir the economy.

"Also, if you look carefully at the bill, you'll see that it started off at \$100 million. It is now \$50 million. It is a ten-year period of tax credits. We are removing the ability to sell tax credits to other business entities. That is removed now from the bill. The tax credit is for qualified construction cost and not investments. The recapture is increased to 100% of the current year value of the tax credits. Basically the aquarium becomes State property. It is being funded and built with private money, and it becomes State property. The construction of the aquarium and the mammal facility has to be first, so that means that the State is not going to lose out because this guy runs out of money and can't build it. And 50% of the gross income from the aquarium starting in its 11th year is remitted to the State. So I think we can only gain and not lose by passing this measure. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am rising to speak against the measure. As to the gambling issue, I just would like to quote from *The Music Man*. That this is 'the first big step on the road to degradation.' I think if we could fast forward to ten years from now, or even less, we'll see gambling back here that will be certainly aimed at Ko Olina."

Representative Kahikina rose to a point of information, stating:

"Mr. Speaker, a point of information. Mr. Speaker, nothing in the bill talks about gambling."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, can you confine your remarks to the bill itself dealing with the tax credits, etc., and the aquarium?"

Representative Thielen responded, stating:

"I am trying to fast read on the Committee Report. I think that gambling has been mentioned already and arguments made here on the floor. But I will move ahead to something else Mr. Speaker. That wasn't my main point. I would just urge my colleagues to watch *The Music Man*.

"The main thing is Mr. Speaker, what if we were to give a \$50 million credit to renewable resource energy producers? What if we were to give a \$50 million credit to those that could produce energy from wind, solar, waves, and could then lower our residents' electric bills. If we were to give that kind of credit, we would spur that industry. We would move away from dependency upon oil. And we would let the consumer, the residents have more money in their pocket from lower utility bills."

Representative Ahu Isa rose to a point of inquiry, stating:

"Mr. Speaker, I would like to ask if the Representative would like to introduce that bill next year, and if she keep her remarks to this bill. Thank you."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, would you respond to that inquiry or...?"

Representative Thielen responded, stating:

"Certainly. Thank you, Mr. Speaker. My point is as people have been talking about..."

Speaker Say: "Representative Thielen. Would you like to respond to the point of inquiry which is, if you are re-elected this fall, would you introduce a bill...?"

Representative Thielen: "If I am re-elected this year, I would be glad to introduce a bill in the 2003 Legislative session that would provide tax credits to renewable energy producers so we could move away from our dependency on expensive imported oil.

"Mr. Speaker, people were talking in argument on this."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, a point of order. There she goes way out of order again. Why doesn't she get on with the bill?"

The Chair responded, stating:

"Representative Souki, I believe Representative Thielen has the floor and you may continue on dealing with the measure that is before us."

Representative Thielen continued, stating:

"I will see him in the elevator. Thank you, Mr. Speaker."

"There has been discussion about what does and doesn't help the economy. When you keep money in our residents' pockets, that money then is generated into the economy providing tax dollars that help to fund the general fund. That is a better way to go rather than this single project. Putting 'all of our eggs in one basket,' in essence, Mr. Speaker. A \$50 million tax credit for Jeff Stone and the Ko Olina Development is not as sensible as putting that tax credit money out to spur a whole renewable energy resource system in our State. And that is all I have to say, Mr. Speaker."

Representative Kahikina rose to speak in support of the measure and asked that the remarks of Representative Moses be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kahikina continued, stating:

"Mr. Speaker, I hear that our Representative from Kau went out to see the place, Ko Olina. And if you went down to see it, you can see all of the construction going on right now. You can see all of the cranes and all of that, in spite of September 11th. And the person that the opponents are mentioning, Jeff Stone, basically brought in hundreds of millions of dollars in construction. Mr. Speaker, what we are doing in this measure is really being innovative because usually, developments come with an owner, builder, and operator. This is the first time we are using the trust base model.

"What do I mean by trust base model? Because we have limited resources and people wanting to come and bring industries to Hawaii, we need to form partnerships, *ohana*, family, because of the limited resources. And this measure, giving the tax credits to develop a marine attraction and educational facilities, while building and expanding the Waianae Coast, and giving our people an opportunity to enhance their lives through tourism. This is what it's all about. Bringing more economic stimulation to the Waianae Coast. Yes, it is specific to the Waianae Coast, which is next door to the new city. They call it the 'Second City.' It is called Kapolei. So this is in a plan, a very comprehensive plan to develop our communities.

"We all have the opportunity to introduce tax credits. I am just amazed that the opponents didn't think innovatively in trying to help their communities in stimulating economic development. So do we 'gong' someone who has innovation, who has foresight? And not only that, has a track record of bringing money to this State. That's why I stand in full support of this."

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

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

Representative Espero continued in support of the measure, stating:

"Thank you Mr. Speaker, I would like to rise in support of this measure. If you look at West Oahu, historically the unemployment rate has been higher than average in terms of the rest of the island. If you look at the per capita income of the people in West Oahu it has been lower than average as far as the people of Oahu. This measure will provide an economic stimulus for West Oahu. In these times when we are competing globally for the investment dollar, it is important that we do form partnerships and this is what this is. This is a partnership between the private investors, private developer, with your government, and even a charitable trust. The future aquarium, if it is built, is going to be built on land owned by the Weinberg Trust, and after 11 years, we would get one half of the gross income. So there is a public benefit.

"There is a concern to giving it to this region, and I echo what some of my other colleagues have said. If someone out there has a plan that is going to benefit their community and it is going to provide jobs, then bring it forward let us see it and let's do what we can to help any community with this type of development. In this case there is no public fund outlay. There are no revenue bonds which are going to be floated. There is no loan guarantee. They're asking for a tax credit, something that has been stated and has been done many times with many industries and many individuals. And if you look at the long term possibilities of this project, the benefits definitely outweigh any risks that the State will be taking, and the benefits are going to go 10 years from now, 20 years from now, 50 years from now, a 100 years from now. Oahu does need a second resort destination and this could be it.

"The hundreds and thousands of jobs, the tax base over the years will be in the tens of thousands if not millions. And this is enhancing our tourism industry. Someone said earlier, 'Why are we helping out tourism?' Well tourism is key in Hawaii and it is going to be the 'golden egg' for many, many years to come. So we need to enhance and improve the tourism experience, which currently people are looking at. An aquarium will just do that, as well as provide stimulus and catalyst for other projects and developments in the Ko Olina Resort.

"So Mr. Speaker, I urge my colleagues to open their minds and to be creative to see the good of this project because it is a collaboration between your government, the private sector and the charitable Weinberg Foundation. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker in support. Mention was made of a tax credit to allow the building of a new hotel in Waikiki, and that was treated in a favorable light by the Representative of Manoa. I would say, as the Representative of the most over built district in this Legislature, that I think it makes more sense to encourage the development in the Ko Olina area.

"People in Waikiki, that work in Waikiki, spend two hours coming in, in the morning and two hours going back in the evening. They live in Waianae. It is much better if they have the opportunity to work out at Ko Olina. I favor tax credits for renovation in Waikiki. I favor tax credits for new building at Ko Olina. Thank you, Mr. Speaker."

Representative Auwae rose to speak in support of the measure and asked that the remarks of Representative Moses be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Auwae continued, stating:

"I think this is a good project."

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. This is one of, unfortunately, a few pro-business bills and stimulation bills for our economy. If we were to build the aquarium we would probably spend more money than Mr. Stone will. If we bought it at \$100 million and paid 6% interest, that is 6 million. It would take us twice as long to do it. What we want is to stimulate other people spending their money. This idea that we are losing this money, we have to think of what we would spend to create the same thing. And with the private sector, you can get it done a lot faster.

"Ko Olina is a beautiful development. It is so well-planned. They have the best small boat harbor on Oahu with the way they made those little coves and beaches. It is a development that we can all be very proud of. And to encourage the expansion there, if we can help that along, we would be doing a very fine thing. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in favor of this measure. I'd like to express a reservation and sort of a warning.

"A lot of people are thinking that this tax credit goes toward an aquarium and educational purposes only. But it does

promote more than that. It is also for attractions and an international sports training complex. Also for a Travel Industry Management Intern Campus and other educational facilities developed or operated in cooperation with the University of Hawaii or other educational institutions. So this tax credit can be used for sports facilities and travel industry management intern campus. If the entire resort area is considered a campus for the purpose of travel industry management training, then the entire resort can be built using these tax credits. So it is not solely for educational purposes and an aquarium. I think that we have a misunderstanding on this. I would prefer a broad based tax credit. This is for only one resort and for one developer. But because it will help the Leeward area, I am in support. Thank you."

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

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

"Mr. Speaker, I stand in strong support. As Chair of the Economic Development Committee, I know I've been accused by someone of not having enough economic stimulus packages for our economy, so I would like to speak in strong support of one project that I think will strongly contribute to this. And I accept the apologies from my colleague from Manoa when he said he opposed this bill. I strongly support S.B. 2907, which provides a non-refundable, tax credit for the development of an oceanfront aquarium.

"If any of you have been to Sydney Australia you know that they have this oceanfront aquarium that ties into that whole promenade, that whole deck of restaurants. The two-story restaurants that I talked about before, we could have a farmers market or something like that in Kakaako. I believe that this is a golden, and perhaps the only opportunity, for this year's Legislature to create a major economic driver for Hawaii's visitor industry at no cost to our State. Hawaii must establish signature visitor experience attractions that will serve as a symbol of our State.

"I disagree with my colleague from Kau. Tourism is the engine that drives the State. I am in the visitor industry. I work in it and I see the dollars it brings in, not only for our TAT with a \$158 million or so, but our timeshare project alone, given the tax credits that you were so generous with, we had total sales last month, believe or not, of almost \$8,000,000. That's one month of timeshares. So I can imagine what this project will bring, and the people that come and spend the money here with the creation of up to four new hotels, four timeshare developments in Ko Olina, thousands of construction and permanent jobs, a significant increase in marketing Hawaii with new attractions, educational facilities, timeshares, spending millions on marketing. This will be the creation of a Neighbor Island resort on Oahu to compliment Waikiki and establish Oahu as a multi-resort visitor attraction.

"With these non-refundable tax credits, Ko Olina proposes to develop a world class, planned mega-resort. Last year we felt that creative financing would be required to fund the creation of an aquarium. Well here it is. Creative financing. Without the tax credit, there will be no development, no tax revenues. All of this will be done without risking our State's money. There is no risk to the State. There is just great potential for the visitor industry, construction industry, our job market and overall economy. Given today's economic status, I hope my colleagues will agree that this is an opportunity that we cannot miss. Thank you."

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. 2907, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Case, Hale, Morita, Rath, Thielen and Whalen voting no, and with Representatives McDermott and Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1260-02) recommending that S.B. No. 2985, 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. 2985, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," passed Third Reading by a vote of 49 ayes, with Representatives McDermott and Saiki being excused.

The Chair directed the Clerk to note that S.B. Nos. 3018, SD 1, HD 1; 2540, SD 2, HD 1; 3021, SD 2, HD 1; 2831, SD 1, HD 1; 2383 SD 2, HD 2; 2907, SD 2, HD 2; and 2985, SD 2, HD 2 passed Third Reading at 5:58 o'clock p.m.

THIRD READING

S.B. No. 2180, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2180, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in support but with reservations, and really with a question.

"Mr. Speaker, this bill is related to genetic information and genetic testing. Genetic information means information about genes, heredity, susceptibility to disease, or inherited characteristics that may derive from the individual or family member. The first part of the bill protects against this information being used to discriminate against a person with some genetic susceptibility to disease or inherited characteristics, and it prohibits discrimination against that person in health insurance coverage.

"What does concern me is on pages 4 and 5 of the bill. The way I read it Mr. Speaker, that this protection shall not apply to life insurance policies, disability income insurance and long term care insurance. Now, if I am reading that correctly Mr. Speaker, that means that in long-term care insurance, the State, which if it has that program, would be able to discriminate based upon genetic information. I hope I am not reading it correctly, but I don't see another way to interpret this, and if the Chair of the subject matter committee could shed some light upon that I would appreciate it, Mr. Speaker."

At 6:00 p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:03 o'clock p.m.

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

"Thank you, Mr. Speaker. My interpretation was correct. I do have serious reservations about discrimination against individuals being allowed under the three categories: life insurance, disability income, and long term care insurance. Particularly in the case of the later, Mr. Speaker, because we dealt with that issue earlier today and where ultimately a long-term care program to be established, being run by a private provider, that provider could discriminate against individuals based upon genetic information. I think we should correct that in the future."

The motion was put to vote by the Chair and carried, and S.B. No. 2180, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," passed Third Reading by a vote of 49 ayes Representatives Ito and McDermott being excused.

S.B. No. 2005, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 2005, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I would like to stand in strong support of S.B. 2005, SD 1, HD 1. I was somewhat disturbed and I still don't understand what happened on Standing Committee Report 1221-02, which was the deposit beverage container program that we recommitted to the Finance Committee. I hope that doesn't mean it is dead.

"In any case, Hawaii County is a very progressive place under our new leader, a very innovative new Mayor who is very people-oriented. He has proposed that Hawaii County will do this three-year demonstration beverage container fee program in order to prove to the State that this a viable way to attack the litter problem and the waste management problem that we face and every county and every area in this whole State. So I would like to urge my colleagues to please give their total support to Hawaii County who will prove that we need a beverage container bill."

Representative Meyer rose in support of 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 strong support of SB 2005. This bill authorizes the County of Hawaii to establish a three-year demonstration beverage container deposit program. This project would allow us to test the waters as to acceptance by the public, costs involved to administer the program in relationship to volume of recycled beverage containers. We could analyze tangential costs incurred by retail stores in their handling of empty containers as well as the collection and return of deposits. We could also obtain important data on the adequacy of recycling containers. This type of project which has such a direct impact on the citizen is more appropriately handled at the county level.

"Thank you, Mr. Speaker.

The motion was put to vote by the Chair and carried, and S.B. No. 2005, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED SOLID WASTE MANAGEMENT," passed Third Reading by a vote of 49 ayes Representatives Ito and McDermott being excused.

S.B. No. 2613, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2613, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Marumoto's written remarks are as follows:

"Tell me how this bill changes things. If this bill passes, a commercial venture will now have to obtain a permit annually to feed sharks. This bill pertains to a prohibition on shark feeding. There is an exemption for Hawaiian cultural practices. But, other than the one commercial company that takes tourists out to view sharks in their natural habitat doing their natural thing, I doubt whether this measure will affect anyone else. So now this one company must pay a fee and get a piece of paper every year. More government, more regulation, more paper. Will it save sharks? Will it make sharks happier? Vote no."

The motion was put to vote by the Chair and carried, and S.B. No. 2613, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Marumoto voting no, and Representatives Ito and McDermott being excused.

S.B. No. 2289, SD 1, HD 2:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2289, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 49 ayes Representatives Ito and McDermott being excused.

S.B. No. 996, HD 1 and S.B. No. 997, HD 1:

Representative M. Oshiro moved that S.B. No. 996, HD 1, and S.B. No. 997, HD 1, pass Third Reading, seconded by Representative Lee.

Representative Pendleton rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise with strong reservations regarding this measure.

"I'd be happy, Mr. Speaker, to have voted up on this bill if it were not for the HD 1. I'd also like to be able to have some leeway to address as well, the accompanying statute, which is HSCR 1116, they're the same topic.

"Mr. Speaker, first, the overall issue of prosecution via information or direct file. I think this is a good thing. That is what they do on the mainland. I went to law school at USC in Southern California. That is how they operate. It is fair for victims and witnesses of crime, and it is speedier for defendants. It allows for increased public safety because police spend less up-front time sitting in a courtroom, and rather they are outside policing. It enhances judicial efficiency, and it allows Hawaii to catch up with other jurisdictions, Mr. Speaker. I would remind people that this doesn't circumvent a trial. The Constitution still applies. The defendant will have a full-blown trial. What this does is that the first phase, as it were, of bringing someone to justice or moving them through the criminal defense side, it speeds things up it allows for prosecutors to present the information that is necessary and to move this along.

"Now let me get to the reason why I have reservations about the HD 1. I believe that what you are going to have, at least with the constitutional amendment, is if you look at the HD 1 of S.B. 996, you actually see that you have some additional new things that it appears that the defense will have. It appears that this, coupled with the accompanying statutes, you have the defendant with basically the right to depose a possible witness and things like that. It is almost like you've got two trials here, and so it seems to me that the way we drafted this bill seems to undercut the efficiency goal.

"If we were going to do this, we should do this like other states do it, rather than this way. So those are my reservations. I wish that we could pass this in its original form as the Senate saw fit to. So for those reasons, I am hoping as this bill is considered and that somehow we can get back to the original form, Mr. Speaker."

Representative Thielen rose to speak in support of both measures with reservations, stating:

"I am rising in support with reservations, and Mr. Speaker, I also will address both S.B. 996 and 997.

"Mr. Speaker, the problem with S.B. 996, as amended in the House is that the constitutional provision now will be tied to a Class C felony. And that is specifically on page two of the bill. That is a crime charged in the form of the lowest grade of felony offense.

"I'd just like to read a couple of sentences from the Prosecutor's letter to us relating to both of these bills. 'The bills permit an expeditious method of bringing criminal defendants to trial. This direct file method includes review by a judge and permits a criminal defense attorney to challenge the results by motion. These bills are the flagship of the law enforcement coalition's legislation package.' He then lists five benefits of the bill. (1) Fair treatment of victims and witnesses of crime. (2) Speedier trials for defendants. (3) Increased public safety to police presence in the community. (4) Enhanced judicial efficiency. And, (5) allows Hawaii to catch up with mainland practices and procedures.

"In putting this provision into the constitutional question to be voted upon by the voters, it will then place into the Constitution only Class C felonies. That is the problem. The voters should have the opportunity to vote upon, whether or not we should allow the direct file all together. Then we should set it by statutory provision, what will the level be.

"I understand the Chair of the Judiciary's concern as he expressed them in the Committee. I followed what was going on in our Committee hearing very closely. He wanted to have an opportunity to start with Class C felonies. An opportunity for the Public Defender to be able to depose whomever the Public Defender felt was appropriate to depose, and then he wanted to have a taskforce put together to look at what is going on across the country and come back with further recommendations. That is a reasonable, cautious, first step. But the problem is, we are limiting the constitutional question severely by only including Class C felonies. That is wrong. We should have the opportunity to do that by statute. But just the plain question, the phrase in S.B. 996, 'Shall prosecuting officers be authorized to initiate criminal charges for felony offenses through a written information as provided by law.' That is how the bill should be amended as we ultimately go through the Conference Committee process.

"Then as we go in to the statutory provision, which is the second bill that we are discussing now, there is a problem expressed by the Prosecutor that S.B. 997 gives defendants an

unrestricted right to depose any possible witness in the case. Well, if the Public Defender abuses the ability to depose any possible witness in the case, then I am sure we will do what Florida did and remove that provision. I think at this point, I can live with all of those limitations in the statutory provision, provided that the constitutional question becomes broader and isn't limited to just Class C felonies. Thank you."

Representative Hamakawa rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support.

"Mr. Speaker, the reason why we chose to do it the way we did it in the bill was because we wanted to do it as a slow, cautious approach, and make sure that what we are doing is a proper thing. I think what we are proposing in allowing a direct file is really a radical shift in how we are doing things now through the Judiciary. We really need to take a look at what other states are doing to see what are the problems that are going on. That is why we purposely limited this to Class C and below, the lowest grade of a felony, and allow the taskforce group to then look at what other states are doing with regard to other felonies, more serious crimes. And if it is the will of the taskforce and the future Legislature to move in that direction, then that Legislature will do that. We are not limiting anything. We are not limiting a future Legislature from acting in that manner.

"Mr. Speaker, I was made aware of a letter written by Mr. Carlisle to, I guess, all the members of the House. I wasn't given the letter so I am not really sure what it says. But apparently the letter accuses me as Chair, of not being forthright and honest with the Committee members about the proposal that was put forth to the members and to the floor, to this Legislature. I would challenge anyone on this floor, if I have mislead anyone in the decision making process, for what was said on the table and what was presented in the bill, to stand up and 'call me on the carpet' on that. I don't think I did that, Mr. Speaker.

"I think the decision making process was a very open and honest one. It was a bill that was heard last Session. It was decision making only this year. We took the very the unusual step, Mr. Speaker, of allowing Mr. Carlisle and Ms. Arnette to come to the table during decision making to get their points of view of what they thought was going on. And they provided some comments and some insight. That is not what normally goes on in decision making, as you know. So I think it was a very open and honest process that we went through. I am a little befuddled by the accusation.

"Mr. Speaker, I think the bill that we put forth is a good one. It's one that will take a look at how we handle the accused and I think it is a really a positive step that will result in more positive steps as the taskforce takes a look at and studies other states. Because what was said to us, what was said to me last year was, that one of the states that was pointed to was Florida. The State of Florida does this. Well, we talked to Mr. Carlisle. We took a look at Florida. They do depositions. At the table, Mr. Carlisle said that depositions were repealed in Florida. We checked that. It hasn't been repealed. It is still going on. If I am wrong, someone should tell me that. But as far as I know, depositions are still going on in Florida. Thank you, Mr. Speaker."

Representative Rath rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with strong reservations. Contrary, direct file is not a radical shift. It is something that is done throughout the rest of the United States.

And rather than belabor this in this late hour, I'd like to have the context of the letter from Mr. Carlisle, which I received entered into the Journal."

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

"I think it is an improper request to have the contents of the letter submitted into the record."

The Chair responded, stating:

"I think Representative Marcus Oshiro is correct at this point. You could state what he said in the letter, but I will not allow it to be incorporated as part of your testimony or speech."

Representative Whalen rose to a point of order, stating:

"Mr. Speaker, I rise on a point of order. Its been done before many times by members of both parties, to submit other written documents to supplement the speech that they've been giving. I don't see anything improper at this point. Instead of reading a letter, to submit the letter in the Journal because as I said, it has been done many times in the past."

The Chair responded, stating:

"Representative Whalen, may I respond. It has been done many times before, but the letter is critical of one of our colleagues or a particular caucus as a whole, we had that discussion the last time in regards to that editorial, which was not incorporated into the Journal."

Representative Rath responded, stating:

"Mr. Speaker, I can solve this. What I'll do is I'll paraphrase the letter and insert it, and I'll make sure..."

At 6:18 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 6:21 o'clock p.m.

The Chair recognized Representative Rath who continued, stating:

"Thank you, Mr. Speaker. The remarks I'll be entering into the Journal will be sections related only to the law, not to any individuals from that letter. And my response is already typed out and ready to go. So there won't be any reference to any members in here. Just to the specific direct file motion," and the Chair "so ordered."

Representative Rath's written remarks are as follows:

"Mr. Speaker, I rise in support, with reservations.

"Charging by Information for felony crimes is nothing new, it is successfully used in many jurisdictions throughout our country, and the procedures proposed in the original draft of this bill provide ample safeguards for both victims and defendants.

"As Honolulu Prosecuting Attorney Mr. Carlisle points out in his letter, there are many benefits to that system, including: fairer treatment for victims and witnesses; speedier trials for defendants; improved public safety through better utilization of police resources; and greater judicial efficiency.

"Senate Bills SB 996 and SB 997 as originally drafted accomplished all of these objectives while providing ample

protection for the rights of the accused, however, as Mr. Carlisle points out on page two of his letter, the House Draft 1 revisions to this bill cause several problems, some of which are listed below.

"The State Constitution:

SB996 HD1, the amendment to the constitution, limits charging by information to the lowest grade of felony. Thus, even if the procedure turns out to be a huge success, it cannot be expanded to higher felonies without a new constitutional amendment. The original SB996 did not limit charging by Information to the lowest grade felonies, that was done in the revision to the Statutes (SB997). This provided the legislature with greater flexibility if the procedure turned out well.

"The Revised Statutes:

The changes to the Revised Statutes (SB997 HD1) limit charging by information to the lowest grade of felony. The revisions also permit the defense to conduct unlimited depositions of the victims and witnesses, at the Prosecutor's expense.

"These revisions are bad for the following reasons:

1. It defeats the original purpose of the bill, which is to reduce the workload of the courts and prosecutors, and permit speedier trials.

2. It allows the Defense to harass and intimidate the victim and witnesses. Victims and witnesses, even juvenile victims and witnesses, would be forced to confront a hostile defense attorney at close quarters, unprotected by counsel or a judge. Even the suspect would be allowed to be present. How could a juvenile assault or sex abuse victim be expected to withstand that sort of intimidation?

3. It allows the defense attorneys to consume the Prosecutor's resources without limit, thus reducing the Prosecutor's ability to pursue cases. Since all of the cost is borne by the Prosecutor there is no incentive for the defense not to abuse this power and every reason for them to do so, since it harms the Prosecutor and has no effect on the defense, except to enrich the defense attorney.

"Because of these problems, as well as other concerns raised by Mr. Carlisle, I strongly urge that SB 996 and SB 997 be passed in their original form."

Representative Marumoto rose to speak in support of both measures, stating:

"I am in favor of this bill. I would like to thank the Chairman of the Judiciary Committee for hearing the bill. Several Committee members last year asked him in writing to hear the bill and finally, I feel, we were successful. I think it will go a long way to expedite the criminal justice system, and we could get more 'bad guys' behind bars faster. I am hoping that we can clarify things as they go into Conference Committee. I am very grateful that we are addressing the constitutional amendment, and hopefully that will pass. Any changes that are required statutorily, I am sure the good Representative from Kailua will promise to submit a bill to make the necessary changes in the January 2003 Session."

Representative Case rose to speak in support of both measures with reservations and asked that the remarks of Representatives Pendleton and Thielen be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Case continued, stating:

"Frankly, my concerns are less with statutory implementation. I realize that there are legitimate issues there that need to be discussed. I trust we can work them out in Conference and perhaps we'll get to the end and have some disagreements, but we'll vote on them.

"What concerns me more than anything else is the limitation placed on our flexibility in the proposed constitutional amendment, which is confined merely to the lowest grade of felony. I think, as a general matter, that when we go out to the people and ask them to support an amendment to the Constitution, that should not be a kind of restricted process. The general idea here is that we go out to them and say let us consider doing these things, and leave it to the Legislature to work out the details. What I am frankly fearful of is that there are areas above the lowest grade of felony that sooner or later we may want to utilize this process with. Yet we are basically restricting ourselves, which I am sure is the intent of the framer of the proposed constitutional amendment.

"The better course here is to provide that flexibility by constitutional amendment and retain language that allows future Legislatures to implement in a way that will provide the appropriate protections. I just think this amendment is a little too limited for the intention we have to go ahead and amend our Constitution. I'd like to see us broaden that out, so we have the ability, and so do future legislators, to fashion and move with the times a little bit."

Representative Meyer rose to speak in opposition to both measures, stating:

"I am going to be voting no on both of these measures, because of the way the bills have been amended. We can't just assume everything is going to be cleaned up. What we are voting on today is the bill before us, and the way this bill has been amended it doesn't do what it was meant to do. In reading some of the Prosecutor's letter, he points out that this bill now gives the defendants unrestricted right to depose. It was not in the original bill. It says that the direct file method of instituting criminal charges was intended to spare victims and witnesses the necessity of having to physically appear and repeat what they have already told law enforcement. By providing for an unrestricted and unregulated right to depose any possible witness, the direct file method would become far more cumbersome than the charging methods already in place.

"The reasons that these bills were introduced in the first place was to make the whole system more efficient and easier for everybody involved, and the way the bills have been amended now it is not going to accomplish any of those intentions. Thank you, Mr. Speaker."

Representative Gomes rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I am in support. Just a few comments with regard to the constitutional amendment and what we have before us. I think this is what was represented to the Committee, and that is what I understood that came out. I too appreciate the Chair and the Vice Chair hearing this, and moving it out of the Committee, and bringing it out to the floor. I don't agree that it should be refined or restricted to the particular class as the speaker from Manoa and others have said. I think in the Constitution, we should allow for the flexibility. Let's tweak the statute as may be, but going forward for the time being, I'll support it."

Representative Fox rose to speak in opposition to both measures, stating:

"I am going to oppose these two measures, and I just wanted to explain that right now, Mr. Speaker, over the last two years we have seen crime going up in Hawaii. This is the factor that causes me great concern. I am sure it causes all the other members on this floor some real concern. It is important in that context that we listen very hard to the City Prosecutor who is trying to marshal his resources to fight crime more effectively. He's made this far and away his number one priority. And I believe under the circumstances, we should respond by passing a version of the constitutional amendment and the bill as close as possible to what he needs to do his job. And I am so disappointed that we aren't in that position that I move to vote no. Thank you, Mr. Speaker.

Representative B. Oshiro rose in support of both measures, stating:

"Thank you, Speaker. I stand in strong support of the two measures. I just want to clarify something. I am surprised that people are saying that crime has been rising, because when I look at the State of Hawaii semi-annual crime summary which comes out from the Department of the Attorney General Crime Prevention and Justice Assistance Division, both for January 2002 and January 2001, I don't see any rise in crime. Additionally, when I look at the crime trends series, printed by the same agency, they took a look at the crime rates as it relates from 1975 up to 1999.

"As I look at every single type of chart that they have, and they have over a dozen charts, it doesn't seem that any of those crimes are on the rise. Instead actually, they are on the decline or they have remained the same. Specifically in violent crimes, it's actually the same, and property crime has gone down. U.S. murder has gone down. Forcible rape, that one has gone up a little bit. But robbery and aggravated assaults have all gone down. So when you look at the..."

At 6:29 o'clock p.m., Representative Fox requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:30 o'clock p.m.

The Chair recognized Representative B. Oshiro who continued, stating:

"Thank you, Mr. Speaker. That was just a tangential point, actually. My main point is just that if maybe there is a conflict in the evidence and whether crime has specifically gone up or down, to me the more primary issue is this really a change and shift in the way we approach criminal prosecutions.

"Although people have said that other states are doing it and it's not a radical change, I really do think that it is a radical change. You know, I am pretty young and I've gone to law school and I graduated in 1996. One of the things that I learned all about was the American system of jurisprudence, and how one is innocent until proven guilty. The whole system of criminal justice is based on the belief that it is better to set guilty men free than to convict one innocent man and send him to jail."

Representative Pendleton rose to a point of inquiry, stating:

"Is the gentleman suggesting that this measure would change that? My understanding that this measure doesn't change that presumption of innocence, Mr. Speaker."

The Chair responded, stating:

"Thank you very much. Your point is well taken. Representative Blake Oshiro."

Representative B. Oshiro continued, stating:

"I'd like to clarify how I think that it does sort of change that presumption. Specifically because what it does is, it states that the Prosecutor, through direct filing, can establish all this evidence, and thereafter the burden shifts to the defendant to try disprove that evidence. And that happens via a motion, but that's after the arrest and after the bail-setting hearing.

"So first, what happens is the Prosecutor sends in his direct filing paperwork and gets a review by a judge. Thereafter, the person is arrested, bail is set, and during all this time, this is before they get the opportunity..."

Representative Gomes rose to a point of inquiry, stating:

"If I may, it is my understanding that all this process is just to establish probable cause, and the trial goes forward and the burden is always on the government to prove beyond a reasonable doubt. The discussion at this point, is off-base from the underlying bill itself, and diverted from basically its essence.

The Chair responded, stating:

"Representative Gomes, I believe the speaker has a right to present his point of view in regards to the process of these types of criminal proceedings. Correct me if I'm wrong, as far as being a layperson and not an attorney. You may have your differences among attorneys. Representative Blake Oshiro, you may proceed on."

Representative B. Oshiro, continued, stating:

"Thank you, again. I am trying to explain the pre-trial process that is going on. We are not talking about trial. I'm not in anyway inferring that there is a real 'innocent until proven guilty' trial. I'm trying to say that in the preliminary proceedings, before you even get to trial, this would really somewhat shift the burden. And that's what scares me, and that's why I think this study approach that the bill tries to take is a much better way of doing it.

"Primarily what we are doing is we are trying take a slow look at this case and we are going with the lowest grade of felonies. And really why we are doing that is when you think about it, the main reason that this proposal is being put forth is for the sake for judicial administrative convenience. To make it a little bit less burdensome for witnesses and things of that sort. So on one hand you have convenience for prosecutors, maybe saving money, maybe saving money on the judicial system. But on the other hand what you have is an undermining of what I feel is the primary tenant of the judicial system.

"And moreover, the important thing you need to realize is that, when it comes to trials, I mean, as far as I know, the statistics are about 70-80% of cases..."

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

Representative B. Oshiro continued, stating:

"Thank you. About 70-80% of these cases are pleaded out. So really, the witness, right now only has that one time to testify, which is at the grand jury proceeding at the preliminary hearing. After that, the case pleads out so they don't have to come back to testify at trial. I think that's a little bit misleading to say that we are dragging down these people to come down to court twice, when you know, 'poor them, they've been robbed.'

I mean, I think does happen for the 20% of the time but for a lot of the times, I think that doesn't necessarily happen.

"As for the issue of when it comes to the depositions, there is accusation that there may be abuse. But I think embodied in the criminal procedures are things that curb these kinds of abuses. That is specifically why we tried to put in a taskforce and study, so we can take a look whether or not there are going to be abuses. The important thing about depositions is we are taking away the right of sworn testimony by doing direct filing because we no longer have these witnesses, percipient witnesses, testifying before a grand jury or other preliminary hearing. So essentially what you have is a written statement.

"Now when it comes to a written statement, the witness can always be very general. However, when I comes to trial, what you really need is, you need the opportunity to cross-examine them, and make sure that they are not in any way lying or somewhat misleading the truth. And that's how impeachment happens. And that's how you discredit witnesses. That's one of the most important tools that the Public Defender has in order to assure that the truth is being told. If they don't have those kinds of tools, then the kind of things that..."

Representative Pendleton rose to a point of inquiry, stating:

"Again, the gentleman is giving the impression that that can't happen, the right to confront witnesses, the defendant's opportunity to testify on his own behalf, cross-examination, all of those things will happen. We're not talking about the trial. We're talking about the process of determining probable cause. That's my understanding, Mr. Speaker."

The Chair addressed Representative B. Oshiro, stating:

"Representative Blake Oshiro, could you confine your remarks to this proposed constitutional amendment and statutory language."

Representative B. Oshiro continued, stating:

"I thought I was, because this no longer has any sworn testimony in the preliminary or the grand jury indictment process, and that's what I was talking about. You don't get to use those kinds of tools later on in trial. I'm sorry that I'm confusing people between the pre-trial and the actual trial procedures, but you know, it's a reality. It is confusing and there is a lot of stuff going on. That's why we need to have taskforce.

"I think it's a really complicated issue. When we take a look at the states that have been doing this, we were told that Hawaii is in the minority, and that only 12 states allow for this hearsay evidence to be used. But upon our further research, we found that it's not simple. There are a lot of exceptions and the states do it all differently. And that's why we really want to take a comprehensive look at what we are doing. Because I still believe, I may be young, I may be standing from an 'ivory tower,' and I may have all these young beliefs on how I think the judicial system works, but I still believe that the better way to do it is through a systematic and steady approach, rather than just trying to ramrod it through. Thank you."

At this time, Representative Whalen called for the previous question, seconded by Representative Rath, and by unanimous consent, granted.

The motion was put to vote by the Chair and carried, and carried, S.B. No. 996, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE 1, SECTION 10, OF THE HAWAII CONSTITUTION," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives

Djou, Fox and Meyer voting no, and Representatives Ito and McDermott being excused; and

S.B. No. 997, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Djou, Fox and Meyer, voting no, and Representatives Ito and McDermott being excused.

The Chair directed the Clerk to note that S.B. Nos. 2180, SD 2, HD 1; 2005, SD 1, HD 1; 2613, SD 2, HD 1; 2289, SD 1, HD 2; 996, HD 1; and 997, HD 1 passed Third Reading at 6:37 o'clock p.m.

S.B. No. 2149, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2149, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Third Reading by a vote of 46 ayes, with Representatives Ito, Marumoto, Nakasone, Rath and Whalen being excused.

S.B. No. 1320, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1320, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Third Reading by a vote of 34 ayes to 12 noes, with Representatives Auwae, Djou, Fox, Gomes, Jaffe, Leong, Meyer, Moses, Ontai, Souki, Stonebraker and Thielen voting no, and Representatives Ito, Marumoto, Nakasone, Rath and Whalen being excused.

S.B. No. 2681, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2681, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Third Reading by a vote of 46 ayes, and Representatives Ito, Marumoto, Nakasone, Rath and Whalen being excused.

S.B. No. 941, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 941, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 46 ayes, and Representatives Ito, Marumoto, Nakasone, Rath and Whalen being excused.

S.B. No. 2432, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2432, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER," passed Third Reading by a vote of 46 ayes, and Representatives Ito, Marumoto, Nakasone, Rath and Whalen being excused.

S.B. No. 2526, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, 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 Third Reading by a vote of 46 ayes, and Representatives Ito, Marumoto, Nakasone, Rath and Whalen being excused.

The Chair directed the Clerk to note that SB Nos. 2149, SD 1, HD 1; 1320, SD 2, HD 1; 2681, SD 1; 941, SD 2, HD 1; 2432, SD 1, HD 1; and 2526, SD 2, HD 1 passed Third Reading at 8:12 o'clock p.m.

S.B. No. 2824, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, 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 Third Reading by a vote of 47 ayes, and Representatives Ito, Marumoto, Nakasone and Whalen being excused.

S.B. No. 3048, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 3048, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"I rise to speak in support of the measure with some reservations. My only reservation is that I don't think the State is sharing in the profit making from this visitor destination. And that's my reservation."

The motion was put to vote by the Chair and carried, and S.B. No. 3048, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Third Reading by a vote of 47 ayes, and Representatives Ito, Marumoto, Nakasone and Whalen being excused.

S.B. No. 2786, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2786, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Rath voting no, and Representatives Ito, Marumoto, Nakasone and Whalen being excused.

S.B. No. 2478, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2478, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 47 ayes, and Representatives Ito, Marumoto, Nakasone and Whalen being excused.

S.B. No. 2775, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2775, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading by a vote of 47 ayes, and Representatives Ito, Marumoto, Nakasone and Whalen being excused.

S.B. No. 2274, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, 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 Third Reading by a vote of 45 ayes to 2 noes, with Representatives Fox and Stonebraker voting no,

and Representatives Ito, Marumoto, Nakasone and Whalen being excused.

The Chair directed the Clerk to note that SB Nos. 2824, SD 2, HD 1; 3048, SD 2, HD 1; 2786, SD 1, HD 1; 2478, HD 1; 2775, HD 1; and 2274, SD 1, HD 1 passed Third Reading at 8:14 o'clock p.m.

S.B. No. 2118, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 2118, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising to speak against the measure.

"Mr. Speaker, we have received some information from the Society for Human Resource Management, and basically they say the bill is bad for Hawaii, bad for its employees, and bad for economic growth. They further go on and say that the Department of Labor and Industrial Relations has consistently testified against this bill. Senate Bill 2118, will discourage the acquisition of failing businesses and more than likely cause more employees to lose their jobs than to preserve a portion of them. It is not always likely that the employee skills needed by the new employer exist in the seller's workforce.

"Mr. Speaker, following Second Reading of this bill, I received my Hawaii Bar Journal, and in it was an article titled: Wrongful Termination Law in Hawaii, by Michael Nauyokas. I spoke to Attorney Nauyokas and also faxed him a copy of the bill. He stated that this would create a statutory cause of action, a termination in violation of public policy. He said that the bill, or I guess maybe I should let him speak for himself. I will say it for myself, that the bill is creating litigation. There is no period of time in which the new purchaser or the new entity that acquires a business, no period of time stated in the bill, when that the purchaser will be able to terminate employees, where the purchaser has needs for a differently trained work force. With no period of time, a judge will set a reasonable period of time.

"What we are passing through with this bill, first of all, is an embarrassment. Nationally, we would be only state in the Nation to do this. Second of all, it would incredibly add to anti-business image. And third, it's a lawyer's dream, because it will create litigation, left, right and central. I think the bill should be stopped here tonight, and absent that, I would hope that it would never end up going to Conference Committee."

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

"I am voting against this bill. If I were a rich employer, I wouldn't want to buy a company that I would have to take half of the employees. I would want to choose employees.

"Out at Makaha Sheraton, we had that problem. Marriott wanted to buy the Sheraton, and they wanted them to keep these employees and they 'copped' out. I'm glad that someone else did buy it, and I wish them luck"

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

"I rise in support with some deep reservations. I wish to makes some comments. I'm rising in support because I think there is a germ of a bill here that still can be brought forward in this Legislature to address some obvious situations that require

some further protection of workers in company purchase situations. Unfortunately, I have voted for this twice now, and I am rapidly losing the belief that in its current form, it can in fact accomplish worker protection. I just want to go through this real quickly.

"Essentially, what we have going in Hawaii today is a situation where there are several businesses that really need an infusion of cash. Where for one reason or another, whether it's failure of economic revitalizations, or the operation of a company are the reasons, or they really need a new owner. And the question is where those new owners are going to come from. And those new owners are people that want to come in take a company and make it better, not only for themselves, but presumably, for the employees as well. And the question is what is it going to take for us to get that new capital infusion, where we've got these companies turning over. And this could be either from people that are within Hawaii, or from outside of Hawaii. But the question is how do we accomplish it. It's clear that we have to do it. But what this bill says essentially, is if you are a certain size company, and I grant the authors of the bill, or the proponents of the bill that we are talking about a very small number of companies in Hawaii, and if you are a company of that level, and if you decide and purchase that company, then you have got to retain at least 50% of those employees.

"Now, one thing that we haven't really discussed greatly, is the impact and the interaction of this particular proposal with federal labor law. What federal labor law says is when somebody buys a company, and I am oversimplifying this, so please all you labor lawyers don't jump all over me, but what you've got to do is if you retain 50% or more of the employees, you have to continue with any union contract which are in effect. If you retain less than 50% of the employees, then you basically can start over.

"Now this causes, as a matter of federal law, this causes people who are buying companies to retain the takeover or to agree to take less than 50% of the employees. That doesn't mean that they don't end them hiring them back. It simply means in the transfer, they take less than 50% in order to start over. That doesn't take away from the employees' right to reorganize. It doesn't take away anything from the employees to be able to put the situation back together, but the point I'm making is that federal labor laws drive employers to a certain result.

"Now, what happens when we come in with a State law that you have got to keep 50% of those employees, frankly, I don't even know, because I don't think we fully considered it. What is the interaction with federal labor law is at that point, whether it's totally preempted by the federal labor law, or exactly what you have got. You've got one law going in one direction and one law going in the other. That creates a tremendous problem for both the employers and the employees.

"The last concern that I want to make is the point made by the Representative from Kailua on the Second Reading a few days ago, when she asked the question, 'What does that mean? How long do you have to retain these employees?' Because there is nothing in the bill that says how long you have to retain them. And in fact, an answer was given and discussed on the Floor, but as I think more about that answer, I don't think that's a satisfactory answer. And it is certainly an answer that is open to litigation. Certainly an answer where people in that situation, maybe with the company one year later would say that the law still applies. There is nothing in the law that say it only last for three months.

"I think what I am trying to say in sum here is that this bill can work. This bill can take care of obvious abuses, but it

cannot accomplish its purpose of both economic revitalization and frankly, a protection of employees, who in a company that is failing for a variety of reasons, would 'die on the vine' along with that company if we don't allow companies to be turned over and capital to be infused and other people to take risks. This is really a shortsighted solution to a longer range problem. And I hope that we devote the effort to try to remedy some of the problems with this bill between now and the end of Session, because I think we can do it. But, if in its current form as it comes back to the Floor, I would really urge all of us to vote against it."

Representative Rath rose to speak in opposition to the measure and asked that his remarks on Second Reading of this measure be entered in the Journal for Third Reading, and the Chair "so ordered." (By reference only.)

Representative Rath continued, stating:

"Additionally unlike the previous speaker, I can tell you in fact, this bill can't be fixed, and it won't work. It's not good for Hawaii. It's not good for business. It's most certainly not good for our economy. Thank you."

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

"Thank you, Mr. Speaker. Just very briefly in opposition.

"Mr. Speaker, we, and all in this Legislature want to encourage investment here in our State. We want our economy to grow. Passage of legislation such as this, where any outside investor who wants to take over a company with over 100 individuals must retain 50%, at least 50% of their workers, is not what we should be doing if we want to encourage more investment in this State. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2118, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Third Reading by a vote of 31 ayes to 18 noes, with Representatives Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker and Thielen, voting no, and Representatives Ito and Whalen being excused.

At this time, the Chair addressed the Body, stating:

"Before we move on to S.B. 2698, SD 2, HD 1, the Chair will allow the male members of the House to take off their coats if you would like to take off your coats, since the air conditioning is off. Now, everybody should be much more fresh at this point, and much cooler."

Representative Yoshinaga rose to a point of information, stating:

"Mr. Speaker, do I need to put my coat back on?"

The Chair responded, stating:

"No. No. Members may we proceed on to S.B. 2698, SD 2, HD 1. Any discussion?"

S.B. No. 2698, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 2698, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," passed Third Reading by a vote of 49 ayes, and Representatives Ito and Whalen being excused.

S.B. No. 2431, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2431, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in favor of this measure. I have reservations on S.B. 2431, SD 2, HD 1. This is a very good start at campaign reform and it addresses many problems. It advances major changes. These changes will have far-reaching and even perhaps unintended consequences. I am a little bit nervous about this measure, so I do not vote free and clear, at least not yet. But I do vote yes, with reservations.

"I remain uncertain about the definition of 'soft money' in this bill. There's a prohibition against soft money solicitations by political parties and candidates that refers to all funds that are not covered by Chapter 11, of HRS. Perhaps, drafting that prohibition in a more easily, understandable manner for the public and me, might be a good idea. If the language of the prohibition intended to mirror the federal bipartisan Reform Act of 2002, recently signed into law by President Bush, why isn't the bill drafted to specifically reference the Act? I think the ambiguity may lead to unintended violations of the proposed legislation.

"Although the new effective date of November 6th would allow for education on these issues, a more troubling aspect on this measure, is the legal question of the constitutionality of the soft money prohibitions. The Campaign Spending Commission testified on the SD 2 version in the Judiciary Committee but did not have a chance to see the HD 1 version until very recently. I believe, yesterday. I am no lawyer, but the word I'm getting back from the Campaign Spending Commission is that the part of the legislation regarding prohibiting political parties from soliciting, receiving or directing, and I quote, '...to another person a contribution, donation, or transfer funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this chapter...' may be challenged on constitutional grounds. The Campaign Spending Commission would be responsible for enforcing this legislation, and if it is unsure about certain parts of the legislation, I think it behooves us to listen.

"Along those same lines, there has been a request for an Attorney General Opinion. Has there been a request for Attorney General Opinion on this measure? Such an Opinion may assist Conference Committee managers and members as this measure moves through the process. I am not totally comfortable with further limits on contributions, especially on political parties. And I question that we should further limit their independent assistance to candidates. After all, isn't that what political parties are for? To advance candidates who are in agreement with party policies and philosophy?"

"The prohibition against contributions to candidates or office holders, that means Mayors and Governors, that decide on awarding contracts to contractors desiring such contracts, is a concept of that the Campaign Spending Commission and your Minority have lobbied for in years, past and present. It is a concept I'm generally in favor of and would like to see enacted into law. However, I do have some concerns about the modifications made to this part of the bill in the HD 1 version.

"First, I noticed that the time period for which a contractor would be prohibited from making a contribution is extended a year in each direction, instead of one year. This version of the bill now makes it illegal for a contractor to make a contribution two years prior to the notice of availability of the contract or

commencement of negotiations, whichever is earlier. And two years subsequent to the completion..."

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

Representative Marumoto continued, stating:

"Thank you to the Representative from Waimanalo. Also you'd be restricted from making contributions two years subsequent to the completion of the performance, or termination of the agreement. Would that change essentially prohibit contractors from making a contribution ever? That's a four-year swing.

"This version also does away with limitations that such solicitations are prohibited with respect to such a contract, as it reads now, any candidate or candidate committee, would be prevented from receiving such money, irrespective of the fact that a candidate may have nothing to do with a particular contract.

"I bring these comments to the attention of the Body to improve the product as it moves through Conference Committee and Final Reading. I hope to be able to vote for this with an enthusiastic yes vote at the end of Session."

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

"Thank you, Mr. Speaker. Please note my reservations for the same reasons stated by the Representative from Waialae."

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

"Yes, Mr. Speaker. With due respect, I wish to speak for the bill with some reservation.

"First of all, I do understand the time and effort that was put forth by the Chairman and the Vice Chairman in the crafting of this bill. Generally it's a good bill. There are some areas that I'm very concerned about. I'm concerned with the kind of donations that the members can get. With the limits that you have, and who can give, the power will be shifting from the members to the PACs, to Political Action Committees. They will be the ones who would develop the capability to get funding and thereby deliver the money to the respective candidates. You'll find a real power shift here, and one not to my liking. You are going to be having mini 'Tammany Halls' that are going to be developed. And this can work contrary to the 'one man, one vote' system that we now enjoy.

"And also, the trend of where we're going now, you'll probably only have the very rich who can afford to run, or the retired. Those up and coming young people, who don't have the financial capabilities, will find it very difficult to run in the future, unless they become beholden to one of these increasingly powerful PACs that are going to be developed. And this is my concern.

"I hope that as we go into Conference that the Chair and the Members and those of the Conference Committee can look at some of these areas, and hopefully, improve it and retain the 'one man, one vote' capability, which the Parties of both sides have thrived on. Thank you very much.

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

"Mr. Speaker, I rise in strong support of this measure.

"First of all, we have 'Tammany Hall' here, right now. We need to move away from 'Tammany Hall.' If the Representative from Maui suggests that we eliminate Tammany Hall from both the current system and the system purposed in this bill, I'm all in favor of what he says.

"Also if the remarks of the Representative from Makiki basically say that in this bill, we need to end a corrosive influence of money on politics and return to a system where the decisions are made purely on the merits. If we want to break the link between contracts given to government and government solicitations for political purposes. If what we do want to do in fact is clean up our election system, then I'm happy to incorporate his remarks as my own. Thank you."

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

"Thank you, Mr. Speaker. The important part of this bill that is really significant is the one that breaks the link between government contracts and financing of major political campaigns. That will be fantastic if this remains in the bill and passes into law. Thank you, Mr. Speaker."

Representative Meyer rose to speak 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 Meyer continued, stating:

"There are so many provisions in this Bill, 27 in all and two and a half pages to explain it. I'm not sure what all is in there. There are good things and there some that are somewhat troublesome. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2431, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 49 ayes, and Representatives Ito and Whalen being excused.

S.B. No. 706, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 706, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Once again, I am forced to vote against this measure.

"Mr. Speaker, you know there are good, even essential items, included in this bill. And there are some that I really would like to see funded. But I can't tolerate the funding source. You know my feeling on taking from that source. I've said it many times in the past. And I think if it's important to fund these items, which I think it is in most cases, it should be general funded, general fund funding, without any kind of raid. I know this bill is transferring money into the general fund and taking it right back out. It's still raiding the Fund. If we really think it's important, let's fund it. Let's just fund it out of the general fund. Let's cut back on some of our government programs, some of the size of the departments. Look at those 5,000 plus vacancies we have. Do some real fat trimming and not raid the Fund.

"And its really with a heavy heart again, that I have to vote against this, because as you know, included are several major items for my district. Items that are essential from my district. And I know there are essential items for many other districts too. And I have believe that those were put in there to entice us to vote for this bill. It is sometimes hard to do, but it is always good to vote the right way, not the easy way. Thank you, Mr. Speaker."

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

"Mr. Speaker, I welcome the ongoing public discussion on this issue. As this bill progressed, the public has been to separate political chaff from real world solutions. More than ever I am convinced that the recommendations reflected in S.B. 706, SD 1, HD 1, are the correct, fiscally responsible choices. I say this for a couple of reasons, Mr. Speaker.

"First and foremost, transferring a portion of the Hawaii Hurricane Relief Trust Fund permits this government to fulfill its obligations to the public to provide essential services, especially to those who needs them the most.

"Second of all, of all the alternatives received and reviewed by your Committee, this plan is clearly superior and addresses the reality we all face.

"Mr. Speaker, the primary duty of government is to provide for the safety and welfare of its citizens. This is accomplished mainly by appropriations to support core functions and essential government services. The terrorists attacks of September 11th, have seriously compromised this State's ability to meet that duty. We are \$330 million short of being able to deliver what we said we would, in fiscal years 2002 and 2003. This bill helps us to meet the need for critical services.

"Mr. Speaker, I trust that by now everyone understands what would happen if this measure fails. For those who do not, let me be a little more specific. Without the transfer of these funds, despite how critical the learning environment is for our public school students, we must reduce \$2 million for repair and maintenance of public school facilities. And though accountability is at the heart of any successful public school system, we must postpone the Hawaii Content and Performance Standard Assessment and School Accountability Program. We impede educational improvement by forcing larger class sizes in the critical kindergarten to second grade years. Although growing enrollment and limited resources suggest the need to utilize other approaches than continuing to build more school buildings, we must reduce funds in the short term for multi-track schooling. Without this transfer Mr. Speaker, it becomes necessary to cut English as a Second Language, the Hawaiian Language Immersion and Hawaiian Studies programs, Community Based Education and a host of vocational oriented educational based programs.

"Despite the critical role of our Public Library System as the repository of knowledge and access of information, we would have to close six community libraries. Despite it being an essential need of two income families, we would substantially reduce funding for the A-Plus After School Program. Mr. Speaker, we lose a multitude of programs that would help our at-risk student population and provide for our most promising and motivated students to succeed. Let me repeat that, Mr. Speaker. We lose a multitude of programs that would help our at-risk student population and provide for our most promising and motivated students to succeed.

"Although, we have always tried to help the most needy in our communities, we eliminate over \$3 million dollars in General Assistance. We deny critical human service programs

for at-risk families such Blueprint for Change, Parents and Children Together, and the Good Beginnings Alliance. And we cripple our criminal justice system by sharply curtailing the Victim Witness Assistance Program.

"Mr. Speaker, this is not an exhaustive list, but I believe it illustrates my point. If we reject this bill, then we have failed our constituents and we are on record against supporting public education with the appropriation of \$34.5 million. I submit, Mr. Speaker, that this is the most critical education bill we will vote on this Session. Rhetoric is one thing, efforts to reform our educational system is another. But clearly denying adequate funding for education is counterproductive to efforts towards developing a first rate public school system. Which brings me to the second point or the second reason that I believe that this is the correct and fiscally responsible choice."

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

Representative Takamine continued, stating:

"Of all the alternatives considered to address the deficit, this is a critical component of the solution. It is in the response that offers a 'win-win' outcome.

"Mr. Speaker, consider for a moment how this Legislature is being pulled in opposite directions on the HHRF Trust Fund surplus. On the one hand, there are those who would have you believe that this action is unwarranted. That we can employ other means to restore these essential services and still balance the budget. Those in this camp have wisely forsaken the specious claim that the excess funds should be returned to homeowners. They now profess what they feel is the more appropriate position, that the Fund's ability to respond to the next disaster must be protected. This bill does exactly that. It maintains the original legislative intent by preserving the structure of the HHRF Trust Fund. To replace the transferred funds, there is a \$100 million general obligation bond authorization. This way, the Fund is kept whole and retains its full capacity to respond should private insurance carriers once again stop issuing hurricane insurance after the next hurricane hits Hawaii. In point of fact Mr. Speaker, the members of the Fund's Board themselves, have said that they need only \$100 million to protect the Fund's integrity. Moreover Mr. Speaker, this measure provides for individual homeowners to invest in hardening their homes so that damages will be mitigated and minimized the next time a disaster strikes.

"Other voices are urging this Legislature to apply more of the Fund, if necessary, to retain essential services. They say that the emergency exists now. Their arguments are often impassioned and always compelling. For example on April 4th at a public hearing which was duly noticed Mr. Speaker, on this measure, there were over 30 testifiers who appeared and they testified 10 to 1 in support of this measure.

"One group, the Volunteer Legal Services of Hawaii, testified that in spite of the risk, if the Legislature does not take this step, and I quote, 'The ones who will likely suffer the most will be those who have the least amount of political say: the poor, the homeless and the indigent. Our children, the aged and the handicapped.'

"Blueprint for Change, a child protection organization said, and I quote again, 'Since the 1997 budget cuts to health and human services, we have seen a steady increase in Hawaii rates for child abuse and neglect. Additional cuts to programs that work to prevent child abuse and neglect will have a crippling effect and long-term cost consequences Hawaii can ill afford.'

"The State Department of Public Safety testified that if it loses funding for leasing beds on the mainland, State operated facilities will become so overcrowded that we will have to grant early release to inmates. The Department went on to say that if it loses funds for treatment programs, released inmates would be less likely to remain in the community as law-abiding citizens. The State would continue to experience higher rates of recidivism. S.B. 706 would help all of these entities retain the vital services that uphold government's duties to its citizens, while maintaining the Fund's ability to respond to the next crisis.

"Mr. Speaker, this bill exemplifies a 'win-win' solution by number one, preserving a structure that is necessary to protect the public's interest should the private carriers again leave the Hawaii market when the next hurricane hits. Number two, maintaining the total solvency of the Fund. Number three, establishing a Hurricane Damage Mitigation Program by setting funds aside for homeowner to receive grants to harden their homes. And number four, providing resources to fund essential services.

"Finally Mr. Speaker, I want to address certain erroneous public statements made about your Finance Committee's methodology. The most misplaced criticism suggests that the Committee failed to slash programs and services funded in the main budget H.B. 1800, making this action necessary.

"Mr. Speaker, first of all, the programs and services identified in this measure are not the top priority items from a statewide perspective. They are very important, but relative to other programs in the budget, rose to the top for reductions if funds were not otherwise available."

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

Representative Takamine continued, stating:

"Thank you very much. The departments, working with understanding that if cuts had to be taken, identified these programs for reduction or elimination. To reject this bill and require these services be supported by the general fund would mean reduction or elimination of actual core functions like basic classroom instruction, the National Guard, University of Hawaii programs, public health services, corrections, environmental protection and civil defense.

"Critics allege that the items funded in S.B. 706 were 'cherry picked.' Let me be clear. Without this bill, those services are gone. They are the programs that will be cut or eliminated to balance the budget. Keep in mind that approximately half of the budget goes to pay for our public schools, community colleges, and University system. In addition, fixed cost items such as debt service, the employee retirement system and health fund payments, make up 15%. The Department of Human Services accounts for another 15%. The Department of Health accounts for 11%. The Department of Public Safety accounts for 4% and all others account for 7% or less than \$250 million. The programs named in S.B. 706, when compared with fixed costs, public school and University of Hawaii instruction, and court mandated services, fall short of top priority functions. Nevertheless, there is no denying the essential or vital nature of those services and their importance to the various constituent groups.

"On the issue of alternatives that have been offered, those who still feel attrition can be used as a major component to balance the budget, I invite you to ask the members of the Finance Committee about the two days we spent in March on this subject, as well as cutting vacant positions. The idea of

realizing tens of millions in savings were dismissed after it was shown to be unrealistic. After it was proven to be unworkable.

"Those who feel the One Capitol District Building can be sold to realize tens of millions in savings, be aware that the State cannot sell what it does not own.

"For those who wish to convert the Department of Defense from general to special funds, I ask you to please identify the revenue source of the \$6 million in special funds so we may evaluate your proposal.

"For those who suggest that \$15 million can be saved if the State were to stop paying for car insurance for welfare recipients, please note that the State does not pay for welfare recipients' car insurance.

"For those who suggest that \$40 million can be saved by privatizing a new prison, there is no funding, I repeat, no funding in the budget for the operation of a new prison. Thus, clearly there are no savings that can be realized.

"By and large, the criticisms are conceptual and the suggestions to alternative reductions have been largely unworkable. They deal in generalities avoiding specific details, which are bound to fail. Thus far, every explicit alternative has failed to meet full budget scrutiny. They are either factually challenged or they would not survive a legal challenge. In short Mr. Speaker, the measure before this Body is the best recommendation possible at this time. That is why I can say without equivocation, that this is the correct, fiscally responsible choice. We've done a thorough review. We've looked at the options. And for those who would disagree with this measure, please provide your specific alternative solutions.

"Mr. Speaker, we are in our 47th day of Session. There are 13 days left to go. And despite our legislative deadlines, I remain open to any and all specific alternatives. If the suggestion survives full budget scrutiny, and can withstand legal challenges, I will advocate for their incorporation as we move to Conference on the budget. In the absence of meaningful and realistic suggestions to balance the budget, I ask for the members support on this measure. Thank you very much."

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

"Thank you, Mr. Speaker. I am rising in opposition to this measure. I'll be brief.

"We've discussed this bill numerous times, about raiding the HHRF to help cover our budget deficit. I'd like to make just a few points here Mr. Speaker, in opposition to this measure.

"First and foremost Mr. Speaker, we all have a responsibility. We must all recognize that government is the servant and not the master of the people. The people's will has been quite clearly articulated that they do not want us to raid the HHRF. It is our responsibility. It is our duty to obey the commands and wishes of our constituents and the public. They do not want this bill.

Second Mr. Speaker, I do not believe we have adequately looked at our fiscal priorities to address what are the core and non-core functions of our State government. The Representative from Manoa has quite often on this Floor advocated for a more closer examination of what our State government looks like, and what its priorities are. I do not believe that we have made those difficult choices. And before we raid the Hurricane Relief Fund, I believe we need to take that close examination.

"Third Mr. Speaker, this proposal, this bill, proposes to take \$100 million of the HHRF and replace it with a \$100 million note. In effect Mr. Speaker, what we are doing is using debt to finance ongoing operations. Normally when we use bonds to finance government activities, we usually use it for capital improvement projects because debt incurs a long-term obligation for the Hawaii taxpayers. But when we use it for CIP, at least we get a long-term asset. In this instance what we are in effect doing is using debt to finance current operations. The Hawaii taxpayer will incur a long-term obligation to pay for current expenses. There is no long-term asset for the Hawaii taxpayer.

"Finally Mr. Speaker, the final point I would like to raise is that there is little point in passing this legislation and this particular bill now. The State Senate has already voted down the House version of this measure and even today, 16 Senators sent us a letter clearly stating that they will not pass this legislation. There is no need for the members of this Body to move out this legislation today. For all these reasons Mr. Speaker, I am standing in firm opposition to this bill. Thank you."

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

"Thank you, Mr. Speaker. I would like to speak in favor of S.B. 706, SD 1, HD 1.

"Mr. Speaker and colleagues, in case people haven't noticed, the hurricane has come and gone. It has left devastation in its wake. The image of planes flying into towering icons of America's economic strength, and the crumbling aftermath still haunts most of us. Although not a hurricane, it was no less a disaster that flattened economies across this Country, and Hawaii was not spared. In fact, we were hit harder because of our dependency on tourism.

"On the brighter side, what makes Hawaii unique amongst societies of the world is the way we pull together in the face of disaster, despite the poor economy or our differences in incomes, status, ethnicity, or even religion. When we suffer natural or personal disasters, we have a proud record of responding swiftly and collaboratively to provide immediate aid to victims of the economic tragedy. People realize that when called upon to respond to human disaster, we indeed can rise above our individual wants and needs for the greater good.

"Well, we've been called upon once again. Will we respond? Or have the memories of September 11th faded to a shadow? To politics as usual? Do we check the polls before we act? In case you haven't noticed colleagues, people are still hurting. Now more than ever, people need for us to respond with courage and compassion, to meet the needs of the neediest. It is a cruel irony that when people need resources the most it is when we have the least to offer. Unfortunately, it is our children who will suffer the most from some of these proposed budget cuts.

"Mr. Speaker and colleagues, I am especially concerned about a particular budget cut, which this bill proposes to restore. And that is a cut of \$3.6 million to the Department of Education English as a Second Language Learners Program. These cuts threaten to derail almost three decades of bilingual education in Hawaii, and to eliminate equal educational opportunities for Hawaii's immigrant children. If allowed to proceed, this reduction will result in the elimination of 287 part-time teachers, many of whom are native language speakers, along with 6 full-time positions servicing 10 schools. Plus an additional \$221,000, the entire budget for supplies

including testing materials used for measuring the progress of ESL students.

"The ESL program currently serves 12,820 students across the State with more than half coming from Honolulu. And I am talking about Kalihi, Palama, Downtown and also the Leeward areas of Waipahu and Ewa. This number of culturally and linguistically diverse students is increasing steadily in Hawaii's schools. In 1999, 6.7% of Hawaii's students spoke a first language other than English. By 2001, the number of national origin language minority students will increase to more than 10%. And reduced ESL funding will place these students at higher risk for classroom failure and school dropout significantly. Without bilingual education, these students will also be ill-equipped for higher education and will lack the necessary skills to obtain productive job training or employment. We will squander their energy and lose their creative force for community betterment.

"It also exposes the Department and the State to unwanted and unnecessary litigation. Under Title VI of the Civil Rights Act from 1964, students are guaranteed equal access to education and prohibited from discrimination on the base of race, color, or national origin. And I quote from a Supreme Court Justice who in 1974 stated, 'There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum. For students who do not understand English are effectively foreclosed from any meaningful education.'

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

Representative Arakaki continued, stating:

"Thank you Representative. Now some people will object to the method of financing and how we have positioned the funding of valuable programs and services in this bill. But for me, I applaud this approach. It represents the kinds of tough decisions that we have to make. When making these decisions, I always fall on the side of people and the needs of our people. It is not enough to just to talk the talk. We also have to walk the walk Mr. Speaker, and this is what we are doing through this bill. Thank you, Mr. Speaker."

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

"Mr. Speaker, when I ran for office I took heed of some words in my heart from the Bible. In the Book of Proverbs, Chapter 31, Verse 9, it said 'Open thy mouth, judge righteously and plead the cause of the poor and needy.' Mr. Speaker, when I was campaigning, I promised my constituents that I would do that. They voted me in because of that platform that I had when I was running.

"Mr. Speaker, the Hurricane Fund has served its purpose as a temporary method of providing insurance to the people of Hawaii in the wake of Hurricane Iniki. It is clear that the money in the Hurricane Fund was intended to revert to the general fund in the first place. What I want to talk about is basically, what will happen if we don't use this Fund. I don't know if the critics of this bill have really taken a look at the programs that are being funded by this bill. But they are truly critical to our State. I don't have to tell you how serious the situation is with our budget right now. Many of the most important programs to help some of the least fortunate people in Hawaii will only survive if they receive money through this mechanism.

"Let me review just a few of the programs that will be saved by this bill. In Section 57, it appropriates \$3.2 million for the

General Assistance Program. This appropriation, in addition to the amount in the Executive budget, will be sufficient to maintain the standard of assistance of \$418 a month, a measly \$418 a month, for our current caseload of slightly less than 5,000. If the appropriation was to be further reduced or the population would grow, assistance for each client will have to be reduced and that was provided through our Hawaii Revised Statutes.

"In Section 58, it appropriates \$421,000 to maintain a grant-in-aid for Blueprints for Change. This grant-in-aid funds the community model to serve at-risk children and families through services provided at the Neighborhood Places project in Kona and Waipahu. The purpose of these programs is to divert families that are at-risk of child abuse or neglect from the formal Child Protective Services Systems.

"In Section 59, it appropriates \$242,000 to maintain a grant-in-aid for Parents and Children Together. This grant-in-aid funds services to low income individuals and families residing in Kuhio Park Terrace and Kuhio Homes. Services to approximately 12,000 individuals include family strengthening activities, education and life skills support and pre-employment services. The grant also funds the Kaneohe Community Family Center, which provides similar services to low income families and particularly families of at-risk youths. The Kaneohe Program expects to serve over 7,000 families.

"In Section 60, it appropriates \$300,000 to maintain the grant-in-aid for the Good Beginnings Alliance. The Good Beginning Alliance serves as the focal point for policy development and is dedicated to enhancing, developing and coordinating quality early childhood education and care services.

"In Section 61, it appropriates \$90,000 to maintain the grant-in-aid for Hale Mahaolu for home and community based services for disabled individuals. This grant-in-aid provides services to 50 disabled and chronically ill individuals in Maui County. These services help clients remain in their own homes or in the community and avoid premature institutionalization or inappropriate institutionalization. It also helps to develop self-sufficiency and remedy or prevent abuse and neglect.

"It also saves funding for emergency shelter services, domestic violence services, substance abuse services for juvenile sex offender treatment services, and shelter and residential services are all being funded by this bill, Mr. Speaker. Substance abuse treatment services for the Neighbor Islands, which are desperately needed, are funded by this bill. STD and AIDS prevention services by the Department of Health are funded by this bill."

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

Representative Kahikina continued, stating:

"Veteran counseling services are being funded by this bill. Crucial education programs including Hawaiian Studies and Immersion Programs, Parent Community Network Centers and many of the programs that get kids involved in school and keep them in school are being funded by this bill. The list goes on and on. I wish I had the luxury that some seem to have of saying that we don't need to spend this money, and that the monies in the HHRF shouldn't be used for these purposes. Unfortunately, I believe in prudence and facing reality. And the reality of this situation is that if we don't pass this bill, we will have turned our backs on thousands of people in Hawaii. We aren't going to help anybody by paying back premiums that simply don't exist anymore, and that nobody reasonably ever expected to be repaid in the first place. However, we will be

helping people by providing services that they desperately need, which is what this bill does.

"Mr. Speaker, we heard the rhetoric, and you know, rhetoric without deeds is likened to faith without works, and Mr. Speaker, this is our faith, and this our works. To open our mouth, judge righteously and plead the cause of the poor and needy. And this bill supports the poor and needy. I urge your support. Thank you."

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

"Mr. Speaker, I rise in opposition to this measure. First of all, I'd like to incorporate by reference my remarks of March 5th of this year on H.B. 2654, both my remarks in favor of my floor amendment of that day, and also in opposition of the bill without that floor amendment. And I have some additional remarks.

"You know, the Finance Chair said that this bill represents the reality we all face. I suppose that depends on your reality, because what this bill shows and what the debate in this Legislature shows, and the debate beyond our walls, frankly is that we seem to be living in two different realities. One reality is inhabited by those who assume the expenses, and then try to find the revenues to sustain those expenses. I don't live in that reality. I live in the reality that looks at what revenues our economy can produce on a long-term basis, a sustainable basis, revenues that will come in year after year, and try to prioritize expenses to that level. And I do believe that as we project those revenues out into the future, we can, in fact, provide for the core functions of government. That is the reality that I live in, and that is the reality that we have to live in, we have to live in, in order to bring our budget under control.

"Now there are a couple of remarks I just want to make reference to. The first and most basic one I want to talk about again is so that nobody here or outside this Chamber is under any misunderstanding as to what this bill does. What this bill does is take roughly \$83 million of proposed general fund expenses segregated out of our budget bill, and then say that we have to pay for those \$83 million only by raiding the Hurricane Fund for the \$100 million. And I want to be very clear to everybody that, that is not a result that is required by any action on our part. We choose in this bill to go in that direction. But we are talking about a budget that in total, represents somewhere around \$3.5 billion. And we can choose not to expend a \$100 million out of the Hurricane Fund. And when you fit that against \$3.5 billion, you start to recognize that you have some possibilities for prioritizing.

"So we simply carved the \$83 million out of that \$3.5 billion and paired it with this bill, and then said we had no choice. We are still on that 'no choice.' Of course we have a choice. We are supposed to be the leaders of this State. We have the choice to go back and prioritize the entire general fund budget, not just to prioritize the \$83 million in this particular bill.

"Now reference was made to the Hawaii Hurricane Relief Fund Board of Trustees and how they asked us to just leave a \$100 million in the Fund, and be sure we don't dip below that. Let me very clear. The Board of Trustees of the Hurricane Fund does not favor utilizing any portion of this Fund, and I think anybody would have to admit to that if the question was put to them. So let's not be under the illusion that somehow the trustees or the guardians of this Fund say it is okay to take the \$100 million. They don't say its okay.

"Much was again made of the lack of alternatives, and I would suggest again that the lack of alternatives is a self-made, self-fulfilling prophecy. We started with the result that we

wanted, which was not to reduce those expenses, not to consider other alternatives. Other alternatives are on the table. I don't understand this quote unquote, 'full budget scrutiny.' Is that some mysterious body somewhere around here that tells us whether we can or can't do things? I am part of this Body and I am willing to participate in full budget scrutiny. It sounds really like a cloakroom somewhere.

"The fact of the matter is that virtually all of the proposals that are on the table can in fact be fashioned to work together to provide some resolution to this problem. That is where I want to end my remarks, which is that the panels that have been trotted out before this Legislature to say why these particular proposals don't work. For example, the Finance Committee held hearings in which it basically assembled a group of department heads from the State who said attrition wouldn't work. Who said the elimination of vacant positions wouldn't work. Well, what do you expect them to say? They want to use the Hurricane Relief Fund. Their boss wants to use the Fund. Are they going to come in here and tell us that attrition can work? That eliminating some vacant positions can work? Of course they're not. There was no outside advice as to whether it can in fact work. It was a 'stacked deck' so what do you expect the answer to be. That is where I really want to end here. We lack imagination. We lack will. We lack the purpose to go in a different direction because we leave this particular direction open.

"And I'll close by saying this. I challenge anybody in this Chamber to tell me that we are going to be in a different situation next year. I challenge anybody to say that one year from now, less than one year from now, when we and our successors are facing the exact same situation without the Hurricane Relief Fund, what are we going to do then? And if we know that is the result, shouldn't we be acting responsibly today? I believe we should. I believe we should say, 'No.' I believe we should turn back to the business of finding a different way of balancing our budget on a sustainable basis. Thank you."

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

Representative Gomes continued, stating:

"Mr. Speaker, I am rising in opposition and have a few comments. And if I may, the previous speaker from Manoa, I think he hit many good points on the nail head, and I'd like to ask that the Clerk to insert his remarks as if they were my own.

"But basically, no Mr. Speaker, this is wrong. We cannot do this. Frankly, the money should be refunded. It is a profit. We made too much, and we shouldn't have. If it is not going to be refunded, it should remain intact. The public has overwhelmingly said 'hands off.' And frankly I find that these longwinded, very longwinded, very longwinded emotional rationalizations in support are not creative, and are not persuasive about why we should tap into this Fund. The 'pass it or else' scenario that we hear from the proponents I think is frankly, merely a form of bullying, and it doesn't convince me. It suggests blind desperation, a tantrum. It is not wisdom. It is not leadership. And it is not a move to do the right thing.

"With regard to the specifics of the bill itself, page 11, section 11, the bill tries to take away some of the legal claims that may arise in the event that there is a transfer or loan. And perhaps it may take away some of those claims in the event there is a transfer. Frankly, it doesn't do anything to deal with the constitutional claims that may arise if there is a challenge. I also think frankly, that the Fund's Board of Directors has a

legal duty to prevent any transfer or loan from occurring, and if they don't exercise that duty, they will be in breach.

"Finally Mr. Speaker, the Senate passed its version of the budget and they did so without raiding the Fund. In fact, they recommitted the Fund bill to their respective Committee. So they did it. They balanced their budget without selling their soul, and that is the way we should go too. Thank you."

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

"I wish to speak in favor of this with some minor caveats.

"First of all, I would like want to remind the members that the position we are in now is we are basically cash short. We have been for many, many years. If you recall, we provided a tax break in personal income tax, and the pyramiding, to exempt a good amount to approximately \$2 billion over a period of 6 or 7 years. It is revenue that is lost. In order to balance the budget in the past, unfortunately we have taken money away from the ERS, approximately one billion dollars. Members this only says one thing, that we do not have the revenue to maintain the programs that we currently have and operate right now. And I kind of agree in a way with the Representative from Manoa, that we have not made the hard choices. That is true. But I think it is disingenuous to say that we want to cut when we don't even know what the core programs are or the effects of the cut on core programs. What is a core program?

"Let me give you an example. Some years ago when I was the Speaker, you Mr. Speaker, and I had the Business Round Table. I think you were there as the Finance Chairman. And they were complaining about the budget similarly as we are doing. They said the budget is too big. We need to cut it and bring it down to size. So I got the Finance Chairman and his Committee to give them all the information that we had relative to the budget. We gave it to the Blue Ribbon Committee, the 'cream' in the State. You go and examine this now. We'll give you two weeks. Examine this. You have the same information that I have. In two weeks, come back and tell me where I am going to cut, and I promise you that we will cut.

"After two weeks we had another meeting, and I asked the Blue Ribbon Committee members what were their recommendations? You know what? They had none. They said we cannot make any recommendations. And this is a fact. It was witnessed. It is easy to say members, let's cut.

Let's look at the University of Hawaii. Years ago, we cut approximately \$35 million. To this date it hasn't been put back in. We've been paying all the repair and maintenance with bonds because we don't have the cash to pay. Repair and maintenance is basically a short-term expenditure. It should not be paid in bonds. We don't have the cash so we have issued bonds to pay for that. And yet we continue to say let's cut programs.

"Our class size is approximately 29 to 30 per class, not the 23 that we think it is. We don't have the dollars to reduce the class size. We did not have it in the past, and we don't have it now. Basically it's because we are cash short, and we have not come to the realization of what we must do. Yes, if you can find areas to cut, let's cut. Let's bring it down to size. But if you cannot, let's face the reality, and that reality is that we need more dollars pumped into the economy, into the budget, so that we can balance the budget. There is no other way. I think it is disingenuous to say that we should cut, if you don't know where to cut is going to come from, Mr. Speaker."

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

"Thank you, Mr. Speaker. I would like to just add a few comments in opposition.

"The Board of Trustees doesn't support raiding the Hurricane Fund and here's a very clear example why. The National Weather Service in Honolulu issued a severe thunderstorm warning for the Barking Sands area of Kauai a few weeks ago. The National Weather Service Doppler radar indicated a severe thunderstorm about ready to move on shore from the south at Barking Sands. Persons in the area of Barking Sands should move to shelter and be ready for strong, gusty winds, very heavy rain, lightning and possibly hail. A severe thunderstorm may give rise to a tornado. Waterspouts were observed near Lihue, Kauai about three quarters of a miles off shore around 11:00 a.m. that forenoon, likely moving toward the North. If waterspouts move on shore, they can produce dangerous winds. If you cannot get out of the way, move under something sturdy and stay away from the windows. If you are in the open, lie flat facing the ground with your hands over your head.

"Mr. Speaker, the money should stay in the Hurricane Relief Fund, otherwise we are going to have people lying flat on the ground with their hands over their head, and no money there to help restore Hawaii after the next storm hits. Thank you."

At this time, Representative Rath called for the previous question, seconded by Representative Gomes.

At 9:21 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:23 o'clock p.m.

The Chair addressed the Body, stating:

"The question has been called, but before we call the question, at this time the Chair will allow members to submit their written comments or to state their position if they have reservations, etc."

Representative Moses rose in opposition and asked that the remarks of Representative Case on this Reading and Second Reading be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker I'd like to just state that the Representative from Manoa expressed my feelings quite closely. Thank you."

Representative Takai rose in opposition to the measure and asked that the remarks of Representative Case on this Reading and on Second Reading be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative Espero's written remarks are as follows:

"I vote with reservations on this issue because many of my constituents have stated their opposition to using the HHRF to balance the budget. We have a difficult task to balance the budget, and I believe all options must be considered. If we do not need to use the HHRF, we should not. However, considering what is at stake, as of today we cannot completely

shut the door on this option. There is time to find a compromise or solution. In the coming weeks, we must collectively do the right thing and consider the consequences of our actions.

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

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of S.B. 706 HD1, Relating to State Government.

"Mr. Speaker and colleagues, this measure before us is not a luxury item. It is not excess. It is essential with a capital 'E.'

"Your Committee on Finance has scrutinized numerous options and looked for extra dollars throughout the entire state budget. We have solicited input and sought solutions, however, we still could not avoid cutting some core services. That is why we have this important bill.

"This is the reality, Mr. Speaker and colleagues. This \$100 million is key to a whole range of programs that must be funded. A remind to those members across the aisle – 16 colleagues in the Senate who rejected the Hurricane Relief Fund, caused their budget not to be balanced. These are programs and services fundamental to the purpose of why this body exists to protect the most vulnerable, and provide for the spectrum of resources for our population's needs: our youth, our aged, and everyone in between.

"Having been through two hurricanes and losing my entire home because of Iniki, I also strongly support the pilot program contained in this measure to make Hawaii's homes more resistant to high winds and disasters. Decreasing the liability exposure for insurance companies will go a long way in ensuring the availability and affordability of homeowner's insurance if another hurricane should occur. The Finance Committee surveyed all the options and we recommend this measure to access the resources to keep our people whole and above all – a balanced budget.

"It is for these reasons that I wholeheartedly support this - I ask for support of this important measure. Thank you, Mr. Speaker."

Representative Pendleton rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and that the remarks of Representative Case be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong opposition to this measure. Senate Bill 706, House Draft 1 removes \$100,000,000 from the Hurricane Relief Fund to the general fund, issues \$100,000,000 in GO Bonds to deposit into the Hurricane Relief Fund, and establishes a pilot program to provide grants for installation of wind resistive devices. I support the grants. I oppose the raid of the Fund. This bill aims to deal with a question that the legislature has been asking all session: how do we address the inevitable budget shortfall?

"Senate Bill 706, House Draft 1 is one way to deal with that shortfall, but it is not the proper and prudent and fiscally responsible way. When one confronts a potential budget shortfall one can either increase revenues – in this case increase taxes and fees – or one can decrease expenses.

"This bill clearly does not look at expenditure reductions. Accordingly, we should not accept its solution. In fact, the word solution is not appropriate. This simply puts off into the future the problem.

"The Hurricane Relief Fund was created to address the problem Hawaii faced when insurers fled following severe hurricanes. It was designed to be available in case of a hurricane. Based on just that reason alone, it is unreasonable to take money from the Fund and place it into the General Fund.

"It is simply not right to take money for one reason to use it for another. We told those purchasing homes to pay money for the hurricane fund. The Fund's name made it all self-explanatory. Imagine their surprise to learn that that money will now be used for other purposes.

"If private sector companies had people invest money for one purpose, but turned around and used the money in another fashion, they would very quickly find themselves in a court of law. But because we are the government we are acting as though it is okay to do this. I disagree with this sort of fiscal management.

"Balancing the State Budget is an important task – a constitutionally required task. But we need to find appropriate places from which to pull the funds necessary to accomplish this task. The Hurricane Relief Fund is not one of those places. Yes, there is money in the Hurricane Relief Fund. This money, however, does not belong to the State. It belongs to the people who paid into the Fund. Legally, no money can be removed from this fund and placed into the general fund unless the Hurricane Relief Fund is dissolved as a whole. That is what the statute says. Are we effectuating a dissolution? No. And the statutory language does not envision this sort of raid.

"There are proponents of this legislation who claim that core government programs will be funded through the monies taken from the Hurricane Relief Fund. This is clearly irresponsible fiscal management. The premise of a core government function is that it is a long-term commitment, an on-going government function, a recurring expense. Since when was it a good idea to pay a recurring expense from a one-time source of income? It is just not something that a good, fiscally sound business does. Common sense dictates that recurring debts be paid by recurring income. Will there be another fund next year to cover core government programs being funded by the money taken from the Hurricane Relief Fund as in this year? No. This is a one-time raid. There will be no future Hurricane Relief Fund from which to raid money to cover future budgetary shortfalls.

"Core government functions need to be funded from sources more dependable than a one-time Hurricane Fund raid.

"Now if money from this Fund is not used to fund core government functions, then I question why we should fund those activities at all. If it is a core government function, then find a more stable revenue stream to ensure the continuity of services.

"If it is not core, then we need to look at our priorities.

"Shortfalls happen because we have over-spent. It is never the case that shortfalls occur because Hawaii's taxpayers are paying too little in taxes. We have the highest taxes in the nation, so we know that that cannot be the case.

"I think that we should look at this challenging fiscal situation as an opportunity to prioritize. We can determine what is of higher priority among our spending desires. We

need to move beyond what we would like to what is absolutely necessary.

"Doing this – going through this fiscal exercise – will leave us leaner and more efficient. We cannot justify spending on a program today simply by pointing to our having spent on that program yesterday. The existence of a program is not enough to justify its on-going utility to the state. Programs need to justify themselves with respect to other competing programs. Times of austerity are not welcome, but they can be useful.

"I say let us embrace the opportunity to prioritize and to focus on maximizing efficiencies.

"One final note before I close. Note that we are placing GO bonds into the Hawaii Hurricane Relief Fund. Some say this is a brilliant move because it ensures the integrity of the Fund. But those are simply debt notes. We take out cash and replace them with indicia of indebtedness. What good is that? We are both creditor and debtor in this situation. That's like my setting money aside for my son's college education. Then taking that money out to go to Las Vegas but telling my son, "Don't worry because here's an IOU saying daddy owes money from daddy's wallet to daddy's college fund established for your college education." Do you think that would hold water with him? It certainly would not with his mother. My wife would see right through that casuistry.

"And Hawaii's taxpayers see right through this accounting gimmick.

"Furthermore, why then pay for current operations by taking on indebtedness? You borrow for long-term capital assets. You build roads and schools with debt. That's because you want future generations to share in the cost of assets they will benefit from.

"But here we are 'cherry-picking' key DOE programs, pulling those out of the budget where they are normally funded, then funding them through this raid on the Hurricane Fund. Placing notes in the Fund doesn't shore up its viability but only creates the illusion of doing so. And, again, it raises the question of why should we pay for on-going and current operations out of an indebtedness?

"In conclusion, in order to address the shortfall we are raiding a fund. I oppose this raid of the Hurricane Fund. Mr. Speaker this is why I am in strong opposition to Senate Bill 706, House Draft 1."

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

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

Representative Auwae's written remarks are as follows:

"I stand in opposition to SB 706, SD1, HD1. It is the wrong move to transfer funds out of the Hurricane Relief Fund in order to balance the budget. There are the obvious reasons - that to do so would be contrary to the purpose for which the funds were collected and that we need to stay prepared for the inevitable next hurricane to hit our islands.

"More important, I object to using this as a means to balance the budget. Raiding this Fund is a short-term fix that ignores the need for the State to function with long-term fiscal responsibility. I object to this threat to put popular and valuable state programs at risk, and see it purely as an attempt to hide an inability to properly budget and prioritize government services.

"In the 'real world', businesses set budgets and prioritize. If revenues do not support budget proposals, they make cuts, improve efficiency and work even harder to improve their product and thus increase revenue. Government must be made to operate within its means, and as opposed to the onerous proposals to raise taxes and fees and to raid special funds, the state should adopt the common sense approaches of cost cutting, stimulating the economy and clearly prioritizing government services."

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

Representative B. Oshiro's written remarks are as follows:

"Mr. Speaker, I stand in support of Senate Bill 706, Senate Draft 1, House Draft 1. Whereas on second reading, I voted in support with some serious reservations, with some due diligence to explore the basis for this approach, I now support this measure since it appears to be the only way in which Aiea Public Library can be saved from being cut.

"Senate Bill 706, Senate Draft 1, House Draft 1, authorizes issuance of \$100 million in general obligation bonds ('G.O. bonds') for deposit into Hurricane Reserve Trust Fund ('Hurricane Fund'), and appropriates \$100 million from the Hurricane Fund into general fund. However, in appropriating the funds to the general fund, it specifically identifies which programs the \$100 million will save from being cut. Plainly speaking, this bill allows the state to borrow against its credit in G.O. bonds to replace the money from the Hurricane Fund, and uses that available capital to appropriate funds for numerous state programs.

"Please note that even prior to the session, I have been consistently opposed to taking the money from the Hurricane Fund to balance the budget. Thus, in the Honolulu Advertiser's Survey taken before session started, I, along with 28 of my House colleagues, had even indicated my opposition since I have always maintained that government, like everyone else – businesses, our constituents – must budget properly and live within its means.

"Yet, upon further examination of this bill, I see that pages 29 and 30 of the bill, refers to the funding for the operations of the Aiea Public Library. Thus, as I understand it, the monies taken from the Hurricane Fund are being specifically appropriated to maintain the Aiea Public Library and making sure that it stays open, even despite this fiscal crisis.

"On Second Reading, I supported this bill with reservations because I wanted to further investigate whether the money from the Hurricane Fund is the 'last and final resort' to save these programs, and most importantly, to save the Aiea Public Library. I also wanted to know how Aiea was determined to be one of the libraries to be cut.

"As to why the Aiea Public Library, it appears that in 1998, during a similar budget crisis, the previous State Librarian was asked to identify which budget items were expendable to meet a shortfall. The Aiea Public Library was identified as such.

"Moreover, I have been exploring with the Finance Committee, and my colleagues whether this indeed is the only

recourse left: such that if this bill does not pass, there would be no funding for the operations of the Aiea Public Library. Unfortunately, I have been advised that should this bill fail, it is very likely Aiea Library will have to be shut down! Even with the transfer of \$100 million for programs, and even with the current reduction in all departments in the budget, we are still approximately \$100 million short. Thus reductions and downsizing are still a harsh reality that we must deal with.

"In many ways, I feel as though I am in a 'rock and a hard place' because my previous position was against any use of the Hurricane Funds. I had always believed that State government could be reduced, and spending would simply have to match the available funds.

"However, more important than my fiscal philosophy is protecting the funding of the Aiea Public Library. My support of this bill will allow the commitment to funding the Aiea Public Library to proceed on to the Senate, and would allow me an opportunity to seek other savings or alternatives in the budget process to save the library, as I hope to do. While I realize that many may object to using monies from the Hurricane Fund, (which I completely understand) because those funds are being replaced by G.O. bonds, and because I ultimately must support the Aiea Public Library even in the face of strong opposition, I am supporting this bill to keep our options open as the budget continues to move through the legislative process.

"Moreover, as the budget works through the Senate and Conference Committees, I shall continue to investigate every viable alternative towards funding, and examine savings that are available. My hope is that by the end of session, Aiea Public Library will be saved along with most of the other 'targeted' programs, and we will have reduced government to meet our revenues without having a crippling effect on the providing of services."

Representative Bukoski rose in opposition to the measure and asked that the remarks of Representative 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 S.B. No. 706, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Third Reading by a vote of 28 ayes to 21 noes, with Representatives Ahu Isa, Auwae, Bukoski, Case, Davis, Djou, Fox, Gomes, Halford, Jaffe, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker, Takai, Thielen and Yoshinaga voting no, and Representatives Ito and Whalen being excused.

The Chair directed the Clerk to note that S.B. Nos. 2118, SD 1, HD 1; 2698, SD 2, HD 1; 2431, SD 2, HD 1 and 706 SD 1, HD 1 passed Third Reading at 9:27 o'clock p.m.

SUPPLEMENT CALENDAR #1

Representative Hiraki for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1261-02) recommending that H.R. No. 89 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. 89 entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DO AN ACTUARIAL ANALYSIS OF THE UTILIZATION AND RATE IMPACTS, IF ANY, OF REINSTATING NATUROPATHY AMONG THE PERSONAL INJURY PROTECTION BENEFITS IN MOTOR

VEHICLE INSURANCE," was referred to the Committee on Finance, with Representatives Ito and Whalen being excused.

Representative Hiraki for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1262-02) recommending that H.C.R. No. 131 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. 131 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DO AN ACTUARIAL ANALYSIS OF THE UTILIZATION AND RATE IMPACTS, IF ANY, OF REINSTATING NATUROPATHY AMONG THE PERSONAL INJURY PROTECTION BENEFITS IN MOTOR VEHICLE INSURANCE," was referred to the Committee on Finance, with Representatives Ito and Whalen being excused.

REMOVED FROM TABLE

At this time Representative Souki moved that S.B. No. 2077, SD 1, which was laid on the table on April 5, 2002, be removed from the table and be brought to the floor for disposition, seconded by Representative Espero.

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 removed from the table and was brought to the floor for action, with Representatives Ito and Whalen being excused.

Representative Saiki moved that S.B. No. 2077, SD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Garcia.

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

"Mr. Speaker and members of this Chamber, I would like to speak for the measure. As the Chairman of Transportation, and with the help of the leadership, the Committee and myself, the Vice Chairman, we attempted to salvage this program because we believed that it had some merit. We attempted to amend it to provide changes that would help the public and improve the program, and to get the public to understand the program. We wanted to improve the program so it would be acceptable to the public.

Mr. Speaker, with recent events, it has not evolved the way that we hoped it would have. In fact, Mr. Speaker and members, it has kind of devolved. The latest occurrence where a judge is beginning to question it and is ready to rule on the legality of the method of funding the program, and the continual public outrage that we have, have lead me to believe that the program at this point, cannot be salvaged.

"Therefore Mr. Speaker, in deference to the public which has shown a great distaste for this program, I am willing to propose before this Body that we repeal this program. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I rise in favor of the motion.

"Mr. Speaker, if I had a white shirt, I guess I could take it off, and by analogy say that we are 'raising the white flag.' But I don't think that the members of this Body should despair, as

the previous speaker alluded to. We have done all we could. I think the bottom line here is we did all we could to make our highways and byways safe for our motoring public. We've heard the debate back and forth on this issue since this issue was brought before us once again for review.

"As you know Mr. Speaker, this was a measure that was approved by this Legislature some years ago. But in practice now, and as has been alluded to by the Chair of Transportation, it is devolving, and fairly rapidly. Mr. Speaker, your Majority Caucus is quite aware of the fact that earlier today, the Senate voted 25 to 0 to repeal this program, 25 to 0. Owing to circumstances in that other Chamber, it is quite a miracle that we got them together to vote 25 to 0 on anything these days. But be that as it may, I understand that, and Mr. Speaker, you can correct me if I am wrong, this might be the last debate we ever have on this issue. The last debate tonight because even if we were to, in the normal course of events, wait for Final Reading as we normally do on a measure that comes before this Legislature, we can opt to agree to the House measure voted 25 to 0 in the Senate. No debate, and no vote. That measure goes straight up to the Governor for his consideration.

"So this is it. This is the final night, and by the stroke of his pen, we hope the Governor will repeal this issue and as was alluded to in previous debate on another measure, perhaps the final nail on the coffin with respect to the van cams. Thank you."

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

"I would like to rise in support of this measure. No one will disagree that this measure has been one of the most controversial issues before us this Session. I for one, have heard from many of my constituents on this matter with many people supporting a repeal, and many people supporting a modified version of the program. Tonight we move to repeal the traffic camera enforcement program, despite the many efforts to find a compromise or resolution, which the Senate and the House could support.

"The traffic enforcement camera program did affect traffic Mr. Speaker. And I believe there was a slowing of drivers, but unfortunately the implementation of the program was unsatisfactory and the public outcry and discontent was loud. Even if the repeal measure passes this Session Mr. Speaker, we must continue to find ways to make our roads safer and remove the dangerous drivers on our roads today.

"On the positive side, this measure has brought speeding and traffic safety to the forefront of many debates and discussions. Mr. Speaker, those discussions must continue. If there is a way to save the red light aspect of the enforcement program, I would support it. But for tonight I support this repeal. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, as you know I've been a strong advocate for the repeal of this traffic camera program from the get-go. I want to first of all applaud the decision from the Transportation Committee, the Chair, and the Vice Chair, for being open to discussion and open to debate on this issue.

"And I'd like to also respond to the Vice Chair's call for addressing in the future our public safety and our road safety by urging him to take a look at a package of bills that Representative Djou and I introduced in the beginning of this

Session that offered alternative conventional methods of addressing some of the safety concerns that we have on our road ways. If you took some time to look at these bills, I am sure that there would be some valid points within those bills to address some of the concerns we have on our roads. Thank you."

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

"Thank you, Mr. Speaker. I'll be very brief. It gives me great joy to speak in favor of this proposed motion. Mr. Speaker, on behalf of myself and the members of the Minority Caucus, I would like to say to you, the Transportation Chair, as well as the members across the aisle, thank you, for I feel the people have won tonight. We are getting rid of a much-hated system and returning to the people."

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

"In strong support, Mr. Speaker. I just want to echo the comments of the Chair and the Vice Chair of the Transportation Committee. This will be coming up for a Third and Final Reading on Thursday."

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

"Thank you. I am in support. I would like to echo some of the comments made by the Representative from Makawao and Pukalani, and also to compliment him and a few other Representatives that worked very hard for this repeal from the beginning of the Session, and who put in a lot of sweat and hours for this final outcome. Thank you."

Representative Rath rose and stated:

"I would like to call for the question before anybody changes their mind."

At this time, Representative Rath called for the previous question, seconded by Representative Gomes.

At 9:38 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:38 o'clock p.m.

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," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ito and Whalen being excused.

At 9:39 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:40 o'clock p.m.

Representative M. Oshiro rose to clarify, stating:

"Just to clarify and make sure the record is established. On the Supplemental Calendar, I did move for the adoption of the Standing Committee Reports 1261-02 and 1262-02, and to refer both H.R. 89 and H.C.R. 131 to the Committee on Finance. I just want to make sure that the motion is clearly established."

ANNOUNCEMENTS

Representative Takamine, for the Committee on Finance requested waiver of the 48-hour notice requirement for the purpose of hearing H.R. 96 with the proposed HD 1, which will request the Auditor to conduct a study of voluntary employee benefit associations to determine feasibility as viable health insurance plans for public employees, retirees, and their dependents, to be added to Agenda 1 tomorrow morning at 11:15 a.m. in room 308, and the Chair "so ordered."

Representative Takamine also requested waiver of the 48-hour notice for decision making only on H.C.R. 150 and H.R. 108; H.C.R. 47, HD 1; H.C.R. 19, HD 1; and H.C.R. 173 and H.R. 124, to be added as Agenda 3 tomorrow morning at 11:45 a.m. in room 308, and the Chair "so ordered."

The Chair then addressed the Body, stating:

"The Chair would like to thank all of you very much for your patience today. We started at 9:00 this morning and it is now past 9:40 in the evening. I personally believe the general public and the State of Hawaii got their money's worth out of all of your performances. Thank you."

HOUSE COMMUNICATION

House Communication dated April 9, 2002 from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of S.B. No. 996, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII CONSTITUTION," and that said measure passed Third Reading in the House of Representatives on this date.

House Communication dated April 9, 2002 from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has removed Representative Nakasone and added Representative Saiki as third Co-Chair House Bill No. 1256, HD 2, SD 2.

ADJOURNMENT

At 9:42 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives adjourned until 2:00 o'clock p.m. Thursday, April 11, 2002. (Representatives Ito and Whalen were excused.)

FORTY-EIGHTH DAY

Thursday, April 11, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 2:21 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Pat Fujikawa of the Moanalua Missionary Church, after which the Roll was called showing all members present with the exception of Representative Hiraki, who was excused.

On motion by Representative Lee, seconded by Representative Djou and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Sixth Day was approved. (Representative Hiraki was excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 225 through 227) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 225, informing the House that the following bills were signed into law:

H.B. No. 1726, RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT (ACT 004);

H.B. No. 2117, HD 1, RELATING TO HAWAII PENAL CODE (ACT 005);

H.B. No. 2306, HD 2, RELATING TO JUDICIARY RECORDS (ACT 006);

H.B. No. 2308, HD 2, RELATING TO THE COURTS (ACT 007);

H.B. No. 2310, RELATING TO VENUE (ACT 008);

H.B. No. 2317, RELATING TO THE JURISDICTION OF THE COURTS (ACT 009);

H.B. No. 2318, RELATING TO FORFEITURE OF BAIL OR BONDS (ACT 010);

H.B. No. 2437, RELATING TO FOREIGN PROTECTIVE ORDERS (ACT 011); and

H.B. No. 2493, HD 1, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED (ACT 012).

Gov. Msg. No. 226, informing the House that the following bill was signed into law:

S.B. No 2283, SD 1, RELATING TO EDUCATION (ACT 013).

Gov. Msg. No. 227, transmitting a report of the Employees' Retirement System Pension Benefit Study in accordance with SCR 159, of the Twenty-First Legislature.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 437 through 608) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 437, dated April 9, 2002 informing the House that the Senate has disagreed to the amendments proposed by the House to the follow Senate Bills:

S.B. No. 2093, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE";

S.B. No. 2468, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS"; and

S.B. No. 2772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS."

Sen. Com. No. 438, transmitting S.B. No. 2961, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 439, transmitting H.B. No. 57, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 440, transmitting H.B. No. 683, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS PENALTIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 441, transmitting H.B. No. 1093, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 442, transmitting H.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 443, transmitting H.B. No. 1725, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 444, transmitting H.B. No. 1727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT RENEWAL," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 445, transmitting H.B. No. 1804, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 446, transmitting H.B. No. 1806, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 447, transmitting H.B. No. 1825, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 448, transmitting H.B. No. 1941, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 449, transmitting H.B. No. 2158, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 450, transmitting H.B. No. 2199, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 451, transmitting H.B. No. 2232, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 452, transmitting H.B. No. 2266, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 453, transmitting H.B. No. 2282, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 454, transmitting H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 455, transmitting H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 456, transmitting H.B. No. 2467, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 457, transmitting H.B. No. 2473, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 458, transmitting H.B. No. 2496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 459, transmitting H.B. No. 2507, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 460, transmitting H.B. No. 2514, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 461, transmitting H.B. No. 2550, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 462, transmitting H.B. No. 2560, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 463, transmitting H.B. No. 2580, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 464, transmitting H.B. No. 536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

COMMUNITY DEVELOPMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 465, transmitting H.B. No. 703, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 466, transmitting H.B. No. 870, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 467, transmitting H.B. No. 1012, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 468, transmitting H.B. No. 1357, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 469, transmitting H.B. No. 1684, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE AND LOCAL TAXATION OF MOBILE TELECOMMUNICATIONS SERVICES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 470, transmitting H.B. No. 1700, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE POLICIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 471, transmitting H.B. No. 1713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 472, transmitting H.B. No. 1715, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 473, transmitting H.B. No. 1716, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 474, transmitting H.B. No. 1722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 475, transmitting H.B. No. 1724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 476, transmitting H.B. No. 1730, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 477, transmitting H.B. No. 1731, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 478, transmitting H.B. No. 1746, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED VEHICLES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 479, transmitting H.B. No. 1749, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 480, transmitting H.B. No. 1751, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE SEX OFFENDER TREATMENT PROGRAM," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 481, transmitting H.B. No. 1758, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 482, transmitting H.B. No. 1761, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 483, transmitting H.B. No. 1777, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 484, transmitting H.B. No. 1778, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 485, transmitting H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 486, transmitting H.B. No. 1821, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 487, transmitting H.B. No. 1823, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 488, transmitting H.B. No. 1842, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 489, transmitting H.B. No. 1843, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 490, transmitting H.B. No. 1858, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BEFORE-SCHOOL, AFTER-SCHOOL, AND WEEKEND PROGRAMS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 491, transmitting H.B. No. 1864, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 492, transmitting H.B. No. 1867, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE FOR THE UNINSURED," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 493, transmitting H.B. No. 1878, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 494, transmitting H.B. No. 1901, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIV TESTING FOR SEXUAL OFFENSES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 495, transmitting H.B. No. 1939, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL WATER DEVELOPMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 496, transmitting H.B. No. 1942, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 497, transmitting H.B. No. 1950, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 498, transmitting H.B. No. 1969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 499, transmitting H.B. No. 1976, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 500, transmitting H.B. No. 1996, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 501, transmitting H.B. No. 1999, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 502, transmitting H.B. No. 2002, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 503, transmitting H.B. No. 2006, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 504, transmitting H.B. No. 2018, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 505, transmitting H.B. No. 2030, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 506, transmitting H.B. No. 2045, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 507, transmitting H.B. No. 2056, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 508, transmitting H.B. No. 2065, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 509, transmitting H.B. No. 2072, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WELFARE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 510, transmitting H.B. No. 2132, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 511, transmitting H.B. No. 2163, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 512, transmitting H.B. No. 2164, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 513, transmitting H.B. No. 2165, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 514, transmitting H.B. No. 2166, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 515, transmitting H.B. No. 2167, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 516, transmitting H.B. No. 2169, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 517, transmitting H.B. No. 2172, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 518, transmitting H.B. No. 2176, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 519, transmitting H.B. No. 2192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 520, transmitting H.B. No. 2195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 521, transmitting H.B. No. 2207, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 522, transmitting H.B. No. 2212, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 523, transmitting H.B. No. 2216, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 524, transmitting H.B. No. 2235, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 525, transmitting H.B. No. 2245, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 526, transmitting H.B. No. 2249, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 527, transmitting H.B. No. 2251, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 528, transmitting H.B. No. 2258, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 529, transmitting H.B. No. 2271, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 530, transmitting H.B. No. 2276, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 531, transmitting H.B. No. 2300, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 532, transmitting H.B. No. 2301, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 533, transmitting H.B. No. 2302, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR

VEHICLE DRIVERS' LICENSES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 534, transmitting H.B. No. 2304, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUROR PRIVACY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 535, transmitting H.B. No. 2311, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 536, transmitting H.B. No. 2315, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 537, transmitting H.B. No. 2349, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 538, transmitting H.B. No. 2351, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS CABLE TELEVISION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 539, transmitting H.B. No. 2353, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 540, transmitting H.B. No. 2382, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 541, transmitting H.B. No. 2400, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 542, transmitting H.B. No. 2413, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 543, transmitting H.B. No. 2420, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 544, transmitting H.B. No. 2426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 545, transmitting H.B. No. 2428, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 546, transmitting H.B. No. 2433, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 547, transmitting H.B. No. 2440, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 548, transmitting H.B. No. 2443, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 549, transmitting H.B. No. 2445, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 550, transmitting H.B. No. 2449, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 551, transmitting H.B. No. 2451, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 552, transmitting H.B. No. 2453, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 553, transmitting H.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 554, transmitting H.B. No. 2455, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 555, transmitting H.B. No. 2459, S.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 556, transmitting H.B. No. 2468, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 557, transmitting H.B. No. 2480, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 558, transmitting H.B. No. 2485, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 559, transmitting H.B. No. 2495, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 560, transmitting H.B. No. 2500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 561, transmitting H.B. No. 2501, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 562, transmitting H.B. No. 2506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 563, transmitting H.B. No. 2509, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 564, transmitting H.B. No. 2512, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 565, transmitting H.B. No. 2521, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 566, transmitting H.B. No. 2525, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 567, transmitting H.B. No. 2526, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 568, transmitting H.B. No. 2527, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 569, transmitting H.B. No. 2536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 570, transmitting H.B. No. 2537, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 571, transmitting H.B. No. 2542, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 572, transmitting H.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXTENSION OF PUBLIC LAND LEASES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 573, transmitting H.B. No. 2552, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 574, transmitting H.B. No. 2553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 575, transmitting H.B. No. 2558, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 576, transmitting H.B. No. 2563, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 577, transmitting H.B. No. 2565, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 578, transmitting H.B. No. 2568, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 579, transmitting H.B. No. 2569, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFORMITY OF THE STATE TAX LAWS TO THE UNITED STATES CONSTITUTION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 580, transmitting H.B. No. 2570, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL GOODS EXCISE TAX CREDIT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 581, transmitting H.B. No. 2571, S.D. 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," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 582, transmitting H.B. No. 2576, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 583, transmitting H.B. No. 2577, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 584, transmitting H.B. No. 2582, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 585, transmitting H.B. No. 2595, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 586, transmitting H.B. No. 2618, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 587, transmitting H.B. No. 2638, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 588, transmitting H.B. No. 2642, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

HAWAII HOME LOAN PROTECTION ACT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 589, transmitting H.B. No. 2655, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 590, transmitting H.B. No. 2720, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 591, transmitting H.B. No. 2741, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 592, transmitting H.B. No. 2744, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 593, transmitting H.B. No. 2751, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 594, transmitting H.B. No. 2752, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 595, transmitting H.B. No. 2761, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 596, transmitting H.B. No. 2764, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 597, transmitting H.B. No. 2788, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 598, transmitting H.B. No. 2798, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOLARSHIPS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 599, transmitting H.B. No. 2817, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 600, transmitting H.B. No. 2821, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 601, transmitting H.B. No. 2832, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 602, transmitting H.B. No. 2834, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 603, transmitting H.B. No. 2840, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 604, transmitting H.B. No. 2843, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 605, transmitting H.B. No. 2844, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 606, transmitting H.B. No. 2848, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT PRIVATE ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 607, transmitting H.B. No. 2854, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANCY," which passed Third Reading in the Senate on April 9, 2002.

Sen. Com. No. 608, transmitting H.B. No. 2827, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FINANCES," which passed Third Reading in the Senate on April 11, 2002.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to the following House Bills returned to the House by 12:00 o'clock midnight this legislative day, and requested a conference on the subject matter of said amendments. (Representative Hiraki was excused.)

H.B. No.	536	S.D. 1	
H.B. No.	703	H.D. 1	S.D. 2
H.B. No.	870	S.D. 1	
H.B. No.	1012	S.D. 1	
H.B. No.	1357	H.D. 1	S.D. 2
H.B. No.	1684	H.D. 1	S.D. 2
H.B. No.	1700	H.D. 1	S.D. 1
H.B. No.	1713	H.D. 1	S.D. 1
H.B. No.	1715	H.D. 1	S.D. 1
H.B. No.	1716	H.D. 1	S.D. 1
H.B. No.	1722	S.D. 1	
H.B. No.	1724	S.D. 1	
H.B. No.	1730	H.D. 1	S.D. 1
H.B. No.	1731	H.D. 2	S.D. 1
H.B. No.	1746	H.D. 1	S.D. 1
H.B. No.	1749	H.D. 2	S.D. 1
H.B. No.	1751	H.D. 2	S.D. 1
H.B. No.	1758	H.D. 1	S.D. 1
H.B. No.	1761	H.D. 1	S.D. 2
H.B. No.	1777	H.D. 1	S.D. 1
H.B. No.	1778	H.D. 1	S.D. 1
H.B. No.	1800	H.D. 1	S.D. 1
H.B. No.	1821	H.D. 2	S.D. 1
H.B. No.	1823	H.D. 1	S.D. 1
H.B. No.	1842	H.D. 1	S.D. 2
H.B. No.	1843	S.D. 1	
H.B. No.	1858	H.D. 2	S.D. 2

H.B. No. 1864	H.D. 1	S.D. 1	H.B. No. 2512	S.D. 2	
H.B. No. 1867	H.D. 1	S.D. 2	H.B. No. 2521	H.D. 2	S.D. 2
H.B. No. 1878	H.D. 2	S.D. 1	H.B. No. 2525	H.D. 1	S.D. 2
H.B. No. 1901	H.D. 2	S.D. 1	H.B. No. 2526	S.D. 1	
H.B. No. 1939	H.D. 2	S.D. 2	H.B. No. 2527	S.D. 1	
H.B. No. 1942	S.D. 1		H.B. No. 2536	S.D. 1	
H.B. No. 1950	S.D. 2		H.B. No. 2537	S.D. 1	
H.B. No. 1969	S.D. 1		H.B. No. 2542	H.D. 2	S.D. 2
H.B. No. 1976	S.D. 1		H.B. No. 2549	S.D. 1	
H.B. No. 1996	S.D. 1		H.B. No. 2552	H.D. 1	S.D. 1
H.B. No. 1999	S.D. 1		H.B. No. 2553	S.D. 1	
H.B. No. 2002	S.D. 1		H.B. No. 2558	H.D. 1	S.D. 2
H.B. No. 2006	H.D. 1	S.D. 1	H.B. No. 2563	H.D. 1	S.D. 1
H.B. No. 2018	H.D. 1	S.D. 2	H.B. No. 2565	H.D. 2	S.D. 1
H.B. No. 2030	H.D. 1	S.D. 2	H.B. No. 2568	H.D. 1	S.D. 1
H.B. No. 2045	H.D. 1	S.D. 2	H.B. No. 2569	H.D. 1	S.D. 1
H.B. No. 2056	H.D. 2	S.D. 2	H.B. No. 2570	H.D. 1	S.D. 1
H.B. No. 2065	H.D. 1	S.D. 1	H.B. No. 2571	S.D. 1	
H.B. No. 2072	H.D. 2	S.D. 1	H.B. No. 2576	H.D. 1	S.D. 2
H.B. No. 2132	H.D. 1	S.D. 2	H.B. No. 2577	H.D. 1	S.D. 1
H.B. No. 2163	S.D. 2		H.B. No. 2582	H.D. 1	S.D. 1
H.B. No. 2164	H.D. 2	S.D. 2	H.B. No. 2595	H.D. 1	S.D. 1
H.B. No. 2165	H.D. 1	S.D. 2	H.B. No. 2618	H.D. 1	S.D. 2
H.B. No. 2166	H.D. 1	S.D. 2	H.B. No. 2638	H.D. 2	S.D. 1
H.B. No. 2169	H.D. 2	S.D. 1	H.B. No. 2642	H.D. 2	S.D. 1
H.B. No. 2172	H.D. 1	S.D. 2	H.B. No. 2655	H.D. 1	S.D. 1
H.B. No. 2176	H.D. 1	S.D. 1	H.B. No. 2720	H.D. 1	S.D. 1
H.B. No. 2192	H.D. 1	S.D. 1	H.B. No. 2741	H.D. 2	S.D. 2
H.B. No. 2195	S.D. 1		H.B. No. 2744	H.D. 1	S.D. 2
H.B. No. 2207	H.D. 1	S.D. 2	H.B. No. 2751	H.D. 1	S.D. 2
H.B. No. 2212	H.D. 1	S.D. 2	H.B. No. 2752	H.D. 1	S.D. 1
H.B. No. 2216	H.D. 1	S.D. 1	H.B. No. 2761	H.D. 1	S.D. 1
H.B. No. 2235	H.D. 2	S.D. 1	H.B. No. 2764	H.D. 1	S.D. 2
H.B. No. 2245	H.D. 1	S.D. 1	H.B. No. 2788	S.D. 1	
H.B. No. 2249	S.D. 2		H.B. No. 2798	H.D. 1	S.D. 1
H.B. No. 2251	H.D. 2	S.D. 2	H.B. No. 2817	H.D. 1	S.D. 1
H.B. No. 2258	H.D. 2	S.D. 1	H.B. No. 2821	H.D. 1	S.D. 2
H.B. No. 2271	S.D. 2		H.B. No. 2827	H.D. 1	S.D. 2
H.B. No. 2276	H.D. 2	S.D. 1	H.B. No. 2832	H.D. 1	S.D. 2
H.B. No. 2300	H.D. 2	S.D. 1	H.B. No. 2834	S.D. 2	
H.B. No. 2301	H.D. 2	S.D. 2	H.B. No. 2840	S.D. 2	
H.B. No. 2302	H.D. 2	S.D. 1	H.B. No. 2843	S.D. 2	
H.B. No. 2304	H.D. 1	S.D. 1	H.B. No. 2844	H.D. 1	S.D. 2
H.B. No. 2311	H.D. 2	S.D. 2	H.B. No. 2848	H.D. 1	S.D. 2
H.B. No. 2315	H.D. 1	S.D. 1	H.B. No. 2854	H.D. 1	S.D. 1
H.B. No. 2349	H.D. 1	S.D. 1			
H.B. No. 2351	H.D. 1	S.D. 2			
H.B. No. 2353	H.D. 2	S.D. 1			
H.B. No. 2382	H.D. 1	S.D. 2			
H.B. No. 2400	H.D. 1	S.D. 1			
H.B. No. 2413	H.D. 1	S.D. 1			
H.B. No. 2420	H.D. 1	S.D. 2			
H.B. No. 2426	H.D. 1	S.D. 1			
H.B. No. 2428	H.D. 1	S.D. 2			
H.B. No. 2433	H.D. 1	S.D. 1			
H.B. No. 2440	H.D. 1	S.D. 1			
H.B. No. 2443	H.D. 2	S.D. 1			
H.B. No. 2445	S.D. 2				
H.B. No. 2449	H.D. 1	S.D. 2			
H.B. No. 2451	S.D. 2				
H.B. No. 2453	S.D. 1				
H.B. No. 2454	S.D. 1				
H.B. No. 2455	S.D. 1				
H.B. No. 2459	S.D. 2				
H.B. No. 2468	H.D. 1	S.D. 1			
H.B. No. 2480	H.D. 1	S.D. 2			
H.B. No. 2485	S.D. 2				
H.B. No. 2495	S.D. 1				
H.B. No. 2500	H.D. 1	S.D. 1			
H.B. No. 2501	H.D. 1	S.D. 1			
H.B. No. 2506	H.D. 1	S.D. 1			
H.B. No. 2509	H.D. 1	S.D. 1			

By unanimous consent, the aforementioned bills, as amended by the Senate, were placed on the Clerk's desk.

SUSPENSION OF THE RULES

Representative Lee moved that the rules be suspended for the purpose of considering a certain bill on Final Reading on the basis of a modified consent calendar, seconded by Representative Djou.

Representative Yoshinaga rose to a point of information, stating:

"Point of information with respect to item number 2 on the Addendum. We received a communication transmitting S.B. 2961, SD 2, having passed Third Reading in the Senate. What is the procedural status of the measure, having just heard the Majority Leader say it is received?"

The Chair responded, stating:

"It has just been received at this point in time. That is the response I would like to share with you."

Representative Yoshinaga: "So in terms of the next motion for the Majority Floor Leader, will that be to place it on the calendar for First Reading?"

Speaker Say: "Not at this point, Representative Yoshinaga."

Representative Yoshinaga: "Is there a point at which that would be made, Mr. Speaker?"

Speaker Say: "If there is, at that point it would be offered by one of our members. May we finish this first, H.B. 2167, before we move on? Because you will be given the opportunity."

Representative Yoshinaga: "I will be given the opportunity to...?"

Speaker Say: "Of making the motion for that particular measure, for those who want..."

Representative Yoshinaga: "I am not making a motion, Mr. Speaker. I am clarifying as a point of information regarding the status of the measure, as it sits as received. Is that measure proper for action at this time?"

Speaker Say: "At this time my answer to you would be a solid, no."

Representative Yoshinaga: "So again, Mr. Speaker. A point of information. What is the status of that measure as received. House Rule 44.2 states that, 'The Speaker shall order all petitions and communications filed or referred to a committee without any motion or vote, unless there is objection from the members.'"

Speaker Say: "Yes, so is there any objection from the members at this point? If you are objecting, you will have the opportunity of bringing it up after we address this particular bill."

Representative Yoshinaga: "So I will reserve my opportunity to object to...?"

Speaker Say: "After we address H.B. 2167. I would like to move on with the calendar and we have a measure that is before us for Final Reading."

Representative Yoshinaga: "With due respect Mr. Speaker, I haven't been educated on the rules. But as I read them, I am entitled to a ruling from you as to the status of the measure as received from the Senate at this point, Mr. Speaker."

Speaker Say: "At this point, may we proceed on in addressing H.B. 2167 first?"

Representative Yoshinaga: "May I ask, as point of inquiry, Mr. Speaker, what is the Speaker's intention with regard to what the Speaker shall do in ordering all petitions, communications, filed, or referred to a committee without any motion or vote? What is the intention of the Speaker with regard to item number 2 on the Addendum today."

Representative Whalen rose to a point of order, stating:

"Mr. Speaker, I believe this point of inquiry is not before us at this time. There is a motion made and seconded, and the issue on that motion is a Third Reading bill. This topic and inquiry should be taken up at the appropriate time, which is not now."

The Chair addressed Representative Yoshinaga, stating:

"Representative Yoshinaga, would you like to proceed on as far as your questioning of the Chair at this time? Because the motion before us is for passage on Final Reading of a particular House bill."

Representative Yoshinaga responded, stating:

"Mr. Speaker, I don't know what the proper order is, but I am just asking will the Speaker then let me know when the appropriate time is to make such an inquiry?"

Speaker Say: "Oh yes, yes."

Representative Yoshinaga: "Okay, so I will then be called upon by you so that we won't just jump over me. So that I won't be lost like on the bus when you are trying to pull the buzzer and you've missed your stop?"

Speaker Say: "No, the Speaker has never done something like that."

Representative Yoshinaga: "Okay, thank you very much. I just want to make sure. I am very slow so I have to be guided. Thank you."

Speaker Say: "Well with your years of public service in this Chamber, I would take it for the record that you would know the rules of this House, Representative Yoshinaga."

Representative Yoshinaga: "Mr. Speaker, having been a Chair, I dealt primarily with substantive issues and so I relied on leadership to be the parliamentarian. I am a quick study, but not that quick. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the rules were suspended for the purpose of considering a certain bill on Final Reading on the basis of a modified consent calendar.

FINAL READING

Representative Ito moved to agree to the amendments made by the Senate to H.B. No. 2167, HD 1 (SD 1), seconded by Representative Takumi.

At 2:34 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 2:34 o'clock p.m.

The motion was put to vote by the Chair and carried and the House moved to agree to the amendments made by the Senate to H.B. No. 2167, HD 1 (SD 1).

H.B. No. 2167, HD 1, SD 1:

On motion by Representative Ito, seconded by Representative Takumi and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2167, HD 1, and H.B. No. 2167, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2167, HD 1, SD 1 had passed Final Reading at 2:35 o'clock p.m.

At 2:35 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 2:53 o'clock p.m.

H.B. No. 683, HD 2:

The Chair then announced that consideration of H.B. No. 683, HD 2 to pass Final Reading would be deferred one legislative day.

INTRODUCTIONS

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

Representative Chang introduced Ms. Carol Duncanson and Mr. Dale Frick of Florida, and Mr. Randy Avon, Ms. Dot Cash and Ms. Linda O'Day of Honolulu.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate Concurrent resolutions were re-referred to committee by the Speaker:

S.C.R.

Nos.

Re-referred to:

87	Committee on Public Safety and Military Affairs
102	Committee on Health

UNFINISHED BUSINESS

Representative Hiraki for the Committee on Consumer Protection and Commerce presented a report, (Stand. Com. No. 1135-02) recommending that S.B. No. 2890, SD 2, HD 1 pass Third Reading.

Representative M. Oshiro moved that notwithstanding the report of the Committee, that S.B. No. 2890, SD 2, HD 1, be recommitted to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

The motion was put to vote by the Chair and carried, and S.B. No. 2890, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was recommitted to the Committee on Consumer Protection and Commerce, with Representatives Arakaki, Djou and Kahikina being excused.

SUSPENSION OF RULES

On motion by Representative Lee, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar, seconded by Representative Fox and carried.

S.B. No. 2234, SD 2, HD 2:

Representative M. Oshiro moved that S.B. No. 2234, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, just very briefly. I am rising in support. I think this is a good measure. It is something that we need to do. Of course my preference would have been to see the Senate bill pass, but I'll take what I can get. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2234, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION," passed Third Reading with 50 ayes with Representative Arakaki being excused.

The Chair directed the Clerk to note that S.B. No. 2234, SD 2, HD 2 passed Third Reading at 2:56 o'clock p.m.

S.B. No. 2102, SD 1, HD 2:

Representative M. Oshiro moved that S.B. No. 2102, SD 1, HD 2 pass Third Reading, seconded by Representative Lee.

Representative Ito rose in support of the measure and asked that his written 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 Senate Bill 2102 SD1 HD2.

"This bill represents the continuing evolution of the House's efforts to reform the governance of the Department of Education. This bill has been amended to clarify the intent of both the Democratic and Republican caucuses of this body, that our new local school boards shall be comprised of elected members, as provided by law.

"This change reflects the language presently in Senate Bill 3018 SD1 HD1, the statutory companion to this bill, in which 15 local school boards are created of five elected members apiece.

"Mr. Speaker, this is the pathway to decentralized, democratized governance of our public education system.

"Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker. I just want to vote for this bill with reservations with regard to the amendment."

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

"Mr. Speaker I rise in opposition to this measure. Just very briefly since I am not a constitutional amendment nor Board of Education expert. I believe that this measure is premature so I would like to explain my vote, and also to hopefully educate the members on what I understand which is that the teachers are not in favor of this measure, which is premature at this time.

"They are currently working on reforms from within the system with the newly appointed Superintendent who has risen up from the ranks, who was a former teacher. In fact, she was the Principal of McKinley High School, my alma mater."

The Chair addressed Representative Yoshinaga, stating:

"Representative Yoshinaga, could you confine your remarks to this proposed constitutional amendment, as far as the abolishment proposal, please. And not talk about your school that you graduated from. Just the measure itself, please."

Representative Yoshinaga continued, stating:

"Thank you, Mr. Speaker. I think it has relevance because it is a school that will be affected by a measure such as this and therefore Mr. Speaker, it is relevant to the discussion.

"However, with due respect to your leadership, I'd just like to state for the record that my understanding is that abolishment of the Board of Education, including the many other ideas that are very worthy of pursuit, are viewed by our teachers who are closest to the 'hoof beats' and our children, and a necessity in implementation of such dramatic reforms, are really not on board with this proposal at this time. Thank you, Mr. Speaker."

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:

"School boards must be financed

By Tim Buckley
Waikiki resident

In the movie "Jerry McGuire," one of the most famous scenes is the one where Cuba Gooding Jr., who plays an NFL receiver, tells his agent, the title character, played by Tom Cruise, "Show me the money, Jerry!"

When it comes to decentralization of Hawai'i's public school system, there will be no successful change until lawmakers not only show elected district boards of education the money but give them complete control over the funds.

The current public school decentralization legislation trudging through the Legislature (HBs 2033 and 2037 and SBs 210-2 and 3018), if signed into law, arguably would be the most sweeping reform of any failing state school system, if not any state-run bureaucracy, in the nation.

With traffic cam reform grabbing the majority of headlines this session, many in the public may be of the notion that bigger concerns that affect the future of the state are being ignored by lawmakers in just another do-nothing Legislature.

Just don't tell that to Republican state Rep. Guy Ontai, who sits on the House Education Committee. "Quit whining and give local elected boards the money to fix the problems that haunt the schools in their own neighborhoods," he demands of his colleagues, making no qualms about it.

"That will bring accountability," he continues, "and, if there are still problems at the public schools, the residents of the communities will have no one to blame but themselves and those ... they elect."

Rep. Ontai, a former U.S. Army major and West Point physics teacher who represents Mililani in the state House, has been spearheading the unprecedented bipartisan sweeping school reform legislation on behalf of the Republican representatives in the House.

Ontai has made the education of Hawai'i's children No. 1 on his agenda, and he should also get some of the credit for having House Education Committee Ken Ito quipping out remarks about the "former Board of Education" at public hearings.

In all fairness, some of the current officials who run Hawai'i's schools are damn hard workers and should receive all the credit due them for trying to do the best they can with such limited resources from which to work and state funds that are due for another chop from lame-duck Democratic Gov. Ben Cayetano's axe."

The Honolulu Advertiser
Tuesday, April 16, 2002

"The Challenges for Science: Education for the Twenty-First Century

**Statement issued after the Workshop held at the
Pontifical Academy of Sciences on November 19-20-21, 2001**

The challenges of science : education for the 21st century

We, members of the *Pontifical Academy of Sciences* and experts, after meeting in the Vatican on 19-20-21 Nov. 2001, declare as follows:

The immense and increasingly rapid development of science as an important element in culture bestows a new responsibility on the scientific community, beyond its traditional role of creating new knowledge and new technology. Ensuring proper education in science for every child in the world and, consequently, a better public understanding of science and what science stands for, has become both a necessity and a challenge.

As a belief in the constant capacity of humanity to progress, education requires caring for the children of today and preparing the citizens of tomorrow. Access to knowledge, therefore, is a human right, even more so in the knowledge-based society of the future.

The extremely uneven access to education in today's world generates profound inequalities. Let us not tolerate the existence of a knowledge divide, in addition to an unacceptable economical divide which also includes a 'digital divide'. For, unlike the possession of goods, knowledge, when shared, grows and develops.

Education in science for all girls and boys is essential for several reasons. In particular, this education helps :

- to discover the beauty of the world through emotion, imagination, observation, experimentation, reflection and understanding;
- to develop the creativity and rationality which enable humans to understand and communicate;
- to contribute to moral development and sense of values : the search for truth, integrity, humility, and man's responsibility towards their neighbours and future generations;
- to share the accumulated wealth of knowledge amongst all people, as required by justice and equity;
- to be aware of mankind's interdependence with the environment and the Universe;
- to enable contributions to the solution of the acute problems facing humanity (poverty, food, energy, the environment);

From the perspective of these objectives, it is our conviction that the present state of education in science is of great concern throughout the world, regardless of the local stage of development. In the case of developing countries, in particular, the magnitude of the problem is immense.

After consideration of a number of encouraging experiences in various countries, and the actions of several Academies, we conclude that the following initiatives should be taken without

delay, both at a national and an international level. Moreover, they should be shared and integrated within the diversity of cultures found in contemporary societies.

1. The highest level of attention has to be given to science education in primary and secondary schools, including children with special needs.

2. Education in science must be seen and implemented as an integral part of the whole of a person's total education (language, history, art, etc.).

3. The most important contribution to improving education in science at elementary and secondary education lies in helping teachers and parents to cope with this difficult task. This will involve increased resources, partnership, professional development, social recognition and support for teachers.

4. Such a challenge cannot be met without the deepest commitment on the part of the various members of the world's scientific and technological community. Meeting this challenge must be viewed as a new moral obligation.

5. Every means should be used to convey the urgency of the situation to governments. They alone have the capacity to deal with the magnitude of the problem, to provide the necessary resources, and to implement suitable policies. Non-governmental organisations and financial institutions should also participate in such an initiative.

6. Relevant research on science education should be stimulated and encouraged, and should consider the potential of communication technologies.

What is being called for is a global commitment to revitalize science education at school level with support not only from the teachers, parents and scientists, but entire communities, organisations and Governments, for a better and more peaceful world to live in.

Success along these lines, pursued with perseverance and dedication, will constitute a decisive contribution to the socio-economic and cultural development of humanity, the achievement of social justice, and the promotion of human dignity."

"DECLARATION ON CHRISTIAN EDUCATION
GRAVISSIMUM EDUCATIONIS

PROCLAIMED BY

POPE PAUL VI

ON OCTOBER 28, 1965

INTRODUCTION

The Sacred Ecumenical Council has considered with care how extremely important education is in the life of man and how its influence ever grows in the social progress of this age.(1)

Indeed, the circumstances of our time have made it easier and at once more urgent to educate young people and, what is more, to continue the education of adults. Men are more aware of their own dignity and position; more and more they want to take an active part in social and especially in economic and political life.(2) Enjoying more leisure, as they sometimes do, men find that the remarkable development of technology and scientific investigation and the new means of communication offer them an opportunity of attaining more easily their cultural and spiritual inheritance and of fulfilling one another in the closer ties between groups and even between peoples.

Consequently, attempts are being made everywhere to promote more education. The rights of men to an education, particularly the primary rights of children and parents, are being proclaimed

and recognized in public documents.(3) As the number of pupils rapidly increases, schools are multiplied and expanded far and wide and other educational institutions are established. New experiments are conducted in methods of education and teaching. Mighty attempts are being made to obtain education for all, even though vast numbers of children and young people are still deprived of even rudimentary training and so many others lack a suitable education in which truth and love are developed together.

To fulfill the mandate she has received from her divine founder of proclaiming the mystery of salvation to all men and of restoring all things in Christ, Holy Mother the Church must be concerned with the whole of man's life, even the secular part of it insofar as it has a bearing on his heavenly calling.(4) Therefore she has a role in the progress and development of education. Hence this sacred synod declares certain fundamental principles of Christian education especially in schools. These principles will have to be developed at greater length by a special post-conciliar commission and applied by episcopal conferences to varying local situations.

1. The Meaning of the Universal Right to an Education

All men of every race, condition and age, since they enjoy the dignity of a human being, have an inalienable right to an education (5) that is in keeping with their ultimate goal,(6) their ability, their sex, and the culture and tradition of their country, and also in harmony with their fraternal association with other peoples in the fostering of true unity and peace on earth. For a true education aims at the formation of the human person in the pursuit of his ultimate end and of the good of the societies of which, as man, he is a member, and in whose obligations, as an adult, he will share.

Therefore children and young people must be helped, with the aid of the latest advances in psychology and the arts and science of teaching, to develop harmoniously their physical, moral and intellectual endowments so that they may gradually acquire a mature sense of responsibility in striving endlessly to form their own lives properly and in pursuing true freedom as they surmount the vicissitudes of life with courage and constancy. Let them be given also, as they advance in years, a positive and prudent sexual education. Moreover they should be so trained to take their part in social life that properly instructed in the necessary and opportune skills they can become actively involved in various community organizations, open to discourse with others and willing to do their best to promote the common good.

This sacred synod likewise declares that children and young people have a right to be motivated to appraise moral values with a right conscience, to embrace them with a personal adherence, together with a deeper knowledge and love of God. Consequently it earnestly entreats all those who hold a position of public authority or who are in charge of education to see to it that youth is never deprived of this sacred right. It further exhorts the sons of the Church to give their attention with generosity to the entire field of education, having especially in mind the need of extending very soon the benefits of a suitable education and training to everyone in all parts of the world.(7)

2. Christian Education

Since all Christians have become by rebirth of water and the Holy Spirit a new creature(8) so that they should be called and should be children of God, they have a right to a Christian education. A Christian education does not merely strive for the maturing of a human person as just now described, but has as its principal purpose this goal: that the baptized, while they are gradually introduced the knowledge of the mystery of salvation, become ever more aware of the gift of Faith they have received, and that they learn in addition how to worship God the Father in spirit and truth (cf. John 4:23) especially in

liturgical action, and be conformed in their personal lives according to the new man created in justice and holiness of truth (Eph. 4:22-24); also that they develop into perfect manhood, to the mature measure of the fullness of Christ (cf. Eph. 4:13) and strive for the growth of the Mystical Body; moreover, that aware of their calling, they learn not only how to bear witness to the hope that is in them (cf. Peter 3:15) but also how to help in the Christian formation of the world that takes place when natural powers viewed in the full consideration of man redeemed by Christ contribute to the good of the whole society.(9) Wherefore this sacred synod recalls to pastors of souls their most serious obligation to see to it that all the faithful, but especially the youth who are the hope of the Church, enjoy this Christian education.(10)

3. The Authors of Education

Since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators.(11) This role in education is so important that only with difficulty can it be supplied where it is lacking. Parents are the ones who must create a family atmosphere animated by love and respect for God and man, in which the well-rounded personal and social education of children is fostered. Hence the family is the first school of the social virtues that every society needs. It is particularly in the Christian family, enriched by the grace and office of the sacrament of matrimony, that children should be taught from their early years to have a knowledge of God according to the faith received in Baptism, to worship Him, and to love their neighbor. Here, too, they find their first experience of a wholesome human society and of the Church. Finally, it is through the family that they are gradually led to a companionship with their fellowmen and with the people of God. Let parents, then, recognize the inestimable importance a truly Christian family has for the life and progress of God's own people.(12)

The family which has the primary duty of imparting education needs help of the whole community. In addition, therefore, to the rights of parents and others to whom the parents entrust a share in the work of education, certain rights and duties belong indeed to civil society, whose role is to direct what is required for the common temporal good. Its function is to promote the education of youth in many ways, namely: to protect the duties and rights of parents and others who share in education and to give them aid; according to the principle of subsidiarity, when the endeavors of parents and other societies are lacking, to carry out the work of education in accordance with the wishes of the parents; and, moreover, as the common good demands, to build schools and institutions.(13)

Finally, in a special way, the duty of educating belongs to the Church, not merely because she must be recognized as a human society capable of educating, but especially because she has the responsibility of announcing the way of salvation to all men, of communicating the life of Christ to those who believe, and, in her unending solicitude, of assisting men to be able to come to the fullness of this life.(14) The Church is bound as a mother to give to these children of hers an education by which their whole life can be imbued with the spirit of Christ and at the same time do all she can to promote for all peoples the complete perfection of the human person, the good of earthly society and the building of a world that is more human.(15)

4. Various Aids to Christian Education

In fulfilling its educational role, the Church, eager to employ all suitable aids, is concerned especially about those which are her very own. Foremost among these is catechetical instruction,(16) which enlightens and strengthens the faith, nourishes life according to the spirit of Christ, leads to intelligent and active participation in the liturgical mystery(17) and gives motivation for apostolic activity. The Church esteems

highly and seeks to penetrate and ennoble with her own spirit also other aids which belong to the general heritage of man and which are of great influence in forming souls and molding men, such as the media of communication,(18) various groups for mental and physical development, youth associations, and, in particular, schools.

5. The Importance of Schools

Among all educational instruments the school has a special importance.(19) It is designed not only to develop with special care the intellectual faculties but also to form the ability to judge rightly, to hand on the cultural legacy of previous generations, to foster a sense of values, to prepare for professional life. Between pupils of different talents and backgrounds it promotes friendly relations and fosters a spirit of mutual understanding; and it establishes as it were a center whose work and progress must be shared together by families, teachers, associations of various types that foster cultural, civic, and religious life, as well as by civil society and the entire human community.

Beautiful indeed and of great importance is the vocation of all those who aid parents in fulfilling their duties and who, as representatives of the human community, undertake the task of education in schools. This vocation demands special qualities of mind and heart, very careful preparation, and continuing readiness to renew and to adapt.

6. The Duties and Rights of Parents

Parents who have the primary and inalienable right and duty to educate their children must enjoy true liberty in their choice of schools. Consequently, the public power, which has the obligation to protect and defend the rights of citizens, must see to it, in its concern for distributive justice, that public subsidies are paid out in such a way that parents are truly free to choose according to their conscience the schools they want for their children.(20)

In addition it is the task of the state to see to it that all citizens are able to come to a suitable share in culture and are properly prepared to exercise their civic duties and rights. Therefore the state must protect the right of children to an adequate school education, check on the ability of teachers and the excellence of their training, look after the health of the pupils and in general, promote the whole school project. But it must always keep in mind the principle of subsidiarity so that there is no kind of school monopoly, for this is opposed to the native rights of the human person, to the development and spread of culture, to the peaceful association of citizens and to the pluralism that exists today in ever so many societies.(21)

Therefore this sacred synod exhorts the faithful to assist to their utmost in finding suitable methods of education and programs of study and in forming teachers who can give youth a true education. Through the associations of parents in particular they should further with their assistance all the work of the school but especially the moral education it must impart.(22)

7. Moral and Religious Education in all Schools

Feeling very keenly the weighty responsibility of diligently caring for the moral and religious education of all her children, the Church must be present with her own special affection and help for the great number who are being trained in schools that are not Catholic. This is possible by the witness of the lives of those who teach and direct them, by the apostolic action of their fellow-students,(23) but especially by the ministry of priests and laymen who give them the doctrine of salvation in a way suited to their age and circumstances and provide spiritual aid in every way the times and conditions allow.

The Church reminds parents of the duty that is theirs to arrange and even demand that their children be able to enjoy these aids

and advance in their Christian formation to a degree that is abreast of their development in secular subjects. Therefore the Church esteems highly those civil authorities and societies which, bearing in mind the pluralism of contemporary society and respecting religious freedom, assist families so that the education of their children can be imparted in all schools according to the individual moral and religious principles of the families.(24)

8. Catholic Schools

The influence of the Church in the field of education is shown in a special manner by the Catholic school. No less than other schools does the Catholic school pursue cultural goals and the human formation of youth. But its proper function is to create for the school community a special atmosphere animated by the Gospel spirit of freedom and charity, to help youth grow according to the new creatures they were made through baptism as they develop their own personalities, and finally to order the whole of human culture to the news of salvation so that the knowledge the students gradually acquire of the world, life and man is illumined by faith.(25) So indeed the Catholic school, while it is open, as it must be, to the situation of the contemporary world, leads its students to promote efficaciously the good of the earthly city and also prepares them for service in the spread of the Kingdom of God, so that by leading an exemplary apostolic life they become, as it were, a saving leaven in the human community.

Since, therefore, the Catholic school can be such an aid to the fulfillment of the mission of the People of God and to the fostering of the dialogue between the Church and mankind, to the benefit of both, it retains even in our present circumstances the utmost importance. Consequently this sacred synod proclaims anew what has already been taught in several documents of the magisterium,(26) namely: the right of the Church freely to establish and to conduct schools of every type and level. And the council calls to mind that the exercise of a right of this kind contributes in the highest degree to the protection of freedom of conscience, the rights of parents, as well as to the betterment of culture itself.

But let teachers recognize that the Catholic school depends upon them almost entirely for the accomplishment of its goals and programs.(27) They should therefore be very carefully prepared so that both in secular and religious knowledge they are equipped with suitable qualifications and also with a pedagogical skill that is in keeping with the findings of the contemporary world. Intimately linked in charity to one another and to their students and endowed with an apostolic spirit, may teachers by their life as much as by their instruction bear witness to Christ, the unique Teacher. Let them work as partners with parents and together with them in every phase of education give due consideration to the difference of sex and the proper ends Divine Providence assigns to each sex in the family and in society. Let them do all they can to stimulate their students to act for themselves and even after graduation to continue to assist them with advice, friendship and by establishing special associations imbued with the true spirit of the Church. The work of these teachers, this sacred synod declares, is in the real sense of the word an apostolate most suited to and necessary for our times and at once a true service offered to society. The Council also reminds Catholic parents of the duty of entrusting their children to Catholic schools wherever and whenever it is possible and of supporting these schools to the best of their ability and of cooperating with them for the education of their children.(28)

9. Different Types of Catholic Schools

To this concept of a Catholic school all schools that are in any way dependent on the Church must conform as far as possible, though the Catholic school is to take on different forms in keeping with local circumstances.(29) Thus the Church

considers very dear to her heart those Catholic schools, found especially in the areas of the new churches, which are attended also by students who are not Catholics.

Attention should be paid to the needs of today in establishing and directing Catholic schools. Therefore, though primary and secondary schools, the foundation of education, must still be fostered, great importance is to be attached to those which are required in a particular way by contemporary conditions, such as: professional(30) and technical schools, centers for educating adults and promoting social welfare, or for the retarded in need of special care, and also schools for preparing teachers for religious instruction and other types of education.

This Sacred Council of the Church earnestly entreats pastors and all the faithful to spare no sacrifice in helping Catholic schools fulfill their function in a continually more perfect way, and especially in caring for the needs of those who are poor in the goods of this world or who are deprived of the assistance and affection of a family or who are strangers to the gift of Faith.

10. Catholic Colleges and Universities

The Church is concerned also with schools of a higher level, especially colleges and universities. In those schools dependent on her she intends that by their very constitution individual subjects be pursued according to their own principles, method, and liberty of scientific inquiry, in such a way that an ever deeper understanding in these fields may be obtained and that, as questions that are new and current are raised and investigations carefully made according to the example of the doctors of the Church and especially of St. Thomas Aquinas,(31) there may be a deeper realization of the harmony of faith and science. Thus there is accomplished a public, enduring and pervasive influence of the Christian mind in the furtherance of culture and the students of these institutions are molded into men truly outstanding in their training, ready to undertake weighty responsibilities in society and witness to the faith in the world.(32)

In Catholic universities where there is no faculty of sacred theology there should be established an institute or chair of sacred theology in which there should be lectures suited to lay students. Since science advances by means of the investigations peculiar to higher scientific studies, special attention should be given in Catholic universities and colleges to institutes that serve primarily the development of scientific research.

The sacred synod heartily recommends that Catholic colleges and universities be conveniently located in different parts of the world, but in such a way that they are outstanding not for their numbers but for their pursuit of knowledge. Matriculation should be readily available to students of real promise, even though they be of slender means, especially to students from the newly emerging nations.

Since the destiny of society and of the Church itself is intimately linked with the progress of young people pursuing higher studies,(33) the pastors of the Church are to expend their energies not only on the spiritual life of students who attend Catholic universities, but, solicitous for the spiritual formation of all their children, they must see to it, after consultations between bishops, that even at universities that are not Catholic there should be associations and university centers under Catholic auspices in which priests, religious and laity, carefully selected and prepared, should give abiding spiritual and intellectual assistance to the youth of the university. Whether in Catholic universities or others, young people of greater ability who seem suited for teaching or research should be specially helped and encouraged to undertake a teaching career.

11. Faculties of Sacred Sciences

The Church expects much from the zealous endeavors of the faculties of the sacred sciences.(34) For to them she entrusts the very serious responsibility of preparing her own students not only for the priestly ministry, but especially for teaching in the seats of higher ecclesiastical studies or for promoting learning on their own or for undertaking the work of a more rigorous intellectual apostolate. Likewise it is the role of these very faculties to make more penetrating inquiry into the various aspects of the sacred sciences so that an ever deepening understanding of sacred Revelation is obtained, the legacy of Christian wisdom handed down by our forefathers is more fully developed, the dialogue with our separated brethren and with non-Christians is fostered, and answers are given to questions arising from the development of doctrine.(35)

Therefore ecclesiastical faculties should reappraise their own laws so that they can better promote the sacred sciences and those linked with them and, by employing up-to-date methods and aids, lead their students to more penetrating inquiry.

12. Coordination to be Fostered in Scholastic Matters

Cooperation is the order of the day. It increases more and more to supply the demand on a diocesan, national and international level. Since it is altogether necessary in scholastic matters, every means should be employed to foster suitable cooperation between Catholic schools, and between these and other schools that collaboration should be developed which the good of all mankind requires.(36) From greater coordination and cooperative endeavor greater fruits will be derived particularly in the area of academic institutions. Therefore in every university let the various faculties work mutually to this end, insofar as their goal will permit. In addition, let the universities also endeavor to work together by promoting international gatherings, by sharing scientific inquiries with one another, by communicating their discoveries to one another, by having exchange of professors for a time and by promoting all else that is conducive to greater assistance.

CONCLUSION

The sacred synod earnestly entreats young people themselves to become aware of the importance of the work of education and to prepare themselves to take it up, especially where because of a shortage of teachers the education of youth is in jeopardy. This same sacred synod, while professing its gratitude to priests, Religious men and women, and the laity who by their evangelical self-dedication are devoted to the noble work of education and of schools of every type and level, exhorts them to persevere generously in the work they have undertaken and, imbuing their students with the spirit of Christ, to strive to excel in pedagogy and the pursuit of knowledge in such a way that they not merely advance the internal renewal of the Church but preserve and enhance its beneficent influence upon today's world, especially the intellectual world.

NOTES

1. Among many documents illustrating the importance of education confer above all apostolic letter of Benedict XV, *Communes Litteras*, April 10, 1919: A.A.S. 11 (1919) p. 172. Pius XI's apostolic encyclical, *Divini Illius Magistri*, Dec. 31, 1929: A.A.S. 22 (1930) pp. 49-86. Pius XII's allocution to the youths of Italian Catholic Action, April 20, 1946: *Discourses and Radio Messages*, vol. 8, pp. 53-57. Allocution to fathers of French families, Sept. 18, 1951: *Discourses and Radio Messages*, vol. 13, pp. 241-245. John XXIII's 30th anniversary message on the publication of the encyclical letter, *Divini Illius Magistri*, Dec. 30, 1959: A.A.S. 52 (1960) pp. 57-59. Paul VI's allocution to members of Federated Institutes Dependent on Ecclesiastic Authority, Dec. 30, 1963: *Encyclicals and Discourses of His Holiness Paul VI*, Rome, 1964, pp. 601-603. Above all are to be consulted the Acts and Documents of the Second Vatican Council appearing in the first series of the ante-preparatory phase. vol. 3. pp. 363-364; 370-371; 373-374.

2. Cf. John XXIII's encyclical letter *Mater et Magistra*, May 15, 1961: A.A.S. 53 (1961) pp. 413-415; 417-424; Encyclical letter, *Pacem in Terris*, April 11, 1963: A.A.S. 55 (1963) p. 278 ff.

3. Declaration on the Rights of Man of Dec. 10, 1948, adopted by the General Assembly of the United Nations, and also cf. the Declaration of the Rights of Children of Nov. 20 1959; additional protocol to the Convention Safeguarding the Rights of Men and Fundamental Liberties, Paris, March 20, 1952; regarding that universal profession of the character of human laws cf. apostolic letter *Pacem in Terris*, of John XXIII of April 11, 1963: A.A.S. 55 (1963) p. 295 ff.

4. Cf. John XXIII's encyclical letter, *Mater et Magistra*, May 15, 1961: A.A.S. 53 (1961) p. 402. Cf. Second Vatican Council's Dogmatic Constitution on the Church, no. 17: A.A.S. 57 (1965) p. 21, and schema on the Pastoral Constitution on the Church in the Modern World, 1965.

5. Pius XII's radio message of Dec. 24, 1942: A.A.S. 35 (1943) pp. 12-19, and John XXIII's encyclical letter, *Pacem in Terris* April 11, 1963: A.A.S. 55 (1963) p. 259 ff. Also cf. declaration cited on the rights of man in footnote 3.

6. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, Dec. 31, 1929: A.A.S. 22 (1930) p. 50 ff.

7. Cf. John XXIII's encyclical letter, *Mater et Magistra*, May 15 1961: A.A.S. 53 (1961) p. 441 ff.

8. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, 1, p. 83.

9. Cf. Second Vatican Council's Dogmatic Constitution on the Church, no. 36: A.A.S. 57 (1965) p. 41 ff.

10. Cf. Second Vatican Council's schema on the Decree on the Lay Apostolate (1965), no. 12.

11. Cf. Pius XI's encyclical letter *Divini Illius Magistri*, 1, p. 59 ff.; encyclical letter *Mit Brennender Sorge*, March 14, 1937: A.A.S. 29; Pius XII's allocution to the first national congress of the Italian Catholic Teachers' Association, Sept. 8, 1946: *Discourses and Radio Messages*, vol. 8, p. 218.

12. Cf. Second Vatican Council's Dogmatic Constitution on the Church, nos. 11 and 35: A.A.S. 57 (1965) pp. 16, 40 ff.

13. Cf. Pius XI's encyclical letter *Divini Illius Magistri*, 1, p. 63 ff. Pius XII's radio message of June 1, 1941: A.A.S. 33 (1941) p. 200; allocution to the first national congress of the Association of Italian Catholic Teachers, Sept 8, 1946: *Discourses and Radio Messages*, vol. 8, 1946: *Discourses and Radio Messages*, vol. 8 p. 218. Regarding the principle of subsidiarity, cf. John XXIII's encyclical letter, *Pacem in Terris*, April 11, 1963: A.A.S. 55 (1963) p. 294.

14. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, 1 pp. 53 ff. and 56 ff.; Encyclical letter, *Non Abbiamo Bisogno* June 29, 1931: A.A.S. 23 (1931) p. 311 ff. Pius XII's letter from Secretariat of State to 28th Italian Social Week, Sept. 20, 1955; *L'Osservatore Romano*, Sept. 29, 1955.

15. The Church praises those local, national and international civic authorities who, conscious of the urgent necessity in these times, expend all their energy so that all peoples may benefit from more education and human culture. Cf. Paul VI's allocution to the United Nations General Assembly, Oct. 4, 1965: *L'Osservatore Romano*, Oct. 6, 1965.

16. Cf. Pius XI's *motu proprio*. *Orbem Catholicum*, June 29 1923: A.A.S. 15 (1923) pp. 327-329; decree, *Provide Sane*, Jan. 12, 1935: A.A.S. 27 (1935) pp. 145-152. Second Vatican Council's Decree on Bishops and Pastoral Duties, nos. 13 and 14.

17. Cf. Second Vatican Council's Constitution on the Sacred Liturgy, no. 14: A.A.S. 56 (1964) p. 104.

18. Cf. Second Vatican Council's Decree on Communications Media, nos. 13 and 14: A.A.S. 56 (1964) p. 149 ff.

19. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, 1, p. 76; Pius XII's allocution to Bavarian Association of Catholic Teachers, Dec. 31, 1956: *Discourses and Radio Messages*, vol. 18, p. 746.

20. Cf. Provincial Council of Cincinnati III, a. 1861: *Collatio Lacensis*, III, col. 1240, c/d; Pius XI's encyclical letter, *Divini Illius Magistri*, 1, pp. 60, 63 ff.

21. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, 1, p. 63; encyclical letter, *Non Abbiamo Misogno*, June 29, 1931: A.A.S. 23 (1931) p. 305; Pius XII's letter from the Secretary of State to the 28th Italian Social Week, Sept. 20, 1955: *L'Osservatore Romano*, Sept. 29, 1955. Paul VI's allocution to the Association of Italian Christian Workers, Oct. 6, 1963: *Encyclicals and Discourses of Paul VI*, vol. 1, Rome, 1964, p. 230.
22. Cf. John XXIII's message on the 30th anniversary of the encyclical letter, *Divini Illius Magistri*, Dec. 30, 1959: A.A.S. 52 (1960) p. 57.
23. The Church considers it as apostolic action of great worth also when Catholic teachers and associates work in these schools. Cf. Second Vatican Council's schema of the Decree on the Lay Apostolate (1965), nos. 12 and 16.
24. Cf. Second Vatican Council's schema on the Declaration on Religious Liberty (1965), no. 5.
25. Cf. Provincial Council of Westminster I, a. 1852: *Collatio Lacensis III*, col. 1334, a/b; Pius XI's encyclical letter, *Divini Illius Magistri*, 1, p. 77 ff.; Pius XII's allocution to the Bavarian Association of Catholic Teachers, Dec. 31, 1956: *Discourses and Radio Messages*, vol. 18, p. 746; Paul VI's allocution to the members of Federated Institutes Dependent on Ecclesiastic Authority, Dec. 30, 1963: *Encyclicals and Discourses of Paul VI*, 1, Rome, 1964, 602 ff.
26. Cf. especially the document mentioned in the first note; moreover this law of the Church is proclaimed by many provincial councils and in the most recent declarations of very many of the episcopal conferences.
27. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, 1 p. 80 ff.; Pius XII's allocution to the Catholic Association of Italian Teachers in Secondary Schools, Jan. 5, 1954: *Discourses and Radio Messages*, 15, pp. 551-55B; John XXIII's allocution to the 6th Congress of the Associations of Catholic Italian Teachers Sept. 5, 1959: *Discourses, Messages, Conversations*, 1, Rome, 1960, pp. 427-431.
28. Cf. Pius XII's allocution to the Catholic Association of Italian Teachers in Secondary Schools, Jan. 5, 1954, 1, p. 555.
29. Cf. Paul VI's allocution to the International Office of Catholic Education, Feb. 25, 1964: *Encyclicals and Discourses of Paul VI*, 2, Rome, 1964, p. 232.
30. Cf. Paul VI's allocution to the Christian Association of Italian Workers, Oct. 6, 1963: *Encyclicals and Discourses of Paul VI*, 1, Rome, 1964, p. 229.
31. Cf. Paul VI's allocution to the International Thomistic Congress, Sept. 10, 1965: *L'Osservatore Romano*, Sept. 13-14, 1965.
32. Cf. Pius XII's allocution to teachers and students of French Institutes of Higher Catholic Education, Sept. 21, 1950: *Discourses and Radio Messages*, 12, pp. 219-221; letters to the 22nd congress of Pax Romana, Aug. 12, 1952: *Discourses and Radio Messages*, 14, pp. 567-569; John XXIII's allocution to the Federation of Catholic Universities, April 1, 1959: *Discourses, Messages and Conversations*, 1, Rome, 1960, pp. 226-229; Paul VI's allocution to the Academic Senate of the Catholic University of Milan, April 5, 1964: *Encyclicals and Discourses of Paul VI*, 2, Rome, 1964, pp. 438-443.
33. Cf. Pius XII's allocution to the academic senate and students of the University of Rome, June 15, 1952: *Discourses and Radio Messages*, 14, p. 208: "The direction of today's society principally is placed in the mentality and hearts of the universities of today."
34. Cf. Pius XII's apostolic constitution, *Deus Scientiarum Dominus*, May 24, 1931: A.A.S. 23 (1931) pp. 245-247.
35. Cf. Pius XII's encyclical letter, *Humani Generis* Aug. 12, 1950 A.A.S. 42 (1950) pp. 568 ff. and 578; Paul VI's encyclical letter, *Ecclesiam Suam*, part III Aug. 6, 1964; A.A.S. 56 (1964) pp. 637-659; Second Vatican Council's Decree on Ecumenism: A.A.S. 57 (1965) pp. 90-107.
36. Cf. John XXIII's encyclical letter, *Pacem in Terris*, April 11, 1963: A.A.S. 55 (1963) p. 284 and elsewhere."

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

Representative Hale's written remarks are as follows:

"Mr. Speaker, I rise to support the amendment to SB 2102, SD1, HD1. This amendment simplifies the original bill by eliminating the State Board of Education and replacing it with locally elected school boards. It leaves the determination of the number of local boards and their composition up to the Legislature thereby eliminating the problem of 15 or 7 boards as previously proposed.

"The people of the State of Hawaii have indicated over and over their preference for elected boards. At the same time there is now a realization that one large school board cannot effectively meet the needs of the our different communities, particularly those on the Neighbor Islands.

"This amendment makes it clear that local boards will be elected. This is position I have taken from the beginning, and I hope that the Senate will agree to these changes so that it will be up to the people in the 2002 election to be final determinants of the form and composition of our governing bodies for our education system.

"I acknowledge that this will not completely solve our educational problems, but it will empower communities to find solutions."

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

"Mr. Speaker, frankly, I am not aware of whatever the HSTA leadership is saying about this bill, because no one has mentioned it to me. But I do want to say that this bill is good for teachers. It is good for the teachers in the classroom. Good for the teachers in our local communities.

"The general thrust of this bill is to bring school governance closer to the local communities. We are talking about, and there is a debate over whether it should be 7 or 15 local school boards that eventually evolve. And in that process, the teachers will have more input into the direction of the schools and the curriculum, and generally the effectiveness of their classrooms. I see this as strongly supporting teachers in the educational process. Thank you."

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 2102, Senate Draft 1, House Draft 2. Mr. Speaker, this bill takes a crucial step towards improving the education system here in Hawaii. The main purpose of this bill is to transform the State's educational structure into an organization that can meet the needs of each individual district in a better fashion.

"The first action Senate Bill 2102, Senate Draft 1, House Draft 2 takes is to abolish the Board of Education. This is a necessary step. Mr. Speaker, my wife, Noemi Pendleton, served on the State Board of Education for four years. She worked very hard. She loved making education policy. She used her MBA to think through the policies, practices, and procedures and look for ways to improve efficiency and efficacy of teaching. She worked hard to improve our public school system, not only because we have a son in public school, but also because it is the right thing to do.

"Mr. Speaker, for far too long, the Board of Education has performed tasks, which could and ought to be done closer to the people on the receiving end of the policies. For too long we've run a statewide, uniform system from downtown Honolulu. Not all great decisions are made on Oahu.

"My wife's greatest concern has been that our decision makers have been too far removed from their constituents. Noemi visited 50 public schools in her four years. She learned a great deal by being on campus. But she has told me that it is no substitute for actually living in that community. She went to Hilo, Kona, Lanai, and Molokai. But in the end a few hours on campus cannot compare to having someone who lives and works and educates his or her kids in the public school in that community.

"Local school boards will enable us to have real locals making decision. What works in Kailua might not work in Kona. A perspective shared by those in Kahala might differ from a view held generally in Lawai Valley on the Island of Kauai.

"The point is not that some people in certain places are smarter than others. The point is that you are an expert in your community. Hence no outsider can rival your knowledge of your community, no matter how many degrees he may have or how many times she may visit your island or your particular public school.

"My wife has counseled me and told me that we need district or local school boards. She has told me that we need decisions made as close to the people as possible. She has told me that one of the challenges of the uniform or unitary state-wide system is that we have been uniformly mediocre. We have stifled competition and innovation and creativity.

"It is not that our teachers are not working hard. They are. It is not that our educational administrators don't care. They do. Everyone is doing their best under the circumstances. The problem is that the circumstances need to be changed. The system within which we educate our keiki needs overhauling, or at least it requires reform. This bill does that.

"Unfortunately, right now, under our current paradigm, the goal of educators is to comply with Honolulu's directives rather than to take bold action and to try new ideas. We want to foster creativity and innovation. The status quo doesn't permit that.

"However, local boards help us. This bill helps us do that by allowing educators and policy makers to tailor their programs within reasonable limits.

"Local boards help us when we concentrate on the policy implementation at the local level and better serve our Hawaii's keiki.

"The second action of Senate Bill 2102, Senate Draft 1, House Draft 1 addresses the proposed single Superintendent who is to bring some direction to the whole system. He is not there to lord it over, as it were, when it comes to the local elected boards. The Superintendent is there to ensure minimum standards, not to ensure uniformity in all respects. That would be counter to our legislative intent with locally elected school boards. And note further, Mr. Speaker, the provision for a Superintendent Selection Commission aims at ensuring that the most qualified person will fill the position of Superintendent. The Commission will make recommendations to the Governor for the selection of the Superintendent.

"The final part of Senate Bill 2102, Senate Draft 1, House Draft 2 is the crucial portion of this piece of legislation. It

takes into consideration the fact that policy implementation is best done at a local level. Thus it proposes to create individual, elected district school boards. The key here is that the school boards will be elected for a specific community. The benefits are clear. The people who are most familiar with the needs of a community are those who live there. By allowing each individual community to select the educational leaders for their community they take on a more active and vested interest in their children's education.

"The ability of individual school boards to tailor programs to work for them is a very important aspect of Senate Bill 2102, Senate Draft 1, House Draft 2. As it stands now, we have people from Honolulu deciding what will best work on Maui or in Hilo on the Big Island. How can we here in Honolulu decide what will work best in Maui? We're not all from there, nor do we live there or educate our children there. We must let the parents and school administrators who face the challenges of educating young people in various parts of our state, do what they know will work for them. The flexibility to accomplish this is a main benefit of this constitutional and statutory change herein proposed in Senate Bill 2102, House Draft 2.

"I would add that the House passed out separate bills, one a constitutional amendment and the other the accompanying statute. Here, the Senate apparently is giving us just the amendment, and apparently subsequent to the November elections the Legislature will revisit this issue to look at statutory requirements.

"Before I close, Mr. Speaker, let me thank you for the opportunity to have played a crucial role in ensuring that our local boards are in fact elected. Let me repeat that: they are elected. This amendment was adopted to my surprise. It is highly unusual for an amendment to actually take place on the floor. I offered it in the spirit of ensuring that we were creating not gubernatorially appointed boards but elected boards.

"I thank you for your working with me to make this happen. Section 6 of the bill on page 7 sets forth the question which will read: 'Shall the state board of education be abolished and replaced with locally elected district school boards of education with the state superintendent of education appointed by the governor from a list of nominees submitted by a commission?'

"This bill is a great step forward. We have addressed here a major governance issue, and I am proud to support it.

"In conclusion, Mr. Speaker, for the reasons that I have stated, I stand in strong support of this measure. I urge all of my colleagues to vote aye on this measure, SB 2102, SD1, HD2."

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

"Thank you, Mr. Speaker. I am in strong support. I wish to incorporate by reference the remarks from the Representative from Kihei.

"Also, in response to the objections by the Representative from Moiliili, I really cannot imagine a more timely measure coming out of this Legislature. In fact, it is long overdue. It is extremely timely for us to put to the voters of this State, and let's be clear: that is what we are doing in this bill. We are asking the voters of this State to make a judgment as to whether the current system works or whether they want to go in a different direction. It is high time for us to let them make that judgment. It cannot be premature. It is not premature. It is time to do this."

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

"I'd like to rise in brief rebuttal. I am rising in opposition, in rebuttal to this measure. Thank you, Mr. Speaker.

"With all due respect to the previous speaker's reference to my reason, I think that is an incorrect framing of the issue. The correct framing of the issue is that we all know the system is broken, including the teachers, who are closest to the kinds of reforms that need to be implemented, because they are the first point of contact with our treasures, which is our children's future.

"Having management experience, Mr. Speaker, for 16 years with a Fortune 500 company in this town, in order for management to change any culture or mission, it always needs the support and the trust and the loyalty of the people that actually are in the trenches selling the product, making it happen, doing the work. And for management of any kind, including this elected Body to make such decisions unilaterally, without the respect and input from such a segment of the actual operators in the fields, is likened to the poem, Tommy by Rudyard Kipling. I won't read the poem into the Journal, but I will at some future time be referring to this poem as a symbolic issue of what we are fighting about in terms of empowerment of the people who actually are doing the work. So I would like to reserve further comments to be inserted in the Journal, Mr. Speaker. Thank you."

Representative Yoshinaga's written remarks are as follows:

"Mr. Speaker, I rise to speak in opposition of Senate Bill No. 2102, SD1, HD2 that proposes amendments to the State constitution to reform the administrative structure of Hawaii's public education system by abolishing the Board of Education and replacing it with local district school boards of education.

"Unfortunately, the bill, while well-intentioned does not fundamentally improve on the quality of the public school system or the quality of education the student will receive. I believe that if this measure is passed it will only add to the confusion of bureaucracy in the public school system and the board of education. Moreover, our teachers are opposed to this measure. I firmly believe that in order to effect the 'right change' we need the support of the 'frontline'. They must be 'part of the solution'.

"I agree that we can improve the State's public school system, but I do not believe that passing this measure is going to solve this very important problem.

"Mr. Speaker, thank you for this opportunity to speak on SB 2102 SD1, HD2."

"This poem demonstrates feelings of 'not being included' in the community by armed service members, and it illustrates the frustration of our teachers as well.

"Tommy" by Rudyard Kipling

I went into a Public'ouse to get a pint o'beer,
The publican 'e up an' sez, "We serve no red-coats here"
The girls be'ind the bar they laughed and giggled fit to die,
I outs into the street again an' to myself sez I:
"O, it's Tommy this an' Tommy that, an' Tommy go away";
"But it's 'Thank you Mister Atkins' when the band begins to play"
The band begins to play, my boys, the band begins to play
O it's 'Thank you Mister Atkins' when the band begins to play

I went into a Theatre as sober as could be,
They gave a drunk civilian room, but adn't none for me;
They sent me to the gallery or round the music'alls,
But when it comes to fightin', Lord! they'll shove me in the stalls

For it's Tommy this an' Tommy that, an' Tommy wait outside
But it's 'Special train for Atkins' when the troopers on the tide
The Troopships on the tide, my boys, the troopers on the tide
O it's 'Special train for Atkins' when the troopers on the tide

Yes, makin' mock o' uniforms that guard you while you sleep
Is cheaper than them uniforms, an' they're starvation cheap;
An' hustlin' drunken soldiers when they're goin' large a bit
Is five times better business than paradin' in full kit.
Then it's Tommy this an' Tommy that, an' Tommy, 'ow's yer soul
But it's 'Thin red line of 'eroes' when the drums begin to roll
The drums begin to roll, my boys, the drums begin to roll
O it's 'Thin red line of 'eroes' when the drums begin to roll

We aren't no thin red 'eroes, nor we aren't no blackguards too,
But single men in barracks, most remarkable like you;
An' if our conduct isn't all your fancy paints,
Why, single men in barracks don't grow into plaster saints
while it's Tommy this an' Tommy that, an' Tommy 'Tommy fall be'ind'
But it's 'Please to walk in front, sir' when there's trouble in the wind,
There's trouble in the wind, my boys, there's trouble in the wind
O it's 'Please to walk in front, sir' when there's trouble in the wind"

Representative Hale rose to respond and asked that the remarks of Representative Case be entered in the Journal as her own, and the Chair "so ordered."

Representative Hale continued, stating:

"I rise for the second time in strong support I would just like to remind this Body that our job is to represent all of the people. And not just a segment of the people, and therefore I think it is very proper that we let all of the people of this State vote upon this issue, thank you."

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

"Yes thank you very much, Mr. Speaker. I would just want to explain my reservations.

"I believe that this constitutional amendment is a noble attempt. And I think it certainly attempts to remedy the problems that we have right now. And for that I give the Chairman of the Education Committee a lot of credit for coming up with a good amendment.

"My concern and reservation is that I don't believe this will really resolve the problem, because we will continue to have the triad kind of a situation we have now. The Board will still have to come to the Legislature. And you still have the Governor who will have the ability to release or not to release the funds. So you have this enigmatic triumvirate, which is really the problem right now. And unless we take a bold step and give the DOE the ability to raise funds, and to appropriate funds, we will not remedy the problem, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support.

"Sometimes we get the feeling bipartisanship is spelled with a 'b-y.' It is 'by partisan.' But in this case, it truly is a bipartisan effort and for that I am grateful, especially with the Chair of the Education Committee.

"This is real reform. This is 'high time,' as was mentioned in the past. In response to one speaker this is exactly what the constitutional amendment is for. So that the people closest to the 'hoof beats,' if I may quote the former speaker, will have the opportunity to make a decision. It is right at ground level. It is perfect for them.

"One of the greatest frustrations, I think for teachers, as well as residents in the State of Hawaii, is the fact that the classrooms aren't getting the money that they deserve. We feel that oftentimes, the top-heavy kind of a bureaucratic system lends itself toward abuse. It lends itself towards neglect of those people who are really working hard, and that is for our teachers for the most part. And so this reform is true reform, and it goes in the direction of really helping those that need it the most. It gives parents, it gives communities, the opportunities to have a say so. It gives them the chance to let their voice be heard, and for that reason, I would all urge all the members in this House to vote in favor of this."

Representative Thielen rose to speak in support of 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 Thielen continued, stating:

"Mr. Speaker, I have a question that I would like to ask. I am not sure if we can act upon this measure until 5:10 tonight, and my question Mr. Speaker is this. The floor amendment was received by the Clerk at 2:29, and we are easily 48 hours past that period of time. But does the 48 hours run from when the floor amendment is received in this Body or does it run instead from 5:10 p.m., when we adopted the floor amendment? And I don't know the answer to that, so I would ask that we could..."

At 3:06 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:10 o'clock p.m.

Representative Thielen continued, stating:

"Thank you, Mr. Speaker. The Clerk of the House stated that we are able to act on this measure now. And she referred me to the State Constitution, Article III, Section 15 of the Constitution which states, 'No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least forty-eight hours.'

"The Clerk received the bill at about 2:29. Those amendments may have been a few minutes in getting to us on the Floor. But since we are now almost an hour later, I feel comfortable and that our action won't be struck on constitutional grounds. Thank you."

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

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

"Mr. Speaker, I am in support with reservations. I spoke with reservations previously, and so I will reserve my remarks until the end of Session. But right now, I went along with the idea of a constitutional amendment because previously, someone mentioned this 3 times, but I know for sure 2 times, that people in Hawaii have refused to abolish the State Board of Education, and come for instance, with an appointed Board.

"But the way this question is crafted however, it does give the voter an alternative. It is either abolish the elected BOE, but you come up with your district councils. So I say this is a good way of presenting that alternative to the voter and I am sure they will respond with probably yes. Or maybe no.

"The other thing though is that the companion bill that we had passed. Let's suppose that we do have the seven district councils established, and under our other bill, we are creating 15 area boards. That is the problem. Going back to a previous speaker's thing about this will not solve problems. That is absolutely true. We are the only one in America with a 'three boss' system. We have 76 superintendents, the 1 superintendent with the Executive Branch of Government, and your 14 Board Members who could be Superintendents if they so wish to be an Administrative Board. Because of this overlapping of jurisdictions and our anxiousness to affect public policy, appropriations, etc., we have created a very, to me, an untenable situation.

"Who is responsible for public education? You all need to ask yourself one question. Is the area board hiring and firing your area or complex superintendent? Are they accountable for public education? Is the superintendent in this bill to be appointed by the Governor, is that person accountable for public education? Is the Governor accountable for public education? You understand the ambiguity, the confusion of the jurisdictions with each body that I mentioned, and each entity.

"And so I would just caution you all, we should proceed with the Superintendent Selection Commission, since I have served on the search committee on two different occasions. This is another example where we have several people, who presumably would have greater insight and perspective on what the needs of public schools would be. So in that context it would be able would be fully qualified to look at applicants and present to the Governor several sets of applicants for the Governor to appoint. I am not sure if the people we appoint will be more qualified or certainly have more insights into what the public schools would need. So that in itself, to me, is a very antiquated or to me ineffectual body of people who I think, would come up with good applicants for the superintendent. Given all of this in mind, though I think, we keep this going and let's hope that both bills, if we do pass it on Third Reading, that we will be able to effectuate some changes and governance in the school system. Thank you."

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

"Thank you, Mr. Speaker. I rise in support and I would like to ask that all the words of support be incorporated into the Journal as if they were my own. Also, I wanted to expand on the thoughts given by the Representative from Wailuku. I share with him the concern that unless we give education, the Board, or the Department, taxation power to raise their own money and to expand it, we will not have that true reform that we need. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am rising in support. Just a few comments.

"First, congratulations to the main players who have been working on this in this Body. It has been a bipartisan effort and that I think it makes it especially worthwhile that we will be passing this out. This is what we need to decentralize the DOE. This will lead to better test scores, to better results for our students, to better and more benefits for our teachers and our principals.

"To the teachers in particular, there seems to be many of them around today, this bill will go along way in making a much better learning environment, classroom environment, professional environment, and a much more enriching professional experience than what we could ever get under the system that we have today. So for those reasons, and for all the other reasons in support stated, thus far, I am in support.

"One quick note with regard to the taxation issue. I do not support granting the BOE taxing authority. I know it is not before us, but it was alluded to. I think the main thing is that we have equity to all the various schools on a per student basis. That'll take care of that situation nicely. Thank you, Mr. Speaker."

Representative Case rose to respond stating:

"Thank you, Mr. Speaker. Briefly, in surrebuttal, as we call it in the legal profession, to the rebuttal by the Representative from Moiliili.

"I think it is clear to us and, let's be honest, within our educational community and our broader community, we are split on the issue of whether to decentralize or not. We all know that there are major components of our educational community that do not want decentralization. I believe that they include some aspects or some elements of the HSTA and the teachers. I don't believe it is all. I believe that it includes some parts of the Board of Education, but perhaps not all. And some, but perhaps not all, of the components of our education administrators and perhaps beyond that.

"What I would like to say to them today is: if you disagree with decentralization, do not pursue your disagreement by killing off a proposed constitutional amendment. Because I think that we have to be honest at this point, with the House about to vote for this constitutional amendment, put it to the voters. Let the forces start to focus on this amendment. And what I want to say is: let this great debate occur beyond the halls of this Legislature. Let us all go out into our communities and let the teachers and the educators and the community and the Board and the parents and the business community and everybody else that is so vitally concerned with education, let us all have that debate on the merits and let the voters decide it. Do not kill the discussion by killing even the proposed constitutional amendment. Let this go to the people. Thank you."

The motion was put to vote by the Chair and S.B. No. 2102, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Yoshinaga voting no, and Representative Arakaki being excused.

The Chair directed the Clerk to note that S.B. No. 2102, SD 1, HD 2 passed Third Reading at 3:19 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Yoshinaga rose to a point of order, stating:

"Point of information, Mr. Speaker. My understanding from the Majority Leader was that we would go back to the Senate Communications. Is that at a later point?"

The Chair responded, stating:

"It will come up at a later point."

Representative Yoshinaga: "Your Honor will advise me of so?"

Speaker Say: "After number 7 on our Order of the Day."

Representatives Chang and Hamakawa, for the Committee on Tourism and Culture and the Committee on Judiciary and Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1263-02) recommending that H.R. No. 142, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1264-02) recommending that H.C.R. No. 199, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted and H.R. No. 142, HD 1 and H.C.R. No. 199, HD 1, be adopted, seconded by Representative Lee.

Representative Kahikina rose to speak in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of HR 142, HD 1, Requesting the Governor to Designate the Month of August 2002, as the Duke Paoa Kahanamoku Ho'olaulea, to commemorate the lifetime accomplishments of Duke Paoa Kahanamoku.

"Duke Kahanamoku represented the alii mobility in the highest and truest sense – concern for others, humility in victory, courage in adversity, and good sportsmanship in defeat. He had a quality of life we are all challenged and inspired to emulate; and it is with much Aloha I support these measures.

"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. 142, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE "DUKE PAOA KAHANAMOKU HO'OLAULEA" TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU," was adopted, with Representative Arakaki being excused;

and

H.C.R. No. 199, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE "DUKE PAOA KAHANAMOKU HO'OLAULEA" TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU," was adopted, with Representative Arakaki being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1265-02) recommending that H.R. No. 116, 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. 116, entitled: "HOUSE RESOLUTION REQUESTING THAT COMPANIES SUPPLYING ELECTRONIC DEVICES TO CONSUMERS INVESTIGATE EFFICIENCY TO REDUCE FINANCIAL AND ENVIRONMENTAL COSTS," was adopted, with Representative Arakaki being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1266-02) recommending that H.C.R. No. 159, 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. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT COMPANIES SUPPLYING ELECTRONIC DEVICES TO CONSUMERS INVESTIGATE EFFICIENCY TO REDUCE FINANCIAL AND ENVIRONMENTAL COSTS," was adopted, with Representative Arakaki being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1267-02) recommending that H.R. No. 52, 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. 52, entitled: "HOUSE RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO'OLAWA," was adopted, with Representative Arakaki being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1268-02) recommending that H.C.R. No. 82, 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. 82, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO'OLAWA," was adopted, with Representative Arakaki being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1269-02) recommending that H.R. No. 75, be adopted; and

(Stand. Com. Rep. No. 1270-02) recommending that H.C.R. No. 112, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 75 and H.C.R. No. 112, be adopted, seconded by Representative Lee.

Representative Espero rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Espero's written remarks are as follows:

"Oahu needs a light rail system, elevated and at ground. As our traffic congestion gets worse, we must consider all options to get more people out of their personal vehicles. One idea will not solve our traffic woes. But several solutions can create a transportation system which will provide alternatives. The Bus, vanpooling and carpooling, the zipper lane, a proposed ferry and a light rail system can work if we allow it. Imagine San

Francisco or New York if their leaders did not have the foresight to build their transit systems. Our leaders in Hawaii failed us in the past, and this must not happen again. We must be bold and ask the governor to convene a task force to look into this needed endeavor."

Representative Moses rose to speak in support of both measures, stating:

"On the same two measures, I am strong support and have a few comments. We all know about the desperate transportation needs of the West Oahu area and light rail is one alternative that hasn't been looked at in awhile. There are railways that exist. There is right-of-way that exists. And there are ways to make this work if we want to. And it would sure alleviate problems coming into the Capitol. And I hope to be coming here for many years, and I want to be able to get here quickly. Thank you, Mr. Speaker."

Representative Kahikina rose to speak in support of both measures, stating:

"I am in strong support of the same two measures. At one time we had this type of mass transit in these islands. We had a railroad track going right around this island. And for some reason, the leaders back then decided to do away with it. So I am very encouraged with these two resolutions and I hope that we can come to a point where we can actually develop a light rail system here in Hawaii. 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. 75, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM," was adopted, with Representative Arakaki being excused;

and

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM," was adopted, with Representative Arakaki being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1271-02) recommending that H.C.R. No. 181, 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. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PLANNING COLLABORATION BETWEEN THE UNIVERSITY OF HAWAII AND THE LEGISLATURE," was adopted, with Representative Arakaki being excused.

Representative Suzuki, for the Committee on Legislative Management presented two reports:

(Stand. Com. Rep. No. 1272-02) recommending that H.R. No. 138, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1273-02) recommending that H.C.R. No. 195, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 138, HD 1 and H.C.R. No. 195, HD 1 be adopted, seconded by Representative Lee.

Representative Lee rose to speak in support of both measures, stating:

"Mr. Speaker, briefly, I would just like to speak in support of Standing Committee Reports 1272 and 1273, relating to the smoke-free State Capitol. I'd just like to remark that most public buildings nationwide are going smoke-free to provide clean air and protect employees and clients. So we have a responsibility to our employees, to our constituents and ourselves to provide a wholesome atmosphere where all of us can work towards bettering our State. Thank you, Mr. Speaker."

Representative Hale rose to speak in support of both measures, stating:

"Mr. Speaker, I stand in strong support of these two Standing Committee Reports, 1272 and 1273. And I'd just like to give one personal reason. My office happens to be at the end of the passageway that goes down to the other side of the House. And that is a smoking area. It is impossible to walk down there without inhaling all of this smoke. And furthermore, it comes into my office to the extent that we have to close the door during times when staff is out doing their 15-minute break. But not only that, I think it sets a good example for the whole community."

"On a personal note, yesterday I ran across my stepson and he had been smoking for all his life. He is in his 50s and he informed me that he had stopped smoking, and I congratulated him and I would congratulate everybody who stopped smoking. 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. 138, HD 1, entitled: "HOUSE RESOLUTION URGING THE DESIGNATION OF ALL AREAS OF THE STATE CAPITOL AS A SMOKE-FREE WORKPLACE," was adopted, with Representative Arakaki being excused;

and

H.C.R. No. 195, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DESIGNATION OF ALL AREAS OF THE STATE CAPITOL AS A SMOKE-FREE WORKPLACE," was adopted, with Representative Arakaki being excused.

Representatives Kahikina and Ito, for the Committee on Human Services and Housing and the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1274-02) recommending that H.R. No. 69, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1275-02) recommending that H.C.R. No. 107, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted and that H.R. No. 69, HD 1 and H.C.R. No. 107, HD 1, be adopted, seconded by Representative Lee.

Representative Kahikina rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair, "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of HR 69, HD 1, Requesting the Special Assistant on Children and Families in the Office of the Governor to Convene and Co-Chair the Hawaii After-School Initiative.

"The purpose of this resolution is to request the Governor's Special Assistant on Children and Families to Convene the Hawaii After-School Initiative to develop a plan to ensure quality After-School Programs for every school-age child in the State.

"I urge my colleagues to support this measure. 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. 69, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SPECIAL ASSISTANT ON CHILDREN AND FAMILIES IN THE OFFICE OF THE GOVERNOR TO CONVENE AND CO-CHAIR THE HAWAII AFTER-SCHOOL INITIATIVE," was adopted, with Representative Arakaki being excused;

and

H.C.R. No. 107, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SPECIAL ASSISTANT ON CHILDREN AND FAMILIES IN THE OFFICE OF THE GOVERNOR TO CONVENE AND CO-CHAIR THE HAWAII AFTER-SCHOOL INITIATIVE," was adopted, with Representative Arakaki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1276-02) recommending that H.R. No. 39, 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. 39, HD 1, entitled: "HOUSE RESOLUTION URGING THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE TO INITIATE A PROGRAM TO ERADICATE FRUIT FLIES IN HAWAII," was adopted, with Representative Arakaki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1277-02) recommending that H.C.R. No. 70, 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. 70, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE TO INITIATE A PROGRAM TO ERADICATE FRUIT FLIES IN HAWAII," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1278-02) recommending that H.C.R. No. 17 be adopted, seconded by Representative Lee.

Representative M. Oshiro moved that the report of the Committee be adopted and that H.C.R. No. 17 be adopted, seconded by Representative Lee.

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

"In 1995, this Body moved to allocate money to dredge the marina in Hawaii Kai. We have a strange situation out there. The currents wrapping around the east coast drive the sand into the marina access. We have four lanes, three of which are clogged up. The former Representative of the area had asked

that this Legislature would allocate money to dredge that. The problem however, is that every time the sand is cleared from those lanes, it continues to flow in because of the current. So what we are doing in this legislation is asking that an easement be granted for private citizens to maintain the flow of water in and out, and the access for recreational, as well as the military vehicles, boats to get in and out.

"That is the only safe harbor on the east side of Honolulu. So it is very important that we do this and I congratulate this Body for moving this forward and I thank you, Mr. Speaker for introducing this."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA ENTRANCE CHANNEL PURPOSES," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1279-02) recommending that H.C.R. No. 18, 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. 18, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1280-02) recommending that H.C.R. No. 21, 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. 21, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR MAINTENANCE OF BREAKWATER PURPOSES," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1281-02) recommending that H.C.R. No. 47, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 47, HD 1 be adopted, seconded by Representative Lee.

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

"Mr. Speaker, I speak with reservations on Standing Committee Report 1281-02. I was originally opposed to this very much, but my reason was that I didn't feel they had really taken this to the community. However in the Committee Report, I find that they had a big petition where they at least had some signatures. I still have reservations as to whether the community really wants a privatized Honokahau Small Boat Harbor, because we don't have many small boat harbors on our island. I still have some very severe reservations about it, but I will go along. 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1282-02) recommending that H.C.R. No. 16, 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. 16, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1283-02) recommending that H.R. No. 12, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1284-02) recommending that H.C.R. No. 26, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1285-02) recommending that H.C.R. No. 43, 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. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ENTER INTO A FINANCING AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1286-02) recommending that H.C.R. No. 48, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1287-02) recommending that H.C.R. No. 62, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 62 be adopted, seconded by Representative Lee.

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

Representative Garcia's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, this measure will provide the Legislature with useful data to evaluate the transfer of inmates to mainland correctional facilities.

"Over the years we have sent hundreds of inmates to various facilities. As the various contracts expire, it would be useful to consider other factors beyond just cost to choose a vendor. If recidivism from one facility is shown to be superior, it could be argued that spending more to get a better outcome is the correct course to follow. Conversely, a facility that is inexpensive, but with a high recidivism rate is hardly a 'bargain' and threatens the public safety if a better alternative is available.

"Just this week the U.S. Department of Justice released a report that showed Hawaii ranked second in the nation (behind Wisconsin) in the number of inmates we have housed out-of-state. Hawaii is also one of a handful of states that sends over 20% of our total inmate population away to be housed. If anybody should be taking a close look at the results for the expense, it is a state like Hawaii.

"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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1288-02) recommending that H.R. No. 41, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1289-02) recommending that H.C.R. No. 72, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1290-02) recommending that H.R. No. 44, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1291-02) recommending that H.C.R. No. 75, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1292-02) recommending that H.C.R. No. 94, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1293-02) recommending that H.R. No. 61, be adopted, and

(Stand. Com. Rep. No. 1294-02) recommending that H.C.R. No. 95, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 61, and H.C.R. No. 95 be adopted, seconded by Representative Lee.

Representative Espero rose to speak in support of both measures stating:

"Mr. Speaker, I'd like to rise in support of H.R. 61 and H.C.R. 95. These resolutions are basically sister resolutions to the light rail resolutions. But these target and look at existing railroad tracks and previous rights-of-way of which you will find many in West Oahu, which is one of the fastest growing areas within the State. We should have had a light rail system or some type of mass transit system built twice, if our politicians made the correct decisions. And before certain areas are paved over and disappear on us, we need to look at this again and I urge all members to support these resolutions. Thank you, Mr. Speaker."

Representative Moses rose in support of both measures and asked that the remarks of Representative Espero be entered in the Journal as his own, and the Chair, "so ordered." (By reference only.)

Representative Kahikina rose in support of both measures and asked that the remarks of Representative Espero be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Hale rose to speak in support of both measures, stating:

"Mr. Speaker, I stand in support of these two resolutions, but I did ask previously, when this came up for Second Reading, that they consider including the Island of Hawaii because we also had a rail system that was very effective in its day. We still have areas where these could be used, and its been proposed that they be at least bike trails or horseback riding trails or some public use. So I hope that in the next Session we can get one that will include the Island of Hawaii. 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 adopted, with Representative Arakaki 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1295-02) recommending that H.C.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.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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1296-02) recommending that H.C.R. No. 117, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 117, HD 1 be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in opposition to Standing Committee Report 1296, H.C.R. 117. Mr. Speaker, just very briefly.

"This measure proposes to have the LRB examine why capital is moving out of the State of Hawaii. We don't need a study for this. We already know the government is too large, taxes are too high, and we've got too many regulations here."

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

Representative Davis rose 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 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 Gomes 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 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 adopted with Representatives Davis, Djou, Gomes, Jaffe, Moses, Rath and Stonebraker, voting no, and Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1297-02) recommending that H.R. No. 81, 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. 81, entitled: "HOUSE RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1298-02) recommending that H.C.R. No. 118, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1299-02) recommending that H.R. No. 87, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1300-02) recommending that H.C.R. No. 128, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1301-02) recommending that H.C.R. No. 130, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and that H.C.R. No. 130 be adopted, seconded by Representative Lee.

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

"Yes Mr. Speaker, I wish to speak against this resolution. I don't believe that an audit is necessary. Just two years ago, they had a management audit. Also when I sat in the Labor Committee, I don't recall anyone speaking for a management audit at that time. A person testified that the loss after September 11th was relatively minor in relation to the size of the ERS corpus.

"Mr. Speaker, I sit on a number of private non-profit boards and for-profit boards, and the loss to the retirement system for other reasons was really greater than that of September 11th. In fact, if there is any loss at all, it is probably because of us. The net loss from September 11th is roughly around some \$300 million, rather than a billion dollars as was stated. And I think

the net loss from us is about a billion dollars. Maybe they are auditing the wrong people, Mr. Speaker."

Representative Thielen rose to speak in opposition to the measure and asked that the remarks of Representative Souki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Thielen continued, stating:

"I am also against this resolution, Mr. Speaker. I really think that the Body that should be audited is the Legislature for taking money from the employees retirement system."

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

"I am in opposition for the very reasons that were articulated by the Representative from Wailuku."

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

"Thank you, Mr. Speaker. I am with reservations. I am very supportive of audits in general. The only thing that I would ask on this one is, as the previous speaker mentioned, they have just been audited. Right now they are faced with many backlogs and they are working very hard, so I don't see any harm in putting this audit off until next year. Maybe next June or so. Give them a little break and let them get caught up with their backlog, and then go and audit them when they can devote the people and the time that is necessary for the audit. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of this measure. Just very briefly. What precipitated this resolution for an audit, and I do agree it's been relatively recently that the ERS was audited, was frankly that, as you may know, the ERS Board gets recommendations from an independent consultant regarding which fund managers to retain and which fund managers to dump. That is basically based on the performance of these fund managers.

"Now there is a particular fund manager that performed poorly and it was in the bottom 10% among fund managers in the United States. And the independent consultant said that because of the poor performance, the ERS should not retain them. The ERS Board decided to retain them anyway. I don't really understand why, and I think that is worth looking into."

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

"I rise in opposition to this measure. Again, I am generally very supportive of audits. I think the more information we have as legislators, the better decisions can arise from our deliberations.

"During the hearing we had the Chair of the Trustees, Toby Martyn, a very bright, capable young man speak to us about the very recent audit that we had. And in speaking about it, it looked like one of the major concerns was legislative action and its impact on the ERS. Not so much the way that people are working down there.

"The other thing that was very interesting is when this consultant group gave their recommendation, that was based on a very short period of performance whereas the Board of Trustees needs to look over the long-haul. And everyone at

that particular time was having particular difficulty. So at least in Toby Martyn's understanding, it was not so much attributable to that particular fund manager, but what was going on nationally in the economy. And so I found that to be sound reasoning.

"It is interesting that this audit will basically say their procedures are fine and if the Legislature would stop dipping into it, maybe we would be in a lot better situation. I think if we spent more time managing ourselves and not pulling the employees away from what they are doing, because this audit will require their cooperation, these people are going to have to take time from work that they are already doing to help make this audit happen. So for those reasons, I oppose this particular audit."

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

"Thank you, Mr. Speaker. I am in support and generally echo some of the other comments saying that generally, audits are favored, although some of those speakers spoke against this particular one. But the point that I want to make is that fiscal accountability is seriously lacking in State government and we would be well served to audit all of our departments. And in doing so, we would find a lot of important management changes that we would want to implement to get more value for the public money that we spend. Thank you."

Representative Yoshinaga rose to the point of inquiry, stating:

"Point of inquiry to the Chair, I assume, of the Committee on Finance, or whoever can answer this question. My point of inquiry is, is it the Board of Trustees for the retirement system that appoints that management consultant, that a previous speaker alluded to, that makes recommendations to the Board?"

The Chair addressed Representative Takamine, stating:

"Representative Takamine, would you like to yield to the question or shall we call a recess?"

At 3:37 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 3:39 o'clock p.m.

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

"Thank you, Mr. Speaker. For the record, I'd just like to state that my query was answered in the affirmative. That it is our understanding that the management consultant that made the recommendation with regard to the performance of various fund managers is contracted by the Board itself.

"I am in support of this measure. It is my understanding that the management consultant, not having the actual background of this measure in front of me, it is my understanding that the management consultant is a neutral party that made a recommendation to the Board. However the Board in total, did not take that recommendation and therefore, it is really a determination of criteria and standards that would be applied in terms of that kind of decision making with regard to performance. So for those reasons, I support the measure. Thank you."

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

"Mr. Speaker, I am in favor of the resolution only because the administration and the Board of Trustees of the ERS do not object to an audit. First of all, we did take \$1.2 billion out of what we used to call the 8% excess earnings, from 1980 to about four years ago when we eliminated that provision. \$1.2 billion. But that has nothing to do with the financial stability and management of the ERS. Over the years, I've found that they had earned from their investments more than the national average. So while the rest of the country was making 8%, Hawaii's ERS was making 10%, 11%, 12%. In fact the year after we had eliminated the 8% excess earnings, they got 19% returns. Almost a billion dollars. And we were thinking that perhaps it could solve the unfunded liability by 2004. The intent of the bill was to do it by 2006. But given the nature of the market now, that is not possible. But in this particular case, we shouldn't overreact to this.

"We had a company that decided to go on their own and they lost money in the year 2000. I know because the last time I inquired, the ERS has like 23 broker firms that do their investments all based on performance audits. So the question only will be what happen with this company that lost money, and was also retained by our previous administrator. That is the only question in turn.

"But in terms of the overall management of ERS, it is unlike the Public Employee's Health Fund, the Board of Trustees, believe you me. I believe that they have been very open in sharing and have done an exceptional job in this volatile global market and they have existed for the benefit of the employees. But for those reasons, I will vote for the resolution. 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. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE EMPLOYEES' RETIREMENT SYSTEM," was adopted with Representatives Kahikina, Pendleton, Souki and Thielen, voting no, and Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1302-02) recommending that H.R. No. 89, 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. 89, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DO AN ACTUARIAL ANALYSIS OF THE UTILIZATION AND RATE IMPACTS, IF ANY, OF REINSTATING NATUROPATHY AMONG THE PERSONAL INJURY PROTECTION BENEFITS IN MOTOR VEHICLE INSURANCE," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1303-02) recommending that H.C.R. No. 131, 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. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DO AN ACTUARIAL ANALYSIS OF THE UTILIZATION AND RATE IMPACTS, IF ANY, OF REINSTATING NATUROPATHY AMONG THE PERSONAL INJURY PROTECTION BENEFITS IN

MOTOR VEHICLE INSURANCE," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1304-02) recommending that H.R. No. 90, HD 1, be adopted; and

(Stand. Com. Rep. No. 1305-02) recommending that H.C.R. No. 132, HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 90, HD 1, and H.C.R. No. 132, HD 1 be adopted.

Representative Gomes rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I am rising in support of Standing Committee Report 1304 and 1305. These resolutions are 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. I think this is a good idea. I think these would provide a good management tool for the respective schools and to help them discover once again, their known strengths and weaknesses, and build upon both of those. And I welcome that and I think it is a good idea, and I believe the schools do as well.

"Earlier Mr. Speaker, these resolution numbers were used for another resolution on another subject matter that had to do with surfing as an interscholastic sport, that unfortunately, the DOE came out against and the Committee went ahead and gutted that and changed that. But just to kind of set the record straight again, that it is too bad we couldn't have passed on and approve surfing as an interscholastic sport. Be that as it may, I stand in support of these resolutions as written. Thank you."

Representative Hale rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I would like to vote with reservations on these two Standing Committee Reports. Primarily I have no objection to an audit. I think that is a good idea and I think everything should be audited so that we have more information on which we can add. My reservations are that although I was told that they had picked successful schools and unsuccessful schools, I really think it should include all charter schools rather than just picking on a few. Thank you, with reservations."

Representative Halford rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I am in support and again reiterate that we would be well-served for fiscal accountability to have financial and management audits of all of our State's departments. Thank you."

The motion was put to vote by the Chair and carried, 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 adopted, with Representative Arakaki 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1306-02) recommending that H.R. No. 92, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1307-02) recommending that H.C.R. No. 134, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1308-02) recommending that H.C.R. No. 151, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1309-02) recommending that H.R. No. 111, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1310-02) recommending that H.C.R. No. 155, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1311-02) recommending that H.C.R. No. 179, 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. 179, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO ASSESS AND REDUCE CARBON DIOXIDE EMISSIONS," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1312-02) recommending that H.C.R. No. 187, 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. 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1313-02) recommending that H.R. No. 136, be adopted, and

(Stand. Com. Rep. No. 1314-02) recommending that H.C.R. No. 193, be adopted; and

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 136, and H.C.R. No. 193 be adopted.

Representative Moses rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I rise in opposition to Standing Committee Report 1313 and 1314. It is only a resolution and it only calls for a study. But again, the study is for the purpose of trying to control these motorized devices on sidewalks, highways, and public areas.

"First of all, this is the State that is making decision. That should be a 'homerule' issue, I believe. We are trying to make decisions statewide when it pertains to cities and towns and urban areas, rural areas, some are congested some are not. Some don't even have sidewalks. They should, but they don't. Some don't desire sidewalks, probably, but we are looking at these motorized devices, motor scooters basically. Some are electric. Some are noisy and gas driven. But they're different and maybe they should be handled locally.

"But what I am worried about is if we look at getting them off the sidewalks because of pedestrians, remember in some places there are no pedestrians on the sidewalks. If we are going to get them off the sidewalks, we are going to put them on the streets. Then we are going to license them. We are

going to put in seatbelts. We are going to put on rearview mirrors, turn signals and lights for night and stuff like that. Then they go to slow so they are going to be run over. Then what do we do? So I think this is a slippery slope. It is just a way to try to organize some other way I think of taxing these vehicles, and regulating them, restricting them.

"I tell you Mr. Speaker, in some rural areas, kids use these to get to school so their moms and dads don't have to drive them, so they don't have to get on busses, which in some places are hard to get. They don't go at the right times and don't go to the right places. But I just think it is unnecessary and maybe it's because of a few people who were complaining about noise. We can issue earmuffs maybe to those people. Thank you, Mr. Speaker."

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

"Just a no vote and to say that this is something that should be left to the counties and is not a State issue."

Representative Lee rose to speak in support of both measures, stating:

"I'd like to speak in favor of these resolutions, which I would just like to say are actually bipartisan resolutions introduced by the Representative from Mililani and myself. In our community these motorized scooters are really a big problem. Not only a safety problem, but a noise problem. And it has also been a problem in many communities on the Island of Oahu. And for that reason I think the resolution is very much needed.

"The purpose of the resolution is to request the Department of Transportation to convene a taskforce to examine ways to control the use of motorized scooters and other motorized devices. I think this will give the police some sort of basis to make decisions on. Because at present, when they are called with complaints from the community, they can't do anything because these motorized scooters are sometimes thought of as just toys. They actually can be quite lethal weapons, and for that reason and for many others, I support this strongly."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. In brief rebuttal. If it is an Oahu problem, let's let the City Council handle it. Thank you, Mr. Speaker."

Representative Thielen rose to speak in support of both measures, stating:

"Mr. Speaker, I am in support of the two resolutions.

"Mr. Speaker, I echo the concerns of the Majority Floor Leader. On the Windward side, it becomes both a safety issue and a noise issue. I think it is a good idea that we look into this further. I don't think we have the luxury of just doing nothing. Thank you."

Representative Yoshinaga rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support of these resolutions. In an urban area, which I represent, such as McCully and Moiliili, there are many elderly people that are slow moving, and it is a terrifying experience to have certain young people, who may not necessarily realize the debility of slow moving people. It is, I think, a hazard both in regard to the fact that these can be lethal weapons, not to mention that when children who may not know the danger come whipping towards you, and you have to jump out of the way. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was 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 adopted with Representatives Moses and Rath, voting no, and Representative Arakaki 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 adopted with Representatives Moses and Rath, voting no, and Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1315-02) recommending that H.R. No. 108, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee were adopted and H.R. No. 108, entitled: "HOUSE RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1316-02) recommending that H.C.R. No. 150, 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. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1317-02) recommending that H.C.R. No. 19, HD 1, as amended in HD 2, 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. 19, HD 2, 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 adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1318-02) recommending that H.R. No. 24, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1319-02) recommending that H.C.R. No. 42, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 24, HD 1, and H.C.R. No. 42, HD 1 be adopted.

Representative Djou rose speak in support of both measures with reservations, stating:

"I am rising with reservations on both 1318 and 1319.

"Mr. Speaker, first off, I support a review of the Performance Information Purchase System otherwise known as PIPS. I do believe that the State should be looking into what is going on with these contracts being bid out under PIPS. As a concept, PIPS was a bidding system which was originally devised by Arizona State University. It was supposed to provide a way of providing contracts to so-called 'quality contractors' rather than just going with the low bid system. Three states adopted this, the State of Hawaii, the State of Utah and the State of Arizona. However due to problems of corruption and abuse of this, Arizona and Utah have now dropped the PIPS system. I am very concerned that this system may be being abused here in Hawaii. That's why I would have preferred to see these two measures passed out unamended, to have the Auditor look at the PIPS system.

"As amended, right now, only DAGS is going to be basically looking at themselves, to making actual improvements of the PIPS system. So while it is good that we are reviewing it, it would have been better if the Auditor took a look at this rather than DAGS themselves. Thank you."

Representative Magaoay rose to speak in support of both measures, stating:

"Mr. Speaker, on these two measures, I stand in support.

"I originally introduced the measure to ask for an audit because most of the complaining comes from the contractors. And there was much influence from the contractors regarding PIPS, so this is way not to impede the construction projects, especially since most of these projects are triggered by repair and maintenance projects for small jobs at the schools. What we need now is to have them work in concert with the construction industry, whether it is the general contractors or sub-contractors who work with DAGS, and have them come up with a fluid system. Because an audit would somehow impede the process of making the recommendations as we go along contracting for repairs for the schools. Thank you."

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. My reservations are that here we have DAGS checking up on DAGS, and I just don't see the sense of this. Why are we spending money to have DAGS look at itself. They can tell us right now if they are doing a good job. They think they are. Why should we have a study? 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. 24, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM," was adopted, with Representative Arakaki being excused;

and

H.C.R. No. 42, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE

PERFORMANCE INFORMATION PURCHASE SYSTEM," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1320-02) recommending that H.R. No. 124, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1321-02) recommending that H.C.R. No. 173, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 124, HD 1, and H.C.R. No. 173, HD 1 be adopted.

Representative Case rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I rise in opposition to these resolutions. On the face of it, these resolutions appear somewhat innocuous. They call for the Legislative Auditor, whose work I certainly trust, to review certain privatization contracts entered into by certain State and county agencies. If that was all these resolutions really wanted to do, or whether I believe that was all they wanted to do, I wouldn't have a problem with it. But I've carefully watched the developments of these resolutions and the evaluation of these resolutions, and I've come to the conclusion in my own mind that these resolutions actually represent an attack upon the privatization reforms that we passed last year.

"Now last year we all passed, and most of us voted for, what was really revolutionary, which was the proposal for the implementation of full flexibility for State and county governments to proceed with privatization. Now that was effective in May of 2001. So here we are, 11 months later. It really hasn't had a chance to get off the ground. Contracts entered into as a result of that authority have barely been entered into, and if they have been entered into, they haven't been running for very long.

"Now there were safeguards in the bill. The bill called for certain standards to be applied. The bill said that privatization was allowed when there was a reasonable basis to believe that the service was equivalent or of better quality than that which could be provided by a government agency, and can be provided at lower cost. That was a good edition.

"Also, we didn't allow privatization to proceed forever. We actually put a sunset date on it, which is going to be limiting and it is going to come up very fast, in 2007. So we didn't jump all the way off the cliff with privatization. We built in some cautionary measures.

"Now having said that, I think we need to let it work. And I think we need to stay out of their way. Yet we take a look at this resolution and the tone of the resolution is that something is going awry in privatization. The tone of the resolution is that privatization is not working. For example, the fourth and fifth paragraphs on the first page talk about 'a number of concerns that have been raised that under certain contracts the private contractors have not been providing services of equivalent or better quality.' I think those concerns come from those who simply don't want privatization to start with.

"My concern here is that we let privatization proceed. That we provide safeguards in the law. That we let government agencies, whether on the State or county level become comfortable with their ability to proceed with privatization using safeguards that are in the bill and their own good judgment about how to manage our State and county resources.

Yet we are going to somehow tell them that they are doing something wrong through this resolution and cut the Auditor loose on them. The whole tone of the resolution simply, really to me, represents a step backwards, a turn on the road, where we are really looking back rather than forward. We need to let them run for now and I just think we need to recognize these resolutions for what they are and pretty much stop this in its track. I think that is the only way that we're going to see whether or not privatization can in fact work.

"This is similar to other issues that have come before us today, and are about to come us before us today. When we implement a reform, if we don't let that reform take its full fruition, if we allow the people that object to those reforms to come in and kind of stop us in our tracks, along the way, we are never going to be able to discover whether those reforms will work, and will yield to ourselves and to the people, that represents the full benefits of those reforms. So I hope these resolutions stop today. Thank you."

Representative Djou rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I am rising in opposition to Standing Committee Report 1320 and 1321.

"Mr. Speaker, I'll be very brief. I am standing in opposition for many of the same reasons stated by the Representative from Manoa. I would just also like to reiterate and emphasize, privatization was one of the key reforms we made in State government last year. There is no reason we should be looking at this now. We should be stopping these two resolutions here.

"I'd also like to point out that in these resolutions, the Auditor is requested to consult with several private entities. These entities include a number of unions, but no organizations from the private sector. I believe what this is going to produce is what it wants to produce, which is a very biased report against privatization, against reform, and to reverse the progress that was made in privatization last year. Thank you."

Representative Rath rose in opposition to both measures and asked that the remarks of Representatives Case and Djou be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative M. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, I am in strong support of both of these resolutions. A couple of points of clarification. I believe that if you look at the resolutions, you'll see several private entities. Kaahai O Ka Manao is a private enterprise. The Ala Wai Marina Board is a private enterprise. The Kapiolani Medical Center is a private enterprise, and also the Convalescent Center of Honolulu is a private enterprise. So I just want the members to understand that there is private enterprise participation.

"Secondly Mr. Speaker, I believe that we would remiss, given the findings of the Felix Investigative Committee, for us at this point in time to make sure that any type of privatized contracts, whether it be repair and maintenance of our schools, or any of our services of our Department of Health or in our parks, are properly given out, monitored, and properly reviewed, Mr. Speaker. Part of the problem of privatization is the 'spoils system' and I believe that it is coming up on us at this point in time as we walk down this journey into privatization of government services, that we properly monitor each and every contract to ensure that we don't have them turn out to be 'spoils systems.' Thank you, Mr. Speaker."

Representative Ontai rose to speak in opposition to both measures, stating:

"In opposition, Mr. Speaker. Briefly, just looking at this, in a world of limited choices, I rather have the Auditor spend time examining the PIPS system and DAGS, rather than this. Thank you."

Representative Yoshinaga rose to speak in support of both measures, stating:

"Mr. Speaker I rise to speak in support of these resolutions, H.R. 124 and H.C.R. 173. To respond to some criticisms that this might be a step backwards, I would like to just state for the record that as the previous Labor Chair that supported either managed competition or privatization, that pursuant to our LRB study that these are just words. That the real question to be resolved by this Body is efficiency, and by efficiency, I define that to mean that we have cost efficiency, as well as relevant core services being performed to the satisfaction of the public with regard to employees who are also treated fairly.

"These resolutions, Mr. Speaker, all that these resolutions do is to make a request to the Auditor, and I do take exception to some comments that it will end up as a biased report. I think that this Body, on many occasions, has in fact we've given a certificate of congratulation and commendation to the State Auditor's Office, for frankly, doing the 'dirty job,' if you will, of having to go and do the very tough investigations, which frankly, the State Auditor has been very fair. In fact, this Body is relying, on other measures, on the results of some very controversial audits. So with regard to that Mr. Speaker, I do believe that is a bogus point.

"There was an allusion that the people that would support such resolutions, and this is again I believe going to our motives, that we don't want privatization to proceed, Mr. Speaker, all these resolutions do is basically guarantee that privatization is implemented on a reasonable basis by management, and that such contracts are fair and are appropriate, and are then going to be reviewed to frankly, deal with my first point which is to ensure that government is cost effective and efficient.

"With regard to getting evidence of that, you would then need to get input from the stakeholders of organizations. So you would talk with management, as well as the employees or other affected stakeholders in terms of consumer satisfaction i.e., the consumers that will utilize or receive State services with regards to these contracts, whoever they may be. So therefore Mr. Speaker, I do take exception to that.

"My motive is that I want efficient and cost effective government, but I want that ensured because there is the danger of the 'spoils system,' which has what has happened with other states such as Georgia, which I stated on this Floor last year when you don't have specific criteria to guide your civil servants and managers in their determination. I do want to say this out of courtesy and respect to such civil servants, that we are not then saying that your motives are bad. But there is, and let's be candid, always the temptation to favor your friends, to see things through 'rose-colored glasses,' and that what you may consider reasonable, in the light and scrutiny of responsible listed criteria would frankly, not be appropriate to just proceed with such out-sourcing.

"So therefore Mr. Speaker, I do support the full benefits of the reforms that were made by this Body last Session. However these measures are simply to ensure that those reform are successful and being implemented properly. Thank you, Mr. Speaker."

Representative Whalen rose to speak in opposition to both measures, stating:

"I rise in opposition to both measures and ask that a no vote be cast for both of them for me. Just briefly Mr. Speaker, you know twice now I heard the statement 'the spoils system.' The spoils system has nothing to do with privatization. It has to do with a new administration taking over and getting rid of civil service workers, etc. It could be argued as to who gets awarded the contracts, but that goes to the other issue, the PIPS System, and that we are not doing the Auditor's evaluation on. So I think that is just a bunch of 'smoke and mirrors,' using that as a fear tactic to say that we need to go after these people. All of us got the list of those people supporting this resolution at the beginning of the Session and if you look through that list, there were some private entities, and this goes to the other statement I heard.

"True, there are private entities in there but from what I know of them, they are extremely anti-privatization. Private entities for instance, the Ala Wai Marina Board. They're opposing privatization on a marina that isn't even in their county, because of the fear that it might come to them, so they are opposed to privatization.

"Mr. Speaker, if our goal is, as was stated, to make sure that our government is working as efficiently as possible, we would not be limiting this review for efficiency just to those private companies and their contracts. We would be doing it for our departments and agencies that are totally run within the State. Yet year after year we are told why we can't do that and how they can't judge it, and we have yet to demand or make sure that we actually see where the money is going and how efficiently it is being operated, what their goals and objectives are, whether or not they are being accomplished. And if our goal was really just to make sure that the people's money is being spent as efficiently as possible, the first on that list would be State agencies, not the private contractors. Thank you."

Representative Moses rose to speak in opposition to both measures and asked that the remarks of Representatives Case and Djou be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"Thank you, Mr. Speaker. I am rising in opposition to both measures.

"Once again Mr. Speaker, I favor audits normally. The problem is this law isn't even a year old and here we are going to spend money again for the Auditor to go out and audit them. I will leave it at that because we have a lot more business to do yet."

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

Representative Meyer rose in opposition to both measures and asked that the remarks of Representatives Case, Djou and Whalen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

"I just wanted to bring your attention to the groups that the Auditor will consult with. Out of the nine, five are unions: the Hawaii Government Employees Association, the UPW, the International Longshoremen's and Warehousemen's Union, the Teamsters Local 5 and 996. There seems to be a definite slant to this resolution the way it's been put together. Thank you, Mr. Speaker."

Representative Stonebraker rose in opposition to both measures and asked that the remarks of Representative Meyer be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Stonebraker continued with a point of inquiry, stating:

"The point of inquiry is, I think the Representative from Moiliili, when she stood up to speak, she was speaking in favor of Standing Committee Report 1324. That might be her point of information at this point."

The Chair responded, stating:

"She was not speaking on Standing Committee Report 1324. We are on 1320 and 1321."

Representative Stonebraker continued, stating:

"That was my confusion at the time. I am opposed to 1320 and 1321."

Representative Gomes rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I am rising in opposition to these two measures, Standing Committee Reports 1320 and 1321 for the reasons already stated by many. And also just to reiterate that we ought to be directing the Auditor to do a full-scale, comprehensive audit, management and fiscal, of the DOE, which, as I understand it, has never been done and which is sorely needed."

Representative Yoshinaga rose to a point of information, stating:

"Point of information. I don't know if it is a point of information or inquiry so, whichever applies."

The Chair responded, stating:

"Well if you don't know if it is a point of information or inquiry, why don't you call a recess?"

At 4:08 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:09 o'clock p.m.

Representative Yoshinaga rose to a point of inquiry, stating:

"I'd like to make a point of inquiry, and I appreciate the Majority Leader's correction because I was confused about the distinction. I appreciate your patience in terms of my ignorance of the specific inquiry of rules.

"My point of inquiry is to a previous speaker, I believe the Representative from Lanikai [Kahaluu-Laie]. I am not sure if that is the right district either. I don't have the paper. But who alluded to various organizations on these resolutions, H.C.R. 173 and H.R. 124, that they listed as organizations, the Hawaii Government Employees Association, UPW, Teamsters, etc.

"My point of inquiry Mr. Speaker, is whether their members are taxpayers and also members of the public. I'm just not sure what her point was. That there is some kind of motive with regard to these organizations of some kind. That is my point of inquiry, Mr. Speaker."

The Chair addressed Representative Yoshinaga, stating:

"I believe Representative Yoshinaga, at this point you may be out of order in regard to your point of inquiry. Members, may we proceed on."

Representative Marumoto rose to speak in opposition to both measures, stating:

"I have to register a no on this measure and very briefly, I feel strongly that if there is going to be a study, they need to seek a balance to help determine the benefit or deficits of privatization as a tool for use for government. That is just one tool for government and in order to achieve a better balance there should be some for-profit, private entities included in the study. That is the reason for my negative vote. Thank you."

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 reports of the Committee were adopted and H.R. No. 124, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES," was adopted with Representatives Case, Djou, Gomes, Jaffe, Leong, Marumoto, Meyer, Moses, Ontai, Rath, Stonebraker and Whalen voting no, and Representative Arakaki being excused;

and

H.C.R. No. 173, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES," was adopted with Representatives Case, Djou, Gomes, Jaffe, Leong, Marumoto, Meyer, Moses, Ontai, Rath, Stonebraker and Whalen voting no, and Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1322-02) recommending that H.C.R. No. 137, as amended in HD 1, be adopted.

Representative M. Oshiro moved that H.C.R. No. 137, HD 1 be adopted, seconded by Representative Lee.

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

"I'd like to encourage that they be allowed to participate in the World Health Organization as a public health entity. And this organization is the only global forum that coordinates activities of public health entities to ensure that all people around the world realize that inalienable human right to the highest level of healthcare. 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. 137, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESS'S PLAN TO ENDORSE AND OBTAIN OBSERVER STATUS FOR TAIWAN AT THE ANNUAL SUMMIT OF THE WORLD HEALTH ASSEMBLY IN MAY 2002 IN GENEVA, SWITZERLAND," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1323-02) recommending that H.C.R. No. 56, 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. 56, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SOCIAL SCIENCE RESEARCH INSTITUTE OF THE UNIVERSITY OF HAWAII TO CONDUCT AN ASSESSMENT OF THE EDUCATIONAL NEEDS OF THE NORTH HAWAII REGION," was adopted, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1324-02) recommending that H.R. No. 96, as amended in HD 1, be adopted.

(Stand. Com. Rep. No. 1325-02) recommending that H.C.R. No. 139, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 96, HD 1, and H.C.R. No. 139, HD 1 be adopted, seconded by Representative Lee.

Representative Halford rose to speak in support of both measures, stating:

"Mr. Speaker, regarding Standing Committee Report 1324 and 1325, VEBA, I would like to speak in favor with serious reservations. Mr. Speaker, it is a disappointment that we are passing out a resolution regarding VEBA, when in fact we should be passing a bill in favor of VEBA."

The Chair interjected, stating:

"The measure is not before us."

Representative Halford continued, stating:

"Mr. Speaker, a lot of good points have been brought up as to why VEBA is valuable and why it should be implemented, and for the sake of time I am just going to bring up one point that relates to this resolution.

"Mr. Speaker, VEBAs are subject to federal requirements under the Internal Revenue Service Code and the Employee's Retirement Income Security Act. Mr. Speaker, with VEBA comes accountability and transparency in spending public money. I believe that the State of Hawaii has been lacking in accountability and the spending of money, and we would be better served trusting our money through a VEBA Trust."

At this time, the Chair addressed the audience, stating:

"Please hold your applause. For all of you teachers, on behalf of the members of the State House of Representatives, we all invite you to this public discussion and debate on the Floor that we are having this afternoon. Your presence here represents the people of the State of Hawaii, and the voters of the State of Hawaii. And your presence also reflects your interest in the legislative process. Please hold your applause until we move on with other members who would like to speak for or against this particular resolution dealing with VEBA."

Representative Leong rose to speak in support of both measures, stating

"Thank you, Mr. Speaker. I feel a great disappointment too, that we are not voting on the VEBA Trust as we should be. I just feel like the time has gone away. I have been a teacher for so long. I know that teachers need to have this VEBA Trust so I am so disappointed in what is happening today. So I just stand in support of them. Thank you, Mr. Speaker."

Representative Hale rose to speak in support of both measures, stating:

"Mr. Speaker, I speak in strong support for these resolutions.

"Mr. Speaker, I too am a former teacher and I have supported the teachers and I do support education very strongly. I think that it is the fundamental basis for improving our economy and the future of our State. But I feel that this resolution is very timely, Mr. Speaker. There are a lot of unanswered questions about this whole process of whether we are going to approve this so-called VEBA Trust or not. And this resolution will give us the time to study this and will give us the information that we need to make the proper decision on this very, very controversial issue.

"Mr. Speaker, there is no need for us to act on the VEBA Trust right now because that does not take effect until 2003. And we have the opportunity in the next Session when this report comes to us to decide whether or not it is a good idea. We just don't have the information now. There have been rumors and a lot of misinformation floating around about this whole process that many of us need to get straight in our minds before we can act sensibly and intelligently on that issue. Thank you."

Representative Yoshinaga rose to speak in support of both measures, stating:

"Mr. Speaker, I rise to speak in support of these resolutions.

"I rise in support only because I believe these resolutions are an attempt to determine questions for a VEBA Trust that I submit to this Body have already been answered. And so with the indulgence of the Body, based on the previous speaker's allusion to misinformation, I would like to share some of the misinformation directly on point with regard to certain whereas clauses in these resolutions at this time.

"First of all, it alleges that proponents of VEBAs claim that by having a smaller consumer pool and tailor-made benefit packages, healthcare costs can be better controlled. That is a true statement Mr. Speaker, and frankly the VEBA Trust has already been in existence for the teachers' behalf. And the cost containment appears to be, and I will read at this point a quote from the Maui News, which was printed on Friday, April 5th, by Bruce Dunsford, the Associated Press writer that states that the Governor had stated that he would have no problem with the teachers having their own healthcare fund if they take the retirees as well. Part of the problem he said was that we have the union having the option to develop their own plan, and have developed plans pretty much excluding retirees and other high risk State employees. As a result they pretty much 'cherry pick' and they have the best of all worlds. If the unions want their own plans, they should be required to cover all the retirees, and then the State could get out of it entirely and just pay its share as the employer, which I submit Mr. Speaker, Act 88, which is a major cost containment reform, did last year. And frankly, the VEBA Trust does not undermine cost containment of the Act 88. In fact, it just frankly reinforces it by saying that whatever would be going over to the State plan, the current plan under Act 88, will then be just going into a consumer pool of the VEBA Trust. It would not increase, again exclamation point, it would not increase the cost to the State because it doesn't cost a single penny. It is controlled pursuant to Act 88, which is basically subject to collective bargaining.

"Another whereas clause indicates that VEBAs are not fully controlled by the State even though a major portion of the monies in a VEBA may come from the State. But rather VEBAs are subject to federal requirements under the Internal

Revenue Code and the Employees Income Securities Act. I submit Mr. Speaker, my reading of this is that it alludes to that it is some kind of problem that VEBAs, while not being subject to the State's requirements, are subject instead to federal requirements under the Internal Revenue Code and the Employees Retirement Income Security Act, which is a federal law to protect the interest of beneficiaries of such funds.

"I submit Mr. Speaker, having come from the private sector and working with a pension fund which we managed, both pension funds as well as health benefit plans, that the ERISA requirements are more stringent, I submit, than the current State requirements, which exempt us, the State, from giving direct responses within 30 days if there is a written request for benefit review. It protects a beneficiary's rights to have standing before any trust board, to then present a grievance before it. It would protect the beneficiaries of any trust, thereunder, in a better manner. So that again is a moot point because frankly VEBAs, I submit to this Body, if we were to inspect the requirements and do a flow chart of ERISA requirements versus how the current plans are being administered, I submit Mr. Speaker, that the beneficiaries would have greater protection, not less. There is also a misinformation that..."

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

Representative Yoshinaga continued, stating:

"Thank you, Representative. I appreciate it. I think that it is important that we clarify many of these points of misinformation and let the Body decide based on the merits or demerits of this bill, which is what the proponents really want."

The Chair addressed Representative Yoshinaga, stating:

"Representative Yoshinaga, we are on the resolution, not the bill. You just stated the bill. We are on the H.C.R. and H.R."

Representative Yoshinaga continued, stating:

"I apologize Mr. Speaker. I am jumping the gun and getting excited. Excuse me.

"Okay, the whereas clause here states that, 'whereas the maintaining of both VEBAs and the newly created trust fund, duplication of services may have existed adding additional unforeseen cost to the State.' Again Mr. Speaker, that is a bogus assertion. Again, I am sorry. Not to be disrespectful to whoever drafted this resolution because I am sure that it was well-intended. I again submit, and the Senate had an informational briefing, which was publicized over Olelo that frankly, disputed that there is frankly no evidence, and there were benefits consultants that stated for the record at that informational briefing, that there are no newly created, additional unforeseen costs to the State and that frankly, there is evidence that demonstrates that once the same amount of money is transferred because it is subject to Act 88, collective bargaining. So if through the collective bargaining process that frankly, 50 cents per employee, so a certain sum is transferred to the VEBA Trust, that amount doesn't change. And under ERISA requirements, there is scrutiny upon scrutiny of costs and benefits that cannot be absorbed or hidden or like some other kind of cloud that is going around this Body in terms of administration cost of a VEBA Trust.

"Finally Mr. Speaker, I would like to state for the record that it implies that this study is necessary to determine the feasibility of health insurance plans for public employee retirees, and their dependants, whether it's a feasible option. Mr. Speaker, I submit that we don't need this resolution, although I favor a VEBA Trust investigation if we are not

going to then be able to consider such a proposal this Session as a fallback. But I submit Mr. Speaker, that the evidence has been submitted to this Body and the public. The Governor appears open because it is the retirees issue, so as long as the retirees are covered that frankly, these resolutions Mr. Speaker, are unnecessary at this time and we may desire, and I hope that the Speaker is not going to rule me out of order, to just put in this point, because I do believe it is relevant. That this Body may desire to consider another measure, which we will come to on the agenda, that would put this issue to rest.

"In final point, with regard to the Representative from Kau who stated that we need the time. Mr. Speaker, our teachers do not believe that we need the time and I support this because having pension planning experience, the time will then be used designing such a transition which takes time in order to do. So if the implementation of the new EUTF is going to be 2003 and we then allow VEBA delivery of services, the time that the consultants need to plan that, as well as the EUTF Board, as well as the collective bargaining, needs to be done now. So it is urgent that if this Body is persuaded, based on the evidence that we are only giving another alternative method of delivery not costing the taxpayers a single cent, because that was the concern of this Body last year, that in fairness, this Body should consider movement today on another measure that is pending, because that would solve the problem and give the proponents of this VEBA Trust alternative time in which to plan its implementation.

"And frankly, I'd like to reverse the order Mr. Speaker, that this Body should consider a future action on a measure coming up on the agenda for consideration, and in fact if there are problems with implementation with it, then in the debate and discussion that will ultimately go on in both collective bargaining..."

Representative Whalen rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe that someone else needs again to yield their time for her to continue."

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

Representative Yoshinaga continued, stating:

"I would like to finally conclude that it is urgent that we consider the measure that is pending on today's Order of the Day, Mr. Speaker, because what needs to occur is the reverse. That in the deliberation of collective bargaining, that in the deliberation of what the plan design, in terms of the single employer union trust, will occur, in listening to the informational briefing in the Senate this past Thursday, that it is significant that these considerations be explored in parallel course, not in linear fashion, but in parallel course, by consideration of movement on the measure that is pending. And that if then there are problems with regard to that, this Body can intervene next Session, as the previous speaker alluded to, to then either correct those inappropriate costs or any inconsistencies. That would be the better course than these resolutions at this time, Mr. Speaker. Thank you for your indulgence."

Representative Moses rose to speak in support of both measures and asked that the remarks of Representative Halford be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"I'd like to add that I am very disappointed that we've come to the 11th hour of this Session and all we are doing is passing

some resolutions instead of being able to debate all the issues on the Floor as we tried previously, and I'll leave it at that. I am just very sorry that we did not get to debate the issue."

Representative Leong rose in support of the measure and asked that the remarks of Representative Halford be entered in the Journal as her own, and the Chair, "so ordered." (By reference only.)

Representative Souki rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, first of all I want to thank the makers of this resolution. At least it is a step forward to begin to understand VEBA, and I think it is important that we all do. It is very, very complex. My only regret is, as the Representative from Kihei has said, that we are not acting on the bill right now. Thank you very much, Mr. Speaker."

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I am speaking in favor but with some serious reservations.

"Mr. Speaker, I think that the Representatives from Maui have it right. We should be voting on the VEBA bill and I wish we were doing that. 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. 96, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS TO DETERMINE THEIR FEASIBILITY AS VIABLE HEALTH INSURANCE PLANS FOR PUBLIC EMPLOYEES, RETIREES, AND THEIR DEPENDENTS," was adopted, with Representative Arakaki being excused;

and

H.C.R. No. 139, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS TO DETERMINE THEIR FEASIBILITY AS VIABLE HEALTH INSURANCE PLANS FOR PUBLIC EMPLOYEES, RETIREES, AND THEIR DEPENDENTS," was adopted, with Representative Arakaki being excused.

THIRD READING

S.B. No. 2077, SD 1:

Representative M. Oshiro moved that S.B. No. 2077, SD 1, be recommitted to the Committee on Transportation and the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in favor just to clarify to the members of my caucus, as well as the members of this Body, that we have already moved to accept the House version of this particular measure. So we are sending up a bill repealing the traffic cam measure, straight to the Governor, and that is why we don't need to pass this measure out, and that is why we are deferring it."

The Chair responded, stating:

"You are absolutely correct. We are not deferring it, but recommitting it back to the Committee."

The motion was put to vote by the Chair and carried, and S.B. No 2077, SD 1, entitled: "A BILL FOR ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," was recommitted to the Committee on Transportation and the Committee on Judiciary and Hawaiian Affairs, with Representatives Arakaki and Yonamine being excused.

OTHER MATTERS

S.B. No. 2961, SD 1:

Representative Yoshinaga rose to a point of inquiry, stating:

"Point of inquiry on the Addendum of the agenda, that S.B. 2961, SD 2, having pass Third Reading in the Senate, listed as item number two on the Addendum for Senate Communications, what is the status of that measure?"

"And my point of inquiry Mr. Speaker, and I did start off by asking if I am reading this rule correctly, and this is tied to the inquiry, Section 44.2, 'The Speaker shall order all petitions and communications filed or referred to a committee without any motion or vote unless there is an objection from the members. If there is an objection, the Speaker shall dispose of the matter as the House directs.'

"So I am asking, what is the status? Because my understanding from previous Sessions and my review of the Journal, is that usually, as just *pro forma*, and I think this is in the State Constitution, that the bills are just recorded as filed, by title. And that it is then is put on the calendar for action, and then the Majority Floor Leader then, by unanimous consent, then moves that they be listed by title and pass First Reading. And that is my confusion Mr. Speaker, and my point of inquiry to this leadership. Thank you."

The Chair responded, stating:

"Thank you very much for that point of inquiry.

"For the members of this House, and for the audience and teachers who are here. The Senate bill that Representative Yoshinaga makes reference to, S.B. 2961, SD 2, is not properly before this House at this time, because we have our internal House rules and agreements these particular rules are abided to. And as Speaker, we have not agreed to any changes made by the Senate on the internal rules of the House and Senate and the internal timetable calendar."

Representative Yoshinaga continued, stating:

"Mr. Speaker, I would like, as a follow up point of inquiry, that on what basis have you determined that such communication from the Senate is not proper? Is there precedent with regard to such matters in terms of the Senate has obviously, and again, I am not a parliamentarian in having not been in leadership. But I am asking a simple question based on this how this would move. That the Senate obviously has then moved a measure to us for action. Have they requested suspension of the rules or has discussion occurred in terms of procedures? Because my impression, having been here in previous Sessions, is that when there are measures that we want to pass, for whatever reason, including the budget, and the crisis, etc., that the leadership of both Bodies then meet and then, I don't know, behind closed doors or what ever. I never was participating in those discussions, but you would meet and you would come to an agreement that this measure warrants

such priority for movement, that we will then agree, both the President of the Senate and your Honor, that I am not sure, that you would agree that it would be then acted upon notwithstanding the rules of the House or Senate.

"And so I am wondering what was the improper step? I mean, did the Senate make a mistake in the manner that they sent it over? Should they have sent over a letter to petition? Because there is another section here on petitions. Should they have sent over a petition to this Body, to your Honor, that would then raise this measure to that level? I am not certain what is not proper, Mr. Speaker?"

The Chair responded, stating:

"Representative Yoshinaga and for the members of this House and for the public educators who are here this afternoon.

"First, there was no prior communication in regards to the movement of S.B. 2961, SD 2, being sent over to the House. Second, in regards to your inquiry, there has been no prior concurrence in amending any of our internal House rules or internal timetable calendar. That is in response to your question."

Representative Yoshinaga: "Point of inquiry to follow up on that response. Mr. Speaker, I do beg your indulgence because I do believe that the proponents of this measure are just interested in following the rules because they are, frankly, dealing with rules all the time with our children."

Speaker Say: "I believe the public educators who are here are being educated in understanding the rules of the House."

Representative Yoshinaga: "Thank you, Mr. Speaker. So my point of inquiry is that, is the reason that it is not properly brought before this Body is because the Senate failed to send a message from the President along with this bill, S.B. 2961, SD 2, that passed Third Reading in the Senate, with it requesting your Honor's consideration of, I am not sure..."

Representative Rath rose to a point of order stating:

"Point of order, Mr. Speaker. I believe the procedures of the House have been amply explained to the speaker. Additionally, I believe that it is every member's duty and responsibility, individually, to make themselves familiar with the rules of the House which we passed in the beginning of this Session and therefore, Mr. Speaker, I think that you've already answered the inquiry and I think we can terminate this discussion."

Speaker Say: "Representative Yoshinaga, the Chair will allow you one final point of inquiry."

Representative Yoshinaga: "I don't believe you answered that question because I am trying to solve the problem, Mr. Speaker, with due to respect to the previous interruption. Okay, let's not get into a debate here. I am just trying to solve a problem."

At 4:40 o'clock p.m., Representative Rath requested a recess and the Chair declare a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:52 o'clock p.m.

Representative Yoshinaga rose to a point of inquiry, stating:

"Thank you, Mr. Speaker. The point of inquiry that you agreed to answer, I guess, one final question at this juncture, and I have been told by leadership that this is a case of first impression, which as a lawyer, that means there is no precedent

for what is happening in this Chamber today. That the Senate, just for the record and the people in the gallery, that the Senate communication, which pursuant to House Rule 44.2, which then just normally would be a *pro forma* motion, and this Body would then place it on the calendar by title. It is the Speaker's and correct anything if I am incorrect, Mr. Speaker, that the reason that it is not proper is because this S.B. 2961, SD 2, having passed Third Reading in the Senate, did not, I guess, request in conjunction with it, a lifting or suspension of the rules. Which in other instances when there have been bills that have been a priority to leadership, that the leadership on both the House and the Senate have been able to reach a suspension of the rules, such that it does not necessitate a single member like myself to bring a motion to suspend. Because the leaderships could have agreed to the suspension of the rules, which I have reviewed and seen letters that were signed by both the President of the Senate and your Honor as Speaker of the House. Is that correct, Mr. Speaker?"

"My inquiry is I am trying to fix the problem. Let me speak plain English. Okay I am trying to fix the problem. That if there is an improper communication before this House, I am trying to figure out how to fix that so that it is properly brought.

"So the point of inquiry Mr. Speaker, is that if the Senate leadership were to approach thyselves as they have in previous Sessions that I have participated in, requesting the suspension of the rules, Mr. Speaker, that the leadership of this House will entertain such a suspension of the rules through leadership activity, which in previous Sessions has occurred. As opposed to a single member bringing the main motion of the suspension of the rules, by a member action. That is why I am trying to fix that problem, Mr. Speaker. That if the Senate were to approach this leadership at this time and request the suspension of the rules of the House through leadership activities i.e., the Senate leadership and our House leadership, would that be an appropriate solution to fixing the improper transmittal of S.B. 2961, SD 2?"

Speaker Say: "At this time, S.B. 2961, SD 2, is not properly before this House."

Representative Thielen then moved to suspend the rules of the House to consider action on S.B. No. 2961, SD 2, seconded by Representative Moses.

Representative Yoshinaga rose and stated:

"Mr. Speaker, I don't believe you answered my question, Mr. Speaker, my point of inquiry."

The Chair responded, stating:

"I did answer your point of inquiry. It is not properly before this House."

Representative Thielen rose and stated:

"Mr. Speaker, my motion is on the Floor to suspend the rules of the House to consider the VEBA trust on Third Reading."

Speaker Say: "Any discussion on the suspension of the rules at this point? Not dealing with the substance of the matter."

Representative Yoshinaga: "I have a question. A point of inquiry, Mr. Speaker. I believe that the reason I was asking that Mr. Speaker, is that if we then were to act, and we don't have the votes today on this main motion to suspend the rules of the House, by virtue of a member standing, does this vote today preclude either members of this Body bringing the main motion of the suspension of the rules for this particular measure again on another Session day? I would like a point of inquiry

ruling from the Speaker or the attorney on that, or on that point on that question."

Speaker Say: "On that question, the answer to you would be this. We have a motion for the suspension of the rules today, and there can be no reconsideration of what happens to the vote. Secondly, any member of this House can make a motion to suspend the rules during the following 12 days."

Representative Yoshinaga: "Mr. Speaker, to follow up on that, just to clarify for the record because I want to make perfectly clear to the members, that what you've just stated is that if we do not have the requisite 26 votes today to suspend the rules of the House to properly receive and suspend the rules to correct the improper transmittal, that in a future session, I would be, or any other member would be unable to make a motion to suspend the rules of the House with respect to S.B. 2961, SD 2?"

Speaker Say: "Representative Yoshinaga, I believe you are not hearing what the Speaker is saying. I stated for the record that we have a motion to suspend the rules of the House now and once the vote is cast, we cannot reconsider that motion for today. All other days for the next 12 days, any member of this House may make that motion once more."

Representative Yoshinaga: "With respect to this measure?"

Representative Thielen: "Mr. Speaker I would like to just clarify my motion. My motion is to suspend the rules of the House to consider S.B. 2961, SD 2, on First Reading."

Speaker Say: "You are correct."

Representative Moses: "That is the motion and I second it, Mr. Speaker."

Speaker Say: "But you are supposed to suspend the rules of the House first, when you made the motion."

Representative Thielen: "Mr. Speaker, I would like to jump ahead and vote in favor of the VEBA Trust bill, but I realize that we have to suspend the rules of the House first."

Speaker Say: "Yes, Representative Thielen."

Representative Rath then called for the previous question, seconded by Representative Hiraki.

Representative Yoshinaga rose and stated:

"Mr. Speaker, I would like you to respond to my inquiry, Mr. Speaker. I would respectfully request that you clarify for the record, that if the previous speaker's motion fails today, that any other member will be able to then bring before a future motion for suspension of the rules of the House to consider action such as putting it on for First Reading."

Speaker Say: "Representative Whalen, hold on. Representative Yoshinaga, do not try to confuse the public educators who are here. I stated for the record that the motion made to suspend the rules of the House by Representative Thielen, seconded by Representative Moses, is before this Body. Your question to me now, is that if this motion fails, do any of you have another opportunity of making this motion to the suspension of the rules on any other measure."

Representative Yoshinaga: "On this measure or any other measure, Mr. Speaker?"

Speaker Say: "Any other measure."

Representative Yoshinaga: "Not this measure?"

Speaker Say: "This measure also. But not for today because once the vote is taken, you cannot reconsider it on the floor once more."

Representative Yoshinaga: "Thank you, Mr. Speaker. I appreciate that."

Representative Thielen then requested a division of the house.

The motion was put to vote by the Chair and upon a show of hands, the motion that the rules of the House be suspended to consider action on S.B. No. 2961, SD 2 entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," from the Senate failed to carry.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 175) was read by the Clerk and the following action taken:

H.R. No. 175, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII, 2001-2002," was jointly offered by Representatives Case, Fox and Djou.

Representative Case moved that H.R. No. 175 be adopted, seconded by Representative Djou.

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

"Mr. Speaker, we are at that *'deja vu* all over again' stage. When I started in the House in 1994, we had a climate in which the Conference Committees were very carefully controlled by the individual Chairs. I remember very well the situation of Senator Milton Holt who was renown for his ability to stop bills in Conference. Why? Because he had the ability to do so. Because he had essentially the ability, under the rules and the practices of the House and the Senate, to stop those measures.

"Over the years I've watched a lot of good bills die because essentially the Conference Committees kick into action and we proceed at that time with the 'terminal illness' of many of our most important reform bills. We can work for 50 days but yet at the very end, one or two people can sabotage the efforts of all of us. And many good reform efforts have died along the way by that means.

"Now in the late 1990s we tried to change that by requiring that a quorum or a majority of each of the Conference Committees be the determining factor. Last year we took a giant step backwards along that road by instituting the Conference Committee veto procedure. This year, I believe, or I am led to understand, your leadership together with the Senate leadership are entertaining continuing that process. I believe that this is the opportunity for us to say once and for all, that we reject that. And I believe we should reject it. This is the time for us to reject it, before we go into Conference. This is the time when we need to be saying we are not going to allow one person to determine the legislative outcome any longer.

"Now some people say: 'Well what difference does it all make? What practical difference does it all make?' Well I can lay at your feet many good reform efforts from last year of great concern to all of us, that simply did not survive because one Chair vetoed it over the wishes of the majority in either this

House or the other house. And I will say that it happened more rarely in this House and that the other house essentially bore much of the blame. And this year we face a number of good reform procedures which are basically going into Conference under great threat that they will emerge. Reform procedures that are supported by a majority of this House and by majority of the other house. And yet, wherever there is a reform instituted or whether there is a reform under way supported by a majority, you will have a minority, sometimes a very small minority, which want to stop it. I think that is essentially the danger that we face.

"We just voted, for example, 50 to 1 in favor of a constitutional amendment on the Board of Education. I don't think that there is any secret those that want to stop that constitutional amendment will find friends among the Conference Committee Chairs that are going to be set up for that bill on the Senate side and endeavor to stop that.

"We have voted for very good campaign spending reform, which the public wants. I don't think that there is any doubt that those that oppose campaign spending reform will find a friend in the Senate Conference Committee Chair structure and ask that friend to stop those initiatives.

"I can give you other examples of bills that are directly threatened as a result of a continuation of this practice. But looking beyond even the practical risks to these bills, it is simply not the right thing to do. To allow any one person, whether he or she be a Chair or a member, to determine the outcome of a legislative session. And it is bad practice for us to sanction that process. We do not have to resort to this. We can in fact live with majority rule in our Conference Committees. If a result is opposed by a particular Chair and yet succeeds on coming out of the Conference Committees, there is nothing that prevents the Conference Chair from trying to talk the rest of us into the result that he or she views as the necessary result. There is no reason for us to give this level of deference to our Conference Committee Chairs. There is no reason for us to give them the absolute right to say whether something will or will not emerge from Conference. This encourages backroom dealing. This encourages smoked-filled rooms. This encourages 11th hour decision making. When we do this, when we drive the decisions into a very small group of people, we do what the public hates the most. We take things out of the open and put it in the backrooms. We take things out of the majority control and put it in the hands of the minority. We do everything that we are so despised for when the public looks at us. Why do we want to sanction this process?"

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

Representative Case continued, stating:

"We can probably agree that in certain situations, we want to give great deference to some Conference Committee Chairs. The only situation that exists that I think justifiably should be viewed as the prerogative of the Chair is something that is directly involving the finances of this State. So I do believe that we should entail or enable the Finance Committee Chair and his or her designees to provide some level of control over the outcome of a Conference Committee where direct expenditures are involved, whether or not the majority of the conference wants it to happen. And this resolution in no way endangers that process.

"We can adopt this resolution which amends our rules and thereby takes precedent over any Conference Committee procedures that may be agreed to between yourself as the leader of this House and the Senate leadership. We can write into rules that that is not going to occur. But we can certainly agree

among ourselves to give that level of deference to the Finance Committee representative, and I would agree with that.

"But let us not across-the-board, on a blanket basis, allow for this practice to continue any longer. Let's end it right now before we go into Conference. And I really urge my members to think, think about the concept that this proposed rule represents. It is an anathema to democratic rule. Think about the consequences from the point of view of public perception. Just think about it very carefully and think about the practical results that have happened, and I guarantee will happen, if we allow this to go into place. Please allow this rule to be changed so that we do not go down the road in the next four weeks and suffer the consequences. Thank you."

At 5:10 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 5:44 o'clock p.m.

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

"I am in favor of the change in the rules. Mr. Speaker, I would like to quote from Mason's Manual of Legislative Procedure, the 2000 Edition, about how decisions are made in a parliamentary system. On page one, it says that 'Every member of an organization is presumed to be the equal of each other member, and each has rights that must be respected.'

"On page two it says that among the ten principles that govern procedure in group decision making, 'When authority is vested in any group, it is vested in the group collectively and not merely in the individual members of the group. To make a decision, the group must meet and make up its collective mind.'

"On page ten it says, 'The great purpose of all rules and forms, says Cushing, is to subserve the will of the assembly rather than restrain it; to facilitate and not to obstruct the expression of its deliberate sense.'

"On page 45 it says, 'All members of a large group cannot always meet together to make decisions. There must be some rule to determine when a group is sufficiently represented at a meeting that its members present can speak for the entire membership.... [A] majority of a group is necessary to act for the entire group.'

"On pages 45 and 46, it says, 'A fundamental and seemingly universal principle is that at least a majority of the vote cast is required to make decisions for a group.... If powers were given to a minority, the question immediately would rise as to what minority. In any group there can be but one majority, but there may be many different minorities.... The requirement of a majority to take an action is not in any sense an arbitrary rule but is a fundamental principle.'

"On page 49, it says 'In public bodies the equality of members is presumed. It would seem that for any democratic group to be able to operate, acceptance of the principle of equality of members is essential. Unless that equality is recognized, there is no basis upon which it can be determined who or what number has the authority to speak for the group and to make its decisions. Equality seems essential also to secure the acceptance in good faith of decisions of the group.'

"On page 69 it says, 'The purpose of legislative bodies is to reach their best joint judgment on the questions presented to them for decisions. The decision is the decision of the group, not of individual members.'

"On page 96 it says, 'The rights and duties of members of a legislative body are derived from and founded upon the absolute equality of the members.... Members must not be permitted by their conduct to deny to others that which they may claim for themselves.'

"On page 336 it says, 'The majority of the membership of a body constituted of a definite number of members constitutes a quorum...'

"On pages 347 and 349, Mason's Manual says 'A majority of a legal votes cast, a quorum being present, is sufficient to carry a proposition unless a larger vote is required by a constitution, charter, or controlling provision of law...'

"On page 449, it says, 'It is the duty of the chair to call a committee together, but if the chair is absent ... a meeting may be held on the call of the majority of its members.' In other words, a majority can actually function to convene a committee.

"Mr. Speaker, this is quite a list from Mason's Manual that makes it clear that the system we operate under is that of majority rule. That is what we are talking about today, having Conference Committees run by majority rule."

Representative Gomes rose in support of the measure, stating:

"I am in support and I yield my time."

Representative Fox concluded, stating:

"Thank you, Mr. Speaker"

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

"I am rising in support and I'll be very quick. The Representative from Manoa and the Minority Leader have already stated the basic reasons why we should be passing this resolution.

"Mr. Speaker, I believe, and I believe most of all the members here, believe in the basic principles of open government or democratic rule of majority vote. Towards those ends, this Chamber, this Legislature has made great strides towards those principles when we opened up the Conference Committees a few years ago. That progress however has been thwarted by adoption of the Conference Committee Chair veto. This resolution will reverse that and return us to the basic principles of open government and democratic rule of majority vote.

"Mr. Speaker, I believe that we should trust the members of this Body and when we go into Conference Committee, to have measures moved out by the majority of the members of the Conference Committee and not have a single member, a single Committee Chair dictating what happens with very important legislation. Thank you."

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

"Mr. Speaker, I rise in strong opposition to this amendment.

"Just a couple of points, Mr. Speaker. I think that members need to understand the significance of this amendment that is before us. One of the horrible consequences of adopting this amendment would be to basically allow a small minority of the conferees to 'hijack' the entire Legislature. Let me explain how this would occur, Mr. Speaker.

"Let's say you have a three-member Conference Committee made up of subject matter Committees, Judiciary, Education, and a Finance Committee member. Let's say that is the policy declaration of the Education Committee to spend 'x' amount of dollars for after-school care at the schools. And that the Judiciary Committee public policy pronouncement is to provide civil or criminal sanctions for any kind of infractions of these after-school activities. And the third element of this bill or measure is to appropriate \$50,000 toward this endeavor.

"If you go into Conference under these rules, what you could have here is that the Education Committee Chair along with the Judiciary Chair, who basically could get their two votes as the majority and thereby force the Finance Committee Chair, and the Finance Committee Conference Committee with Ways and Means, to provide the funding. It could be beyond \$50,000. It could be a \$100,000. It could be a \$1,000,000. But they will be basically forcing that upon the Body. It would have to be accepted or adopted.

"The consequences of that Mr. Speaker, is that as we all know, in and of itself, unless brought into the budget, and financed properly, and reconciled within the budget, could thereby offset your balanced budget. To insist upon this position would basically hold the Finance Committee hostage in selling the budget. That in effect will be holding the Legislature hostage, and for that reason, I cannot support this.

"The second problem I have Mr. Speaker, is what I call perhaps, the integrity rule or a equality rule. Under the current rules of unanimity in the House Mr. Speaker, we allow the same authority, same measure of standing to the smaller, minor Committees, the Agriculture Committee, the Environmental Committee, the Education Committee. When they go into a Conference Committee with the Judiciary or Consumer Protection Committee and the Finance Committee, they have equal standing and voice.

"Let me give you another horrible example what can occur. Let's say the representative or the Chair from the EEP Committee makes a policy declaration for our environment whereby she wants to ensure that people go out there and recycle certain types of products, and that is a position proffered. She leaves to the Judiciary Committee the ability to provide sanctions for not following the law or rules that are implemented for that policy purposes. And the Finance Committee is then standing by to provide the funding mechanism so that we can have a program in force to support these policy objectives. Under this rule Mr. Speaker, should the majority of the conferees, the Finance Chair and the Judiciary Chair decide, because they have a majority, to not accept the position of the environmental Committee, simply on a majority basis, we could extinguish that policy and purpose. It could be morphed into something else that none of us would have supported, upon Third Reading, in this Chamber. And that is the kind of fear and concern I have, Mr. Speaker.

"The words of the prior speakers regarding majority rule, majority vote, makes sense in the committee structure. But when we enter into the purposes and functions of the Conference Committees, whereby we are looking to reconcile the differences on a measure between the House and Senate, then those rules are a little different, Mr. Speaker. I hope members appreciate what they are voting on and the havoc they can wreck upon the entire Conference procedure, upon the entire committee process, and upon the entire position of this House."

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

"Thank you, Mr. Speaker. I speak in favor and in rebuttal to the previous speaker. There is nothing to fear in the majority rule issue. In Conference Committee, if in fact the majority of members, and admittedly Conference Committees are small. If a majority of that small committee is in favor of something, we are not held hostage by that. It has yet to come to a vote by all of us. And I would contend that the method that we have now, with veto power, allows Chairmen to hold us hostage as we have seen before.

"A prime example since I have been in office was what happened to our auto insurance one year. This one Chairman decided he was going to let the State of Hawaii languish in a terrible insurance situation while the rest of the Legislature, the vast majority of our 76 members, wanted positive real reform, and we were in fact held hostage by that, since the issue did not come to a majority vote. The concern expressed by the previous speaker is not one of being held hostage. Admittedly the small committee could come up with an unfortunate proposal, yet it comes to this whole Body for decision making. I don't fear that at all. Thank you."

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

"I rise in opposition. There's been a lot said on both sides. People have made their point and the night is getting long. I move for the previous question."

At this time, Representative Takai called for the previous question, seconded by Representative Takumi.

At this time, the Chair addressed the Body, stating:

"The motion has been made to call for the question, but before we do that, I'll allow Representative Thielen to speak because I did recognize her also. So she is the final speaker."

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

"I appreciate that. Thank you, Mr. Speaker. I am rising in strong support of H.R. 175, to put democracy into the Conference Committee process. I am not afraid that our Conferees will come up with some wild scheme. I have enough faith in them. They have been through the process. They also know they have to come back and face us with their Conference draft, Mr. Speaker. And if it's something that is harebrained, then it is not going to move at all.

"Mr. Speaker, last session the Senate Chair of the Consumer Protection Committee killed our environmental legislation. It was a very sad situation. We had very good environmental measures that went ahead from this Body over to the Senate. They ended up in that Committee with, I would say, the majority of the Committee members in support. But that single, solitary Consumer Protection and Housing Chair on the Senate side had, instead of a green thumb, a thumb that just went down on everything, and it never saw the light of day.

"So that's what we are arguing against, Mr. Speaker. We can't move ahead on environmental issues until we can bring it back to democracy and I am sure there are members in this Chamber that can talk about other very difficult examples where a single Chair has acted like a dictator. Thank you."

At this time Representative Thielen requested a roll call vote and by unanimous consent, the roll call was granted.

Roll call having been granted, the motion that H.R. No. 175 entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE

TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII 2001-2002," be adopted was put to vote by the Chair and failed to carry on the following show of ayes and noes:

17 Ayes: Representatives Auwae, Case, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker and Thielen.

27 Noes: Representatives Abinsay, Cabrerros, Chang, Espero, Garcia, Hale, Hamakawa, Hiraki, Ito, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Souki, Suzuki, Takai, Takamine and Takumi.

7 Excused: Representatives Ahu Isa, Arakaki, Bukoski, McDermott, Whalen, Yonamine and Yoshinaga.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I would like to remind those who want to attend the YWCA Leaderluncheon that their checks in the amount of \$60, made payable to the YWCA, are due. If you want to bring them to my office, that would be fine. But they're due by this Friday, and I hope that we will have a wonderful attendance at that function. It will be held on May 10, which is after Session.

"The second thing is we've been asked by the Sex Abuse Treatment Center to sell \$10 *bentos* for delivery on Friday the 19th, and anyone that would be willing to buy a \$10 *bento*, with the money going to the Sex Abuse Treatment Center, if you could also bring those funds to my office, and enjoy an *ono* lunch delivered to the Capitol on Friday April 19th. Thank you."

Representative Meyer: "Thank you, Mr. Speaker. I'd like to announce a press conference that will be held tomorrow to kick off the efforts of Smackdown Your Vote Hawaii. Smackdown Your Vote is a national partnership of organizations including the World Wrestling Federation, the National Foundation for Women Legislators, Project Vote Smart and the Youth Vote Coalition, to promote the registration of young people across the United States and get them involved in the political process.

"Smackdown Your Vote and their coalition have registered more than 200,000 young voters since the inception of the program in July 2000. This year's honorary national chairman is Olympic Gold Medallist and WWF star Kurt Angle who will speak to us by telephone tomorrow at our 10:30 am press conference in room 329. Smackdown Your Vote Hawaii is an ad hoc group dedicating to implementing the national program here in our State.

"Representative Auwae and I were designated co-chairs for Hawaii at a National Foundation of Women Legislators Conference held in Washington DC. We are pleased to have Representative Brian Schatz and Senator Jonathan Chun join us as co-chairs. Our job is to make all high school students in this State aware of this program and the opportunity they have to compete for one of fifty, \$2,000 college scholarships being sponsored by the WWF. You will find a great deal of information about the particulars of this program in packets delivered to your offices earlier today.

"I just want to appeal to all of you to get involved with high schools in your district and come to the press conference tomorrow at 10:30 am room 329. Besides hearing Kurt Angle all the way from Pennsylvania and finding out other exciting details about this program, there will be a wrestling demonstration put on by Hawaii-USA Wrestling. Thank you very much. I hope you will all come."

Representative Lee moved to keep the Journal open until 12:00 o'clock midnight this legislative day for the purpose of receiving Senate Communications and House Bills with Senate Drafts transmitted thereby, and to disagree to the amendments made by the Senate, seconded by Representative Djou and carried. (Representatives Ahu Isa, Arakaki, Bukoski, Chang, Garcia, Hiraki, Kahikina, McDermott, Takai, Whalen, Yonamine and Yoshinaga were excused.)

RECESS

On motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives stood in recess for the purpose of receiving Senate Communications and House Bills with Senate Drafts transmitted thereby. (Representatives Ahu Isa, Arakaki, Bukoski, Chang, Garcia, Hiraki, Kahikina, McDermott, Takai, Whalen, Yonamine and Yoshinaga were excused.)

HOUSE COMMUNICATION

House Communication dated April 11, 2002 from Patricia Mau-Shimizu, Chief Clerk of the House to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of S.B. No. 2102, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," and that said measure passed Third Reading in the House of Representatives.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, April 12, 2002.

FORTY-NINTH DAY

Friday, April 12, 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 Pastor Rod Shimabukuro of the New Hope Christian Fellowship Church, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Case, Djou and Hiraki who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 609 through 621) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 609, transmitting S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE REPORTING DATE OF THE TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 610, transmitting S.C.R. No. 17, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MENTAL DISORDERS," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 611, transmitting S.C.R. No. 30, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO PLACE A HIGHER PRIORITY ON MEETINGS, CONVENTIONS, AND INCENTIVES MARKETING AS A BENEFIT TO THE LARGER ECONOMY," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 612, transmitting S.C.R. No. 37, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A STUDY TO DESIGNATE A SINGLE DEPARTMENT TO OVERSEE THE FUNDING AND REGULATION OF ADULT RESIDENTIAL CARE HOMES AND FOSTER HOMES," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 613, transmitting S.C.R. No. 101, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHŌ'OLAWĒ," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 614, transmitting S.C.R. No. 106, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PEOPLE OF HAWAII TO RECOGNIZE U.S. MILITARY PERSONNEL AND THEIR FAMILIES AS HAWAII RESIDENTS," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 615, transmitting S.C.R. No. 116, entitled: "SENATE 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," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 616, transmitting S.C.R. No. 131, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EXPEDITED BUDGETING, FINANCING, AND CONSTRUCTION OF NEW SCHOOL FACILITIES," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 617, transmitting S.C.R. No. 152, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO ENACT ENABLING LEGISLATION TO PERMIT STATE REGULATION OF INTERISLAND AIR CARRIERS BY AN AIR CARRIER COMMISSION PURSUANT TO ACT 332, SESSION LAWS OF HAWAII 1993," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 618, transmitting S.C.R. No. 158, entitled: "SENATE 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," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 619, transmitting S.C.R. No. 161, SD 1, entitled: "SENATE 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," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 620, transmitting S.C.R. No. 174, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE INABILITY OF INSULIN USERS TO OBTAIN A COMMERCIAL DRIVER'S LICENSE," which was adopted by the Senate on April 11, 2002.

Sen. Com. No. 621, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 233, SD 2, HD 2
"RELATING TO CHIROPRACTIC."

S.B. No. 251, SD 2, HD 1
"RELATING TO PROFESSIONAL COUNSELORS."

S.B. No. 484, SD 1, HD 2
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES."

S.B. No. 594, SD 1, HD 2
"RELATING TO NEUROTRAUMA."

S.B. No. 706, SD 1, HD 1
"RELATING TO STATE GOVERNMENT."

- S.B. No. 720, SD 2, HD 2
"RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES."
- S.B. No. 940, HD 2
"RELATING TO INSURANCE UNFAIR PRACTICES."
- S.B. No. 941, SD 2, HD 1
"RELATING TO WORKERS' COMPENSATION."
- S.B. No. 996, HD 1
"PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII CONSTITUTION."
- S.B. No. 997, HD 1
"RELATING TO CRIMINAL OFFENSES."
- S.B. No. 1320, SD 2, HD 1
"RELATING TO ANTITRUST."
- S.B. No. 1575, SD 2, HD 2
"RELATING TO THE TRAFFIC CODE."
- S.B. No. 2005, SD 1, HD 1
"RELATING TO INTEGRATED SOLID WASTE MANAGEMENT."
- S.B. No. 2007, SD 2, HD 2
"RELATING TO LAND USE."
- S.B. No. 2026, SD 1, HD 1
"MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT."
- S.B. No. 2036, SD 1, HD 2
"RELATING TO EDUCATION."
- S.B. No. 2043, SD 1, HD 1
"RELATING TO ADOPTION."
- S.B. No. 2052, HD 1
"RELATING TO SPECIAL PURPOSE REVENUE BONDS."
- S.B. No. 2067, SD 2, HD 1
"RELATING TO HIGHER EDUCATION."
- S.B. No. 2068, SD 2, HD 2
"RELATING TO SCHOOL REPAIR AND MAINTENANCE."
- S.B. No. 2069, SD 2, HD 1
"MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER."
- S.B. No. 2075, SD 2, HD 1
"RELATING TO DENTAL HYGIENISTS."
- S.B. No. 2078, SD 1, HD 1
"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- S.B. No. 2097, SD 2, HD 2
"RELATING TO FEDERAL IMPACT AID."
- S.B. No. 2106, SD 2, HD 1
"RELATING TO MARRIAGE AND FAMILY THERAPISTS."
- S.B. No. 2111, HD 1
"RELATING TO COLLECTIVE BARGAINING."
- S.B. No. 2112, SD 1, HD 1
"RELATING TO COLLECTIVE BARGAINING."
- S.B. No. 2118, SD 1, HD 1
"RELATING TO EMPLOYMENT."
- S.B. No. 2121, SD 1, HD 2
"MAKING AN APPROPRIATION FOR PAPAYA RESEARCH."
- S.B. No. 2127, HD 1
"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- S.B. No. 2132, SD 1, HD 2
"RELATING TO AGRICULTURE."
- S.B. No. 2136, SD 1, HD 2
"MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED."
- S.B. No. 2139, SD 1, HD 1
"MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM."
- S.B. No. 2149, SD 1, HD 1
"RELATING TO CHILD PROTECTION."
- S.B. No. 2179, SD 2, HD 1
"RELATING TO ENERGY RESOURCES."
- S.B. No. 2180, SD 2, HD 1
"RELATING TO GENETIC INFORMATION AND GENETIC TESTING."
- S.B. No. 2184, SD 1, HD 1
"RELATING TO AGRICULTURE."
- S.B. No. 2227, SD 1, HD 1
"MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE."
- S.B. No. 2228, SD 1, HD 2
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES."
- S.B. No. 2231, SD 1, HD 1
"RELATING TO KAHO'OLAWA ISLAND RESERVE."
- S.B. No. 2242, SD 1, HD 1
"RELATING TO PUBLIC LAND LEASES."
- S.B. No. 2246, SD 1, HD 1
"MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC."
- S.B. No. 2270, SD 2, HD 2
"RELATING TO EDUCATION."
- S.B. No. 2284, SD 2, HD 1
"RELATING TO EDUCATION."
- S.B. No. 2274, SD 1, HD 1
"MAKING AN APPROPRIATION FOR SUPPORT FOR THE CASE MANAGEMENT PROGRAM OF THE MAUI AIDS FOUNDATION."
- S.B. No. 2289, SD 1, HD 2
"RELATING TO CONDOMINIUM PROPERTY REGIMES."

- S.B. No. 2302, SD 2, HD 2
"RELATING TO HEALTH INSURANCE."
- S.B. No. 2306, SD 2, HD 2
"RELATING TO TRANSPORTATION."
- S.B. No. 2309, SD 1, HD 2
"RELATING TO WATERCRAFT."
- S.B. No. 2331, SD 2, HD 2
"MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION."
- S.B. No. 2336, SD 1, HD 2
"RELATING TO MOTOR VEHICLE DRIVER LICENSING."
- S.B. No. 2337, SD 2, HD 2
"RELATING TO RACING ON HIGHWAYS."
- S.B. No. 2350, SD 2, HD 2
"RELATING TO TRANSIENT ACCOMMODATIONS TAX."
- S.B. No. 2382, SD 2, HD 1
"MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM."
- S.B. No. 2383, SD 2, HD 2
"RELATING TO TAXATION TO STIMULATE THE ECONOMY."
- S.B. No. 2416, SD 2, HD 2
"RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT."
- S.B. No. 2422, SD 2, HD 2
"RELATING TO MOTOR VEHICLE INSPECTIONS."
- S.B. No. 2431, SD 2, HD 1
"RELATING TO CAMPAIGN SPENDING."
- S.B. No. 2432, SD 1, HD 1
"MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER."
- S.B. No. 2438, SD 2, HD 1
"RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT."
- S.B. No. 2457, SD 1, HD 1
"RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH."
- S.B. No. 2476, SD 2, HD 2
"RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."
- S.B. No. 2477, SD 2, HD 2
"RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."
- S.B. No. 2478, HD 1
"RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS."
- S.B. No. 2488, SD 1, HD 2
"MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES."
- S.B. No. 2490, SD 2, HD 1
"RELATING TO COFFEE."
- S.B. No. 2500, SD 2, HD 1
"RELATING TO HUMAN SERVICES."
- S.B. No. 2505, SD 1, HD 2
"RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
- S.B. No. 2512, SD 2, HD 2
"RELATING TO CHARTER SCHOOLS."
- S.B. No. 2526, SD 2, HD 1
"RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES."
- S.B. No. 2540, SD 2, HD 1
"RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT."
- S.B. No. 2568, SD 2, HD 1
"RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY."
- S.B. No. 2613, SD 2, HD 1
"RELATING TO FISHING RIGHTS AND REGULATIONS."
- S.B. No. 2615, SD 2, HD 2
"RELATING TO ENERGY."
- S.B. No. 2628, SD 2, HD 2
"RELATING TO THE USE OF INTOXICANTS."
- S.B. No. 2666, SD 2, HD 1
"RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS."
- S.B. No. 2667, HD 1
"RELATING TO PUBLIC LANDS."
- S.B. No. 2669, HD 1
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROJECTS ON THE ISLANDS OF MAUI AND HAWAII."
- S.B. No. 2680, HD 1
"RELATING TO SCHOOL FACILITIES."
- S.B. No. 2682, SD 1, HD 2
"MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."
- S.B. No. 2698, SD 2, HD 1
"RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES."
- S.B. No. 2701, SD 1, HD 1
"RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS."
- S.B. No. 2702, SD 2, HD 2
"RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."
- S.B. No. 2708, SD 1, HD 1
"RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."
- S.B. No. 2709, SD 2, HD 2
"RELATING TO THE CONVENTION CENTER."

S.B. No. 2715, SD 1, HD 1
"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

S.B. No. 2721, SD 1, HD 1
"RELATING TO DENTAL INSURANCE."

S.B. No. 2724, SD 2, HD 1
"RELATING TO REAL ESTATE."

S.B. No. 2732, SD 1, HD 1
"RELATING TO BUSINESS REGISTRATION."

S.B. No. 2733, SD 2, HD 1
"RELATING TO INSURANCE."

S.B. No. 2737, HD 1
"RELATING TO DISASTER RELIEF."

S.B. No. 2750, SD 1, HD 2
"RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

S.B. No. 2757, SD 2, HD 2
"RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000."

S.B. No. 2763, SD 2, HD 2
"RELATING TO BIRTH DEFECTS."

S.B. No. 2774, SD 2, HD 2
"RELATING TO ENVIRONMENTAL PROGRAM FINANCING."

S.B. No. 2775, HD 1
"MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."

S.B. No. 2782, SD 1, HD 1
"RELATING TO HOSPITAL LICENSING."

S.B. No. 2784, SD 1, HD 1
"RELATING TO WORKERS' COMPENSATION."

S.B. No. 2786, SD 1, HD 1
"RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD."

S.B. No. 2802, SD 2, HD 2
"RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS."

S.B. No. 2804, HD 1
"RELATING TO SUBLEASING OF PUBLIC LANDS."

S.B. No. 2810, SD 2, HD 2
"RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS."

S.B. No. 2816, SD 2, HD 1
"RELATING TO STUDENT LOANS FOR TEACHERS."

S.B. No. 2817, SD 2, HD 1
"RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES."

S.B. No. 2819, SD 2, HD 1
"RELATING TO THE HAWAII PAROLING AUTHORITY."

S.B. No. 2824, SD 2, HD 1
"RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

S.B. No. 2831, SD 1, HD 1
"RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT."

S.B. No. 2867, SD 1, HD 1
"RELATING TO MEDICAID."

S.B. No. 2883, SD 1, HD 1
"RELATING TO INSURANCE."

S.B. No. 2885, SD 2, HD 1
"RELATING TO TAXATION."

S.B. No. 2898, SD 2, HD 2
"RELATING TO CAVE PROTECTION."

S.B. No. 2900, HD 1
"MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE."

S.B. No. 2904, SD 1, HD 1
"MAKING AN APPROPRIATION FOR FUNDING A SECOND AMBULANCE TO SERVICE THE WAIANAE COAST."

S.B. No. 2907, SD 2, HD 2
"RELATING TO TAXATION."

S.B. No. 2926, SD 1, HD 2
"RELATING TO EDUCATION."

S.B. No. 2931, SD 2, HD 2
"RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS."

S.B. No. 2934, HD 2
"RELATING TO INTOXICATING LIQUOR."

S.B. No. 2944, SD 1, HD 1
"MAKING AN APPROPRIATION FOR HEALTH-CARE PROVIDERS OF THE MEDICALLY UNDERSERVED."

S.B. No. 2964, SD 2, HD 2
"RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE."

S.B. No. 2985, SD 2, HD 2
"RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT."

S.B. No. 3011, SD 2, HD 2
"RELATING TO THE EXPENSES OF THE LEGISLATURE."

S.B. No. 3018, SD 1, HD 1
"RELATING TO EDUCATION."

S.B. No. 3021, SD 2, HD 1
"RELATING TO MOTION PICTURE AND FILM PRODUCTION."

S.B. No. 3028, SD 1, HD 2
"RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS."

S.B. No. 3040, SD 2, HD 2
"RELATING TO CAPTIVE INSURANCE."

S.B. No. 3041, SD 1, HD 1
"RELATING TO THE DEPARTMENT OF EDUCATION
STOREROOM REVOLVING FUND."

S.B. No. 3047, SD 1, HD 1
"MAKING AN APPROPRIATION FOR THE WAIPAHU
COMMUNITY ADULT DAY HEALTH CENTER AND
YOUTH DAY CARE CENTER PILOT PROJECT."

S.B. No. 3048, SD 2, HD 1
"RELATING TO BONDS."

S.B. No. 3049, SD 2, HD 2
"RELATING TO BONDS."

S.B. No. 3053, SD 2, HD 1
"RELATING TO PUBLIC HEALTH NURSING."

S.B. No. 3060, SD 1, HD 1
"RELATING TO BICYCLE SAFETY EDUCATION."

S.B. No. 3063, SD 2, HD 2
"RELATING TO THE ENVIRONMENT."

INTRODUCTIONS

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

Representative Lee introduced Ms. Debbie Shimizu from the National Association of Social Workers.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Davis and carried, the rules were suspended for the purpose of considering a bill on Final Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Case, Djou and Hiraki were excused.)

UNFINISHED BUSINESS

H.B. No. 683, HD 2

Representative M. Oshiro moved that H.B. No. 683, HD 2, pass Final Reading, seconded by Representative Lee.

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 continued, stating:

"Thank you Madame Speaker. I rise in opposition to this bill. I believe that the penalties are too harsh. I would like to insert remarks into the Journal but I just wanted to register that no vote."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in opposition to H.B. 683, HD 2. I can readily understand the Department of Land and Natural Resources desiring to protect the parks. I also understand, and even agree, that the establishment of an administrative rather

than criminal procedure for some violations of Chapter 184, Hawaii Revised Statutes. What I am opposed to is the extreme level of some of the fines that would be established by this bill if it becomes law.

If this body wants to consider a bill along these same lines but with fines that are more within reason, I would be more than willing to reconsider. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, H.B. No. 683, HD 2 entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS PENALTIES," passed Final Reading by a vote of 36 ayes to 11 noes, with Representatives Bukoski, Davis, Gomes, Halford, Marumoto, Meyer, Moses, Rath, Stonebraker, Thielen and Whalen voting no, and Representatives Ahu Isa, Case, Djou and Hiraki being excused.

The Chair directed the Clerk to note that H.B. No. 683, HD 2 had passed Final Reading at 12:21 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. 1326-02) recommending that H.C.R. No. 121, 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. 121, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO MAINTAIN THE CURRENT STRUCTURE OF THE UNITED STATES PACIFIC COMMAND," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1327-02) recommending that H.R. No. 86, 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. 86, entitled: "HOUSE RESOLUTION REQUESTING UNITED AIRLINES TO RESUME DIRECT NONSTOP SERVICE BETWEEN CHICAGO AND HONOLULU," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1328-02) recommending that H.C.R. No. 125, 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. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING UNITED AIRLINES TO RESUME DIRECT NONSTOP SERVICE BETWEEN CHICAGO AND HONOLULU," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1329-02) recommending that H.R. No. 123, 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. 123, HD 1, entitled: "HOUSE RESOLUTION OPPOSING THE CLOSURE OF THE

UNITED AIRLINES PILOT DOMICILE AND FLIGHT ATTENDANT DOMICILE IN HONOLULU, HAWAII," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1330-02) recommending that H.C.R. No. 172, 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. 172, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE CLOSURE OF THE UNITED AIRLINES PILOT DOMICILE AND FLIGHT ATTENDANT DOMICILE IN HONOLULU, HAWAII," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1331-02) recommending that H.R. No. 127, 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. 127, entitled: "HOUSE RESOLUTION RECOGNIZING THE ORION SOCIETY FOR ITS COMMITMENT TO NATURE THROUGH COMMUNITY INVOLVEMENT, ART, AND WRITING, AND URGING STATE AGENCIES TO ENCOURAGE PARTICIPATION IN THE ORION SOCIETY'S FORGOTTEN LANGUAGE TOUR," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1332-02) recommending that H.C.R. No. 176, 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. 176, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORION SOCIETY FOR ITS COMMITMENT TO NATURE THROUGH COMMUNITY INVOLVEMENT, ART, AND WRITING, AND URGING STATE AGENCIES TO ENCOURAGE PARTICIPATION IN THE ORION SOCIETY'S FORGOTTEN LANGUAGE TOUR," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1333-02) recommending that H.C.R. No. 65, 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. 65, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO MAINTAIN ITS INITIATIVE AND RESPONSIBILITY TO CLEAR KAHŌ'OLAWÉ OF UNEXPLODED ORDNANCE BEYOND THE DATE IT IS CURRENTLY SCHEDULED TO BE TURNED OVER TO THE STATE," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1334-02) recommending that H.R. No. 51, HD 1, be adopted; and

(Stand. Com. Rep. No. 1335-02) recommending that H.C.R. No. 81, HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 51, HD 1 and H.C.R. No. 81, HD 1 be adopted, seconded by Representative Lee.

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

"Madame Speaker, I rise in opposition to Standing Committee Reports 1334 and 1335. I am fine with the idea of the taskforce itself. My preference would be that another organization lead this taskforce. 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. 51, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI RELATIONSHIPS," was adopted with Representative Gomes voting no, and with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

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 adopted with Representative Gomes voting no, and with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1336-02) recommending that H.C.R. No. 171, 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. 171, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO RESOLVE ISSUES RELATED TO COURT-APPOINTED COUNSEL IN HAWAII," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1337-02) recommending that H.R. No. 137, HD 1, as amended in HD 2, be adopted; and

(Stand. Com. Rep. No. 1338-02) recommending that H.C.R. No. 194, HD 1, as amended in HD 2, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 137, HD 2 and H.C.R. No. 194, HD 2 be adopted, seconded by Representative Lee.

Representative McDermott rose in opposition to 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:

"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.

**"INSTRUCTION ON RESPECT FOR HUMAN LIFE IN
ITS ORIGIN
AND ON THE DIGNITY OF PROCREATION
REPLIES TO CERTAIN QUESTIONS OF THE DAY**

FOREWORD

The Congregation for the Doctrine of the Faith has been approached by various Episcopal Conferences or individual Bishops, by theologians, doctors and scientists, concerning biomedical techniques which make it possible to intervene in the initial phase of the life of a human being and in the very processes of procreation and their conformity with the principles of Catholic morality. The present Instruction, which is the result of wide consultation and in particular of a careful evaluation of the declarations made by Bishops, does not intend to repeat all the Church's teaching on the dignity of human life as it originates and on procreation, but to offer, in the light of the previous teaching of the Magisterium, some specific replies to the main questions being asked in this regard. The exposition is arranged as follows: an introduction will recall the fundamental principles, of an anthropological and moral character, which are necessary for a proper evaluation of the problems and for working out replies to those questions; the first part will have as its subject respect for the human being from the first moment of his or her existence; the second part will deal with the moral questions raised by technical interventions on human procreation; the third part will offer some orientations on the relationships between moral law and civil law in terms of the respect due to human embryos and fetuses and as regards the legitimacy of techniques of artificial procreation.*

* The terms "zygote", "pre-embryo", "embryo" and "foetus" can indicate in the vocabulary of biology successive stages of

the development of a human being. The present Instruction makes free use of these terms, attributing to them an identical ethical relevance, in order to designate the result (whether visible or not) of human generation, from the first moment of its existence until birth. The reason for this usage is clarified by the text (cf I, 1).

INTRODUCTION

1. BIOMEDICAL RESEARCH AND THE TEACHING OF THE CHURCH

The gift of life which God the Creator and Father has entrusted to man calls him to appreciate the inestimable value of what he has been given and to take responsibility for it: this fundamental principle must be placed at the centre of one's reflection in order to clarify and solve the moral problems raised by artificial interventions on life as it originates and on the processes of procreation. Thanks to the progress of the biological and medical sciences, man has at his disposal ever more effective therapeutic resources; but he can also acquire new powers, with unforeseeable consequences, over human life at its very beginning and in its first stages. Various procedures now make it possible to intervene not only in order to assist but also to dominate the processes of procreation. These techniques can enable man to "take in hand his own destiny", but they also expose him "to the temptation to go beyond the limits of a reasonable dominion over nature".(1) They might constitute progress in the service of man, but they also involve serious risks. Many people are therefore expressing an urgent appeal that in interventions on procreation the values and rights of the human person be safeguarded. Requests for clarification and guidance are coming not only from the faithful but also from those who recognize the Church as "an expert in humanity" (2) with a mission to serve the "civilization of love" (3) and of life.

The Church's Magisterium does not intervene on the basis of a particular competence in the area of the experimental sciences; but having taken account of the data of research and technology, it intends to put forward, by virtue of its evangelical mission and apostolic duty, the moral teaching corresponding to the dignity of the person and to his or her integral vocation. It intends to do so by expounding the criteria of moral judgment as regards the applications of scientific research and technology, especially in relation to human life and its beginnings. These criteria are the respect, defence and promotion of man, his "primary and fundamental right" to life,(4) his dignity as a person who is endowed with a spiritual soul and with moral responsibility (5) and who is called to beatific communion with God. The Church's intervention in this field is inspired also by the Love which she owes to man, helping him to recognize and respect his rights and duties. This love draws from the fount of Christ's love: as she contemplates the mystery of the Incarnate Word, the Church also comes to understand the "mystery of man"; (6) by proclaiming the Gospel of salvation, she reveals to man his dignity and invites him to discover fully the truth of his own being. Thus the Church once more puts forward the divine law in order to accomplish the work of truth and liberation. For it is out of goodness - in order to indicate the path of life - that God gives human beings his commandments and the grace to observe them: and it is likewise out of goodness - in order to help them persevere along the same path - that God always offers to everyone his forgiveness. Christ has compassion on our weaknesses: he is our Creator and Redeemer. May his spirit open men's hearts to the gift of God's peace and to an understanding of his precepts.

2. SCIENCE AND TECHNOLOGY

AT THE SERVICE OF THE HUMAN PERSON

God created man in his own image and likeness: "male and female he created them" (*Gen* 1: 27), entrusting to them the task of "having dominion over the earth" (*Gen* 1:28). Basic scientific research and applied research constitute a significant

expression of this dominion of man over creation. Science and technology are valuable resources for man when placed at his service and when they promote his integral development for the benefit of all; but they cannot of themselves show the meaning of existence and of human progress. Being ordered to man, who initiates and develops them, they draw from the person and his moral values the indication of their purpose and the awareness of their limits.

It would on the one hand be illusory to claim that scientific research and its applications are morally neutral; on the other hand one cannot derive criteria for guidance from mere technical efficiency, from research's possible usefulness to some at the expense of others, or, worse still, from prevailing ideologies. Thus science and technology require, for their own intrinsic meaning, an unconditional respect for the fundamental criteria of the moral law: that is to say, they must be at the service of the human person, of his inalienable rights and his true and integral good according to the design and will of God.(7) The rapid development of technological discoveries gives greater urgency to this need to respect the criteria just mentioned: science without conscience can only lead to man's ruin. "Our era needs such wisdom more than bygone ages if the discoveries made by man are to be further humanized. For the future of the world stands in peril unless wiser people are forthcoming".(8)

3. ANTHROPOLOGY AND PROCEDURES IN THE BIOMEDICAL FIELD

Which moral criteria must be applied in order to clarify the problems posed today in the field of biomedicine? The answer to this question presupposes a proper idea of the nature of the human person in his bodily dimension.

For it is only in keeping with his true nature that the human person can achieve self-realization as a "unified totality":(9) and this nature is at the same time corporal and spiritual. By virtue of its substantial union with a spiritual soul, the human body cannot be considered as a mere complex of tissues, organs and functions, nor can it be evaluated in the same way as the body of animals; rather it is a constitutive part of the person who manifests and expresses himself through it. The natural moral law expresses and lays down the purposes, rights and duties which are based upon the bodily and spiritual nature of the human person. Therefore this law cannot be thought of as simply a set of norms on the biological level; rather it must be defined as the rational order whereby man is called by the Creator to direct and regulate his life and actions and in particular to make use of his own body.(10) A first consequence can be deduced from these principles: an intervention on the human body affects not only the tissues, the organs and their functions but also involves the person himself on different levels. It involves, therefore, perhaps in an implicit but nonetheless real way, a moral significance and responsibility. Pope John Paul II forcefully reaffirmed this to the World Medical Association when he said: "Each human person, in his absolutely unique singularity, is constituted not only by his spirit, but by his body as well. Thus, in the body and through the body, one touches the person himself in his concrete reality. To respect the dignity of man consequently amounts to safeguarding this identity of the man '*corpore et anima unus*', as the Second Vatican Council says (*Gaudium et Spes*, 14, par.1). It is on the basis of this anthropological vision that one is to find the fundamental criteria for decision-making in the case of procedures which are not strictly therapeutic, as, for example, those aimed at the improvement of the human biological condition".(11)

Applied biology and medicine work together for the integral good of human life when they come to the aid of a person stricken by illness and infirmity and when they respect his or her dignity as a creature of God. No biologist or doctor can reasonably claim, by virtue of his scientific competence, to be able to decide on people's origin and destiny. This norm must

be applied in a particular way in the field of sexuality and procreation, in which man and woman actualize the fundamental values of love and life. God, who is love and life, has inscribed in man and woman the vocation to share in a special way in his mystery of personal communion and in his work as Creator and Father.(12) For this reason marriage possesses specific goods and values in its union and in procreation which cannot be likened to those existing in lower forms of life. Such values and meanings are of the personal order and determine from the moral point of view the meaning and limits of artificial interventions on procreation and on the origin of human life. These interventions are not to be rejected on the grounds that they are artificial. As such, they bear witness to the possibilities of the art of medicine. But they must be given a moral evaluation in reference to the dignity of the human person, who is called to realize his vocation from God to the gift of love and the gift of life.

4. FUNDAMENTAL CRITERIA FOR A MORAL JUDGMENT

The fundamental values connected with the techniques of artificial human procreation are two: the life of the human being called into existence and the special nature of the transmission of human life in marriage. The moral judgment on such methods of artificial procreation must therefore be formulated in reference to these values.

Physical life, with which the course of human life in the world begins, certainly does not itself contain the whole of a person's value, nor does it represent the supreme good of man who is called to eternal life. However it does constitute in a certain way the "fundamental" value of life, precisely because upon this physical life all the other values of the person are based and developed.(13) The inviolability of the innocent human being's right to life "from the moment of conception until death" (14) is a sign and requirement of the very inviolability of the person to whom the Creator has given the gift of life. By comparison with the transmission of other forms of life in the universe, the transmission of human life has a special character of its own, which derives from the special nature of the human person. "The transmission of human life is entrusted by nature to a personal and conscious act and as such is subject to the all-holy laws of God: immutable and inviolable laws which must be recognized and observed. For this reason one cannot use means and follow methods which could be licit in the transmission of the life of plants and animals" (15)

Advances in technology have now made it possible to procreate apart from sexual relations through the meeting *in vitro* of the germ-cells previously taken from the man and the woman. But what is technically possible is not for that very reason morally admissible. Rational reflection on the fundamental values of life and of human procreation is therefore indispensable for formulating a moral evaluation of such technological interventions on a human being from the first stages of his development.

5. TEACHINGS OF THE MAGISTERIUM

On its part, the Magisterium of the Church offers to human reason in this field too the light of Revelation: the doctrine concerning man taught by the Magisterium contains many elements which throw light on the problems being faced here. From the moment of conception, the life of every human being is to be respected in an absolute way because man is the only creature on earth that God has "wished for himself" (16) and the spiritual soul of each man is "immediately created" by God; (17) his whole being bears the image of the Creator. Human life is sacred because from its beginning it involves "the creative action of God" (18) and it remains forever in a special relationship with the Creator, who is its sole end.(19) God alone is the Lord of life from its beginning until its end: no one can, in any circumstance, claim for himself the right to destroy directly an innocent human being. (20) Human procreation requires on the part of the spouses responsible collaboration

with the fruitful love of God; (21) the gift of human life must be actualized in marriage through the specific and exclusive acts of husband and wife, in accordance with the laws inscribed in their persons and in their union.(22)

I RESPECT FOR HUMAN EMBRYOS

Careful reflection on this teaching of the Magisterium and on the evidence of reason, as mentioned above, enables us to respond to the numerous moral problems posed by technical interventions upon the human being in the first phases of his life and upon the processes of his conception.

1. WHAT RESPECT IS DUE TO THE HUMAN EMBRYO, TAKING INTO ACCOUNT HIS NATURE AND IDENTITY?

The human being must be respected - as a person - from the very first instant of his existence. The implementation of procedures of artificial fertilization has made possible various interventions upon embryos and human foetuses. The aims pursued are of various kinds: diagnostic and therapeutic, scientific and commercial. From all of this, serious problems arise. Can one speak of a right to experimentation upon human embryos for the purpose of scientific research? What norms or laws should be worked out with regard to this matter? The response to these problems presupposes a detailed reflection on the nature and specific identity - the word "status" is used - of the human embryo itself.

At the Second Vatican Council, the Church for her part presented once again to modern man her constant and certain doctrine according to which: "Life once conceived, must be protected with the utmost care; abortion and infanticide are abominable crimes". (23) More recently, the Charter of the Rights of the Family, published by the Holy See, confirmed that "Human life must be absolutely respected and protected from the moment of conception".(24)

This Congregation is aware of the current debates concerning the beginning of human life, concerning the individuality of the human being and concerning the identity of the human person. The Congregation recalls the teachings found in the *Declaration on Procured Abortion*: "From the time that the ovum is fertilized, a new 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. To this perpetual evidence ... modern genetic science brings valuable confirmation. It has demonstrated that, from the first instant, the programme is fixed as to 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 great capacities requires time ... to find its place and to be in a position to act". (25) This teaching remains valid and is further confirmed, if confirmation were needed, by recent findings of human biological science which recognize that in the zygote* resulting from fertilization the biological identity of a new human individual is already constituted. Certainly no experimental datum can be in itself sufficient to bring us to the recognition of a spiritual soul; nevertheless, the conclusions of science regarding the human embryo provide a valuable indication for discerning by the use of reason a personal presence at the moment of this first appearance of a human life: how could a human individual not be a human person? The Magisterium has not expressly committed itself to an affirmation of a philosophical nature, but it constantly reaffirms the moral condemnation of any kind of procured abortion. This teaching has not been changed and is unchangeable.(26)

Thus the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality. The human being is to be respected and treated as a person from the

moment of conception: and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life. This doctrinal reminder provides the fundamental criterion for the solution of the various problems posed by the development of the biomedical sciences in this field: since the embryo must be treated as a person, it must also be defended in its integrity, tended and cared for, to the extent possible, in the same way as any other human being as far as medical assistance is concerned.

* The zygote is the cell produced when the nuclei of the two gametes have fused.

2. IS PRENATAL DIAGNOSIS MORALLY LICIT?

If prenatal diagnosis respects the life and integrity of the embryo and the human foetus and is directed towards its safeguarding or healing as an individual, then the answer is affirmative.

For prenatal diagnosis makes it possible to know the condition of the embryo and of the foetus when still in the mother's womb. It permits, or makes it possible to anticipate earlier and more effectively, certain therapeutic, medical or surgical procedures. Such diagnosis is permissible, with the consent of the parents after they have been adequately informed, if the methods employed safeguard the life and integrity of the embryo and the mother, without subjecting them to disproportionate risks.(27) But this diagnosis is gravely opposed to the moral law when it is done with the thought of possibly inducing an abortion depending upon the results: a diagnosis which shows the existence of a malformation or a hereditary illness must not be the equivalent of a death-sentence. Thus a woman would be committing a gravely illicit act if she were to request such a diagnosis with the deliberate intention of having an abortion should the results confirm the existence of a malformation or abnormality. The spouse or relatives or anyone else would similarly be acting in a manner contrary to the moral law if they were to counsel or impose such a diagnostic procedure on the expectant mother with the same intention of possibly proceeding to an abortion. So too the specialist would be guilty of illicit collaboration if, in conducting the diagnosis and in communicating its results, he were deliberately to contribute to establishing or favouring a link between prenatal diagnosis and abortion. In conclusion, any directive or programme of the civil and health authorities or of scientific organizations which in any way were to favour a link between prenatal diagnosis and abortion, or which were to go as far as directly to induce expectant mothers to submit to prenatal diagnosis planned for the purpose of eliminating foetuses which are affected by malformations or which are carriers of hereditary illness, is to be condemned as a violation of the unborn child's right to life and as an abuse of the prior rights and duties of the spouses.

3. ARE THERAPEUTIC PROCEDURES CARRIED OUT ON THE HUMAN EMBRYO LICIT?

As with all medical interventions on patients, *one must uphold as licit procedures carried out on the human embryo which respect the life and integrity of the embryo and do not involve disproportionate risks for it but are directed towards its healing, the improvement of its condition of health, or its individual survival.* Whatever the type of medical, surgical or other therapy, the free and informed consent of the parents is required, according to the deontological rules followed in the case of children. The application of this moral principle may call for delicate and particular precautions in the case of embryonic or foetal life. The legitimacy and criteria of such procedures have been clearly stated by Pope John Paul II: "A strictly therapeutic intervention whose explicit objective is the healing of various maladies such as those stemming from chromosomal defects will, in principle, be considered desirable, provided it is directed to the true promotion of the personal well-being of the individual without doing harm to his integrity

or worsening his conditions of life. Such an intervention would indeed fall within the logic of the Christian moral tradition" (28)

4. HOW IS ONE TO EVALUATE MORALLY RESEARCH AND EXPERIMENTATION* ON HUMAN EMBRYOS AND FOETUSES?

Medical research must refrain from operations on live embryos, unless there is a moral certainty of not causing harm to the life or integrity of the unborn child and the mother, and on condition that the parents have given their free and informed consent to the procedure. It follows that all research, even when limited to the simple observation of the embryo, would become illicit were it to involve risk to the embryo's physical integrity or life by reason of the methods used or the effects induced. As regards experimentation, and presupposing the general distinction between experimentation for purposes which are not directly therapeutic and experimentation which is clearly therapeutic for the subject himself, in the case in point one must also distinguish between experimentation carried out on embryos which are still alive and experimentation carried out on embryos which are dead. *If the embryos are living, whether viable or not, they must be respected just like any other human person; experimentation on embryos which is not directly therapeutic is illicit.*(29) No objective, even though noble in itself, such as a foreseeable advantage to science, to other human beings or to society, can in any way justify experimentation on living human embryos or foetuses, whether viable or not, either inside or outside the mother's womb. The informed consent ordinarily required for clinical experimentation on adults cannot be granted by the parents, who may not freely dispose of the physical integrity or life of the unborn child. Moreover, experimentation on embryos and foetuses always involves risk, and indeed in most cases it involves the certain expectation of harm to their physical integrity or even their death. To use human embryos or foetuses as the object or instrument of experimentation constitutes a crime against their dignity as human beings having a right to the same respect that is due to the child already born and to every human person.

The *Charter of the Rights of the Family* published by the Holy See affirms: "Respect for the dignity of the human being excludes all experimental manipulation or exploitation of the human embryo".(30) The practice of keeping alive human embryos *in vivo* or *in vitro* for experimental or commercial purposes is totally opposed to human dignity. In the case of experimentation that is clearly therapeutic, namely, when it is a matter of experimental forms of therapy used for the benefit of the embryo itself in a final attempt to save its life, and in the absence of other reliable forms of therapy, recourse to drugs or procedures not yet fully tested can be licit (31)

The corpses of human embryos and foetuses, whether they have been deliberately aborted or not, must be respected just as the remains of other human beings. In particular, they cannot be subjected to mutilation or to autopsies if their death has not yet been verified and without the consent of the parents or of the mother. Furthermore, the moral requirements must be safeguarded that there be no complicity in deliberate abortion and that the risk of scandal be avoided. Also, in the case of dead foetuses, as for the corpses of adult persons, all commercial trafficking must be considered illicit and should be prohibited.

* Since the terms "research" and "experimentation" are often used equivalently and ambiguously, it is deemed necessary to specify the exact meaning given them in this document.

1) By *research* is meant any inductive-deductive process which aims at promoting the systematic observation of a given phenomenon in the human field or at verifying a hypothesis arising from previous observations.

2) By *experimentation* is meant any research in which the human being (in the various stages of his existence: embryo, foetus, child or adult) represents the object through which or upon which one intends to verify the effect, at present unknown or not sufficiently known, of a given treatment (e.g. pharmacological, teratogenic, surgical, etc.).

5. HOW IS ONE TO EVALUATE MORALLY THE USE FOR RESEARCH PURPOSES OF EMBRYOS OBTAINED BY FERTILIZATION 'IN VITRO'?

Human embryos obtained *in vitro* are human beings and subjects with rights: their dignity and right to life must be respected from the first moment of their existence. *It is immoral to produce human embryos destined to be exploited as disposable "biological material"*. In the usual practice of *in vitro* fertilization, not all of the embryos are transferred to the woman's body; some are destroyed. Just as the Church condemns induced abortion, so she also forbids acts against the life of these human beings. *It is a duty to condemn the particular gravity of the voluntary destruction of human embryos obtained 'in vitro' for the sole purpose of research, either by means of artificial insemination or by means of "twin fission"*. By acting in this way the researcher usurps the place of God; and, even though he may be unaware of this, he sets himself up as the master of the destiny of others inasmuch as he arbitrarily chooses whom he will allow to live and whom he will send to death and kills defenceless human beings.

Methods of observation or experimentation which damage or impose grave and disproportionate risks upon embryos obtained *in vitro* are morally illicit for the same reasons. every human being is to be respected for himself, and cannot be reduced in worth to a pure and simple instrument for the advantage of others. *It is therefore not in conformity with the moral law deliberately to expose to death human embryos obtained 'in vitro'*. In consequence of the fact that they have been produced *in vitro*, those embryos which are not transferred into the body of the mother and are called "spare" are exposed to an absurd fate, with no possibility of their being offered safe means of survival which can be licitly pursued.

6. WHAT JUDGMENT SHOULD BE MADE ON OTHER PROCEDURES OF MANIPULATING EMBRYOS CONNECTED WITH THE "TECHNIQUES OF HUMAN REPRODUCTION"?

Techniques of fertilization *in vitro* can open the way to other forms of biological and genetic manipulation of human embryos, such as attempts or plans for fertilization between human and animal gametes and the gestation of human embryos in the uterus of animals, or the hypothesis or project of constructing artificial uteruses for the human embryo. *These procedures are contrary to the human dignity proper to the embryo, and at the same time they are contrary to the right of every person to be conceived and to be born within marriage and from marriage.*(32) *Also, attempts or hypotheses for obtaining a human being without any connection with sexuality through "twin fission", cloning or parthenogenesis are to be considered contrary to the moral law, since they are in opposition to the dignity both of human procreation and of the conjugal union.*

The freezing of embryos, even when carried out in order to preserve the life of an embryo - cryopreservation - constitutes an offence against the respect due to human beings by exposing them to grave risks of death or harm to their physical integrity and depriving them, at least temporarily, of maternal shelter and gestation, thus placing them in a situation in which further offences and manipulation are possible.

Certain attempts to influence chromosomal or genetic inheritance are not therapeutic but are aimed at producing human beings selected according to sex or other predetermined qualities. These manipulations are contrary to the personal dignity of the human being and his or her integrity and identity.

Therefore in no way can they be justified on the grounds of possible beneficial consequences for future humanity. (33) Every person must be respected for himself: in this consists the dignity and right of every human being from his or her beginning.

II INTERVENTIONS UPON HUMAN PROCREATION

By "artificial procreation" or "artificial fertilization" are understood here the different technical procedures directed towards obtaining a human conception in a manner other than the sexual union of man and woman. This Instruction deals with fertilization of an ovum in a test-tube (*in vitro* fertilization) and artificial insemination through transfer into the woman's genital tracts of previously collected sperm.

A preliminary point for the moral evaluation of such technical procedures is constituted by the consideration of the circumstances and consequences which those procedures involve in relation to the respect due the human embryo. Development of the practice of *in vitro* fertilization has required innumerable fertilizations and destructions of human embryos. Even today, the usual practice presupposes a hyperovulation on the part of the woman: a number of ova are withdrawn, fertilized and then cultivated *in vitro* for some days. Usually not all are transferred into the genital tracts of the woman; some embryos, generally called "spare", are destroyed or frozen. On occasion, some of the implanted embryos are sacrificed for various eugenic, economic or psychological reasons. Such deliberate destruction of human beings or their utilization for different purposes to the detriment of their integrity and life is contrary to the doctrine on procured abortion already recalled. The connection between *in vitro* fertilization and the voluntary destruction of human embryos occurs too often. This is significant: through these procedures, with apparently contrary purposes, life and death are subjected to the decision of man, who thus sets himself up as the giver of life and death by decree. This dynamic of violence and domination may remain unnoticed by those very individuals who, in wishing to utilize this procedure, become subject to it themselves. The facts recorded and the cold logic which links them must be taken into consideration for a moral judgment on IVF and ET (*in vitro* fertilization and embryo transfer): the abortion-mentality which has made this procedure possible thus leads, whether one wants it or not, to man's domination over the life and death of his fellow human beings and can lead to a system of radical eugenics.

Nevertheless, such abuses do not exempt one from a further and thorough ethical study of the techniques of artificial procreation considered in themselves, abstracting as far as possible from the destruction of embryos produced *in vitro*. The present Instruction will therefore take into consideration in the first place the problems posed by heterologous artificial fertilization (II, 1-3), * and subsequently those linked with homologous artificial fertilization (II, 4-6) .** Before formulating an ethical judgment on each of these procedures, the principles and values which determine the moral evaluation of each of them will be considered.

* By the term *heterologous artificial fertilization or procreation*, the Instruction means techniques used to obtain a human conception artificially by the use of gametes coming from at least one donor other than the spouses who are joined in marriage. Such techniques can be of two types

a) *Heterologous IVF and ET*: the technique used to obtain a human conception through the meeting *in vitro* of gametes taken from at least one donor other than the two spouses joined in marriage.

b) *Heterologous artificial insemination*: the technique used to obtain a human conception through the transfer into the genital tracts of the woman of the sperm previously collected from a donor other than the husband.

** *By artificial homologous fertilization or procreation, the Instruction means the technique used to obtain a human conception using the gametes of the two spouses joined in marriage. Homologous artificial fertilization can be carried out by two different methods:*

a) *Homologous IVF and ET: the technique used to obtain a human conception through the meeting in vitro of the gametes of the spouses joined in marriage.*

b) *Homologous artificial insemination: the technique used to obtain a human conception through the transfer into the genital tracts of a married woman of the sperm previously collected from her husband.*

A. HETEROLOGOUS ARTIFICIAL FERTILIZATION 1. WHY MUST HUMAN PROCREATION TAKE PLACE IN MARRIAGE?

Every human being is always to be accepted as a gift and blessing of God. However, from the moral point of view a truly responsible procreation vis-à-vis the unborn child must be the fruit of marriage.

For human procreation has specific characteristics by virtue of the personal dignity of the parents and of the children: the procreation of a new person, whereby the man and the woman collaborate with the power of the Creator, must be the fruit and the sign of the mutual self-giving of the spouses, of their love and of their fidelity.(34) The fidelity of the spouses in the unity of marriage involves reciprocal respect of their right to become a father and a mother only through each other. The child has the right to be conceived, carried in the womb, brought into the world and brought up within marriage: it is through the secure and recognized relationship to his own parents that the child can discover his own identity and achieve his own proper human development. The parents find in their child a confirmation and completion of their reciprocal self-giving: the child is the living image of their love, the permanent sign of their conjugal union, the living and indissoluble concrete expression of their paternity and maternity. (35) By reason of the vocation and social responsibilities of the person, the good of the children and of the parents contributes to the good of civil society; the vitality and stability of society require that children come into the world within a family and that the family be firmly based on marriage. The tradition of the Church and anthropological reflection recognize in marriage and in its indissoluble unity the only setting worthy of truly responsible procreation.

2. DOES HETEROLOGOUS ARTIFICIAL FERTILIZATION CONFORM TO THE DIGNITY OF THE COUPLE AND TO THE TRUTH OF MARRIAGE?

Through IVF and ET and heterologous artificial insemination, human conception is achieved through the fusion of gametes of at least one donor other than the spouses who are united in marriage. *Heterologous artificial fertilization is contrary to the unity of marriage, to the dignity of the spouses, to the vocation proper to parents, and to the child's right to be conceived and brought into the world in marriage and from marriage.*(36) Respect for the unity of marriage and for conjugal fidelity demands that the child be conceived in marriage; the bond existing between husband and wife accords the spouses, in an objective and inalienable manner, the exclusive right to become father and mother solely through each other.(37) Recourse to the gametes of a third person, in order to have sperm or ovum available, constitutes a violation of the reciprocal commitment of the spouses and a grave lack in regard to that essential property of marriage which is its unity. Heterologous artificial fertilization violates the rights of the child; it deprives him of his filial relationship with his parental origins and can hinder the maturing of his personal identity. Furthermore, it offends the common vocation of the spouses who are called to fatherhood and motherhood: it objectively deprives conjugal fruitfulness of its unity and integrity; it brings about and

manifests a rupture between genetic parenthood, gestational parenthood and responsibility for upbringing. Such damage to the personal relationships within the family has repercussions on civil society: what threatens the unity and stability of the family is a source of dissension, disorder and injustice in the whole of social life. *These reasons lead to a negative moral judgment concerning heterologous artificial fertilization: consequently fertilization of a married woman with the sperm of a donor different from her husband and fertilization with the husband's sperm of an ovum not coming from his wife are morally illicit. Furthermore, the artificial fertilization of a woman who is unmarried or a widow, whoever the donor may be, cannot be morally justified.*

The desire to have a child and the love between spouses who long to obviate a sterility which cannot be overcome in any other way constitute understandable motivations; but subjectively good intentions do not render heterologous artificial fertilization conformable to the objective and inalienable properties of marriage or respectful of the rights of the child and of the spouses.

3. IS "SURROGATE"* MOTHERHOOD MORALLY LICIT?

No, for the same reasons which lead one to reject heterologous artificial fertilization: for it is contrary to the unity of marriage and to the dignity of the procreation of the human person. Surrogate motherhood represents an objective failure to meet the obligations of maternal love, of conjugal fidelity and of responsible motherhood; it offends the dignity and the right of the child to be conceived, carried in the womb, brought into the world and brought up by his own parents; it sets up, to the detriment of families, a division between the physical, psychological and moral elements which constitute those families.

* By "surrogate mother" the Instruction means:

a) the woman who carries in pregnancy an embryo implanted in her uterus and who is genetically a stranger to the embryo because it has been obtained through the union of the gametes of "donors". She carries the pregnancy with a pledge to surrender the baby once it is born to the party who commissioned or made the agreement for the pregnancy.

b) the woman who carries in pregnancy an embryo to whose procreation she has contributed the donation of her own ovum, fertilized through insemination with the sperm of a man other than her husband. She carries the pregnancy with a pledge to surrender the child once it is born to the party who commissioned or made the agreement for the pregnancy.

B. HOMOLOGOUS ARTIFICIAL FERTILIZATION

Since heterologous artificial fertilization has been declared unacceptable, the question arises of how to evaluate morally the process of homologous artificial fertilization: IVF and ET and artificial insemination between husband and wife. First a question of principle must be clarified.

4. WHAT CONNECTION IS REQUIRED FROM THE MORAL POINT OF VIEW BETWEEN PROCREATION AND THE CONJUGAL ACT?

a) The Church's teaching on marriage and human procreation affirms the "inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning. Indeed, by its intimate structure, the conjugal act, while most closely uniting husband and wife, capacitates them for the generation of new lives, according to laws inscribed in the very being of man and of woman".(38) This principle, which is based upon the nature of marriage and the intimate connection of the goods of marriage, has well-known consequences on the level of responsible fatherhood and motherhood. "By safeguarding both these essential aspects, the unitive and the procreative, the conjugal act preserves in its fullness the sense of true mutual love and its ordination towards

man's exalted vocation to parenthood".(39) The same doctrine concerning the link between the meanings of the conjugal act and between the goods of marriage throws light on the moral problem of homologous artificial fertilization, since "it is never permitted to separate these different aspects to such a degree as positively to exclude either the procreative intention or the conjugal relation" (40) Contraception deliberately deprives the conjugal act of its openness to procreation and in this way brings about a voluntary dissociation of the ends of marriage. Homologous artificial fertilization, in seeking a procreation which is not the fruit of a specific act of conjugal union, objectively effects an analogous separation between the goods and the meanings of marriage. Thus, *fertilization is licitly sought when it is the result of a "conjugal act which is per se suitable for the generation of children to which marriage is ordered by its nature and by which the spouses become one flesh".(41) But from the moral point of view procreation is deprived of its proper perfection when it is not desired as the fruit of the conjugal act, that is to say of the specific act of the spouses' union.*

b) The moral value of the intimate link between the goods of marriage and between the meanings of the conjugal act is based upon the unity of the human being, a unity involving body and spiritual soul. (42) Spouses mutually express their personal love in the "language of the body ", which clearly involves both "sponsal meanings" and parental ones.(43) The conjugal act by which the couple mutually express their self-gift at the same time expresses openness to the gift of life. It is an act that is inseparably corporal and spiritual. It is in their bodies and through their bodies that the spouses consummate their marriage and are able to become father and mother. In order to respect the language of their bodies and their natural generosity, the conjugal union must take place with respect for its openness to procreation; and the procreation of a person must be the fruit and the result of married love. The origin of the human being thus follows from a procreation that is "linked to the union, not only biological but also spiritual, of the parents, made one by the bond of marriage".(44) Fertilization achieved outside the bodies of the couple remains by this very fact deprived of the meanings and the values which are expressed in the language of the body and in the union of human persons.

c) Only respect for the link between the meanings of the conjugal act and respect for the unity of the human being make possible procreation in conformity with the dignity of the person. In his unique and irrepeatable origin, the child must be respected and recognized as equal in personal dignity to those who give him life. The human person must be accepted in his parents' act of union and love; the generation of a child must therefore be the fruit of that mutual giving (45) which is realized in the conjugal act wherein the spouses cooperate as servants and not as masters in the work of the Creator who is Love. In reality, the origin of a human person is the result of an act of giving. The one conceived must be the fruit of his parents' love. He cannot be desired or conceived as the product of an intervention of medical or biological techniques; that would be equivalent to reducing him to an object of scientific technology. No one may subject the coming of a child into the world to conditions of technical efficiency which are to be evaluated according to standards of control and dominion. *The moral relevance of the link between the meanings of the conjugal act and between the goods of marriage, as well as the unity of the human being and the dignity of his origin, demand that the procreation of a human person be brought about as the fruit of the conjugal act specific to the love between spouses.* The link between procreation and the conjugal act is thus shown to be of great importance on the anthropological and moral planes, and it throws light on the positions of the Magisterium with regard to homologous artificial fertilization.

5. IS HOMOLOGOUS 'IN VITRO' FERTILIZATION MORALLY LICIT?

The answer to this question is strictly dependent on the principles just mentioned. Certainly one cannot ignore the legitimate aspirations of sterile couples. For some, recourse to homologous IVF and ET appears to be the only way of fulfilling their sincere desire for a child. The question is asked whether the totality of conjugal life in such situations is not sufficient to ensure the dignity proper to human procreation. It is acknowledged that IVF and ET certainly cannot supply for the absence of sexual relations (47) and cannot be preferred to the specific acts of conjugal union, given the risks involved for the child and the difficulties of the procedure. But it is asked whether, when there is no other way of overcoming the sterility which is a source of suffering, homologous *in vitro* fertilization may not constitute an aid, if not a form of therapy, whereby its moral licitness could be admitted. The desire for a child - or at the very least an openness to the transmission of life - is a necessary prerequisite from the moral point of view for responsible human procreation. But this good intention is not sufficient for making a positive moral evaluation of *in vitro* fertilization between spouses. The process of IVF and ET must be judged in itself and cannot borrow its definitive moral quality from the totality of conjugal life of which it becomes part nor from the conjugal acts which may precede or follow it.(48)

It has already been recalled that, in the circumstances in which it is regularly practised, IVF and ET involves the destruction of human beings, which is something contrary to the doctrine on the illicitness of abortion previously mentioned.(49) But even in a situation in which every precaution were taken to avoid the death of human embryos, homologous IVF and ET dissociates from the conjugal act the actions which are directed to human fertilization. For this reason the very nature of homologous IVF and ET also must be taken into account, even abstracting from the link with procured abortion. Homologous IVF and ET is brought about outside the bodies of the couple through actions of third parties whose competence and technical activity determine the success of the procedure. Such fertilization entrusts the life and identity of the embryo into the power of doctors and biologists and establishes the domination of technology over the origin and destiny of the human person. Such a relationship of domination is in itself contrary to the dignity and equality that must be common to parents and children.

Conception *in vitro* is the result of the technical action which presides over fertilization. *Such fertilization is neither in fact achieved nor positively willed as the expression and fruit of a specific act of the conjugal union. In homologous IVF and ET, therefore, even if it is considered in the context of 'de facto' existing sexual relations, the generation of the human person is objectively deprived of its proper perfection: namely, that of being the result and fruit of a conjugal act in which the spouses can become "cooperators with God for giving life to a new person".(50) These reasons enable us to understand why the act of conjugal love is considered in the teaching of the Church as the only setting worthy of human procreation. For the same reasons the so-called "simple case", i.e. a homologous IVF and ET procedure that is free of any compromise with the abortive practice of destroying embryos and with masturbation, remains a technique which is morally illicit because it deprives human procreation of the dignity which is proper and connatural to it. Certainly, homologous IVF and ET fertilization is not marked by all that ethical negativity found in extra-conjugal procreation; the family and marriage continue to constitute the setting for the birth and upbringing of the children. Nevertheless, in conformity with the traditional doctrine relating to the goods of marriage and the dignity of the person, the Church remain opposed from the moral point of view to homologous 'in vitro' fertilization. Such fertilization is in itself illicit and in opposition to the dignity of procreation and of the conjugal union, even when everything is done to avoid the death of the human embryo.* Although the manner in which human conception is achieved with IVF and ET cannot be

approved, every child which comes into the world must in any case be accepted as a living gift of the divine Goodness and must be brought up with love.

6. HOW IS HOMOLOGOUS ARTIFICIAL INSEMINATION TO BE EVALUATED FROM THE MORAL POINT OF VIEW?

Homologous artificial insemination within marriage cannot be admitted except for those cases in which the technical means is not a substitute for the conjugal act but serves to facilitate and to help so that the act attains its natural purpose.

The teaching of the Magisterium on this point has already been stated.⁽⁵¹⁾ This teaching is not just an expression of particular historical circumstances but is based on the Church's doctrine concerning the connection between the conjugal union and procreation and on a consideration of the personal nature of the conjugal act and of human procreation. "In its natural structure, the conjugal act is a personal action, a simultaneous and immediate cooperation on the part of the husband and wife, which by the very nature of the agents and the proper nature of the act is the expression of the mutual gift which, according to the words of Scripture, brings about union 'in one flesh' ".⁽⁵²⁾ Thus moral conscience "does not necessarily proscribe the use of certain artificial means destined solely either to the facilitating of the natural act or to ensuring that the natural act normally performed achieves its proper end".⁽⁵³⁾ If the technical means facilitates the conjugal act or helps it to reach its natural objectives, it can be morally acceptable. If, on the other hand, the procedure were to replace the conjugal act, it is morally illicit. Artificial insemination as a substitute for the conjugal act is prohibited by reason of the voluntarily achieved dissociation of the two meanings of the conjugal act. Masturbation, through which the sperm is normally obtained, is another sign of this dissociation: even when it is done for the purpose of procreation, the act remains deprived of its unitive meaning: "It lacks the sexual relationship called for by the moral order, namely the relationship which realizes 'the full sense of mutual self-giving and human procreation in the context of true love' ".⁽⁵⁴⁾

7. WHAT MORAL CRITERION CAN BE PROPOSED WITH REGARD TO MEDICAL INTERVENTION IN HUMAN PROCREATION?

The medical act must be evaluated not only with reference to its technical dimension but also and above all in relation to its goal which is the good of persons and their bodily and psychological health. The moral criteria for medical intervention in procreation are deduced from the dignity of human persons, of their sexuality and of their origin. *Medicine which seeks to be ordered to the integral good of the person must respect the specifically human values of sexuality.*⁽⁵⁵⁾ *The doctor is at the service of persons and of human procreation. He does not have the authority to dispose of them or to decide their fate.*

A medical intervention respects the dignity of persons when it seeks to assist the conjugal act either in order to facilitate its performance or in order to enable it to achieve its objective once it has been normally performed".⁽⁵⁶⁾ On the other hand, it sometimes happens that a medical procedure technologically replaces the conjugal act in order to obtain a procreation which is neither its result nor its fruit. In this case the medical act is not, as it should be, at the service of conjugal union but rather appropriates to itself the procreative function and thus contradicts the dignity and the inalienable rights of the spouses and of the child to be born. The humanization of medicine, which is insisted upon today by everyone, requires respect for the integral dignity of the human person first of all in the act and at the moment in which the spouses transmit life to a new person. It is only logical therefore to address an urgent appeal to Catholic doctors and scientists that they bear exemplary witness to the respect due to the human embryo and to the dignity of procreation. The medical and nursing staff of

Catholic hospitals and clinics are in a special way urged to do justice to the moral obligations which they have assumed, frequently also, as part of their contract. Those who are in charge of Catholic hospitals and clinics and who are often Religious will take special care to safeguard and promote a diligent observance of the moral norms recalled in the present Instruction.

8. THE SUFFERING CAUSED BY INFERTILITY IN MARRIAGE

The suffering of spouses who cannot have children or who are afraid of bringing a handicapped child into the world is a suffering that everyone must understand and properly evaluate.

On the part of the spouses, the desire for a child is natural: it expresses the vocation to fatherhood and motherhood inscribed in conjugal love. This desire can be even stronger if the couple is affected by sterility which appears incurable. Nevertheless, marriage does not confer upon the spouses the right to have a child, but only the right to perform those natural acts which are *per se* ordered to procreation.⁽⁵⁷⁾ *A true and proper right to a child would be contrary to the child's dignity and nature. The child is not an object to which one has a right, nor can he be considered as an object of ownership: rather, a child is a gift, "the supreme gift" (58) and the most gratuitous gift of marriage, and is a living testimony of the mutual giving of his parents. For this reason, the child has the right, as already mentioned, to be the fruit of the specific act of the conjugal love of his parents; and he also has the right to be respected as a person from the moment of his conception.*

Nevertheless, whatever its cause or prognosis, sterility is certainly a difficult trial. The community of believers is called to shed light upon and support the suffering of those who are unable to fulfill their legitimate aspiration to motherhood and fatherhood. Spouses who find themselves in this sad situation are called to find in it an opportunity for sharing in a particular way in the Lord's Cross, the source of spiritual fruitfulness. Sterile couples must not forget that "even when procreation is not possible, conjugal life does not for this reason lose its value. Physical sterility in fact can be for spouses the occasion for other important services to the life of the human person, for example, adoption, various forms of educational work, and assistance to other families and to poor or handicapped children".⁽⁵⁹⁾ Many researchers are engaged in the fight against sterility. While fully safeguarding the dignity of human procreation, some have achieved results which previously seemed unattainable. Scientists therefore are to be encouraged to continue their research with the aim of preventing the causes of sterility and of being able to remedy them so that sterile couples will be able to procreate in full respect for their own personal dignity and that of the child to be born.

III. MORAL AND CIVIL LAW THE VALUES AND MORAL OBLIGATIONS THAT CIVIL LEGISLATION

MUST RESPECT AND SANCTION IN THIS MATTER

The inviolable right to life of every innocent human individual and the rights of the family and of the institution of marriage constitute fundamental moral values, because they concern the natural condition and integral vocation of the human person; at the same time they are constitutive elements of civil society and its order. For this reason the new technological possibilities which have opened up in the field of biomedicine require the intervention of the political authorities and of the legislator, since an uncontrolled application of such techniques could lead to unforeseeable and damaging consequences for civil society. Recourse to the conscience of each individual and to the self-regulation of researchers cannot be sufficient for ensuring respect for personal rights and public order. If the legislator responsible for the common good were not watchful, he could be deprived of his prerogatives by researchers claiming to govern humanity in the name of the biological discoveries and

the alleged "improvement" processes which they would draw from those discoveries. "Eugenism" and forms of discrimination between human beings could come to be legitimized: this would constitute an act of violence and a serious offense to the equality, dignity and fundamental rights of the human person. The intervention of the public authority must be inspired by the rational principles which regulate the relationships between civil law and moral law. The task of the civil law is to ensure the common good of people through the recognition of and the defence of fundamental rights and through the promotion of peace and of public morality.⁽⁶⁰⁾ In no sphere of life can the civil law take the place of conscience or dictate norms concerning things which are outside its competence. It must sometimes tolerate, for the sake of public order, things which it cannot forbid without a greater evil resulting. However, the inalienable rights of the person must be recognized and respected by civil society and the political authority. These human rights depend neither on single individuals nor on parents; nor do they represent a concession made by society and the State: they pertain to human nature and are inherent in the person by virtue of the creative act from which the person took his or her origin. Among such fundamental rights one should mention in this regard:

a) every human being's right to life and physical integrity from the moment of conception until death; b) the rights of the family and of marriage as an institution and, in this area, the child's right to be conceived, brought into the world and brought up by his parents. To each of these two themes it is necessary here to give some further consideration.

In various States certain laws have authorized the direct suppression of innocents: the moment a positive law deprives a category of human beings of the protection which civil legislation must accord them, the State is denying the equality of all before the law. When the State does not place its power at the service of the rights of each citizen, and in particular of the more vulnerable, the very foundations of a State based on law are undermined. The political authority consequently cannot give approval to the calling of human beings into existence through procedures which would expose them to those very grave risks noted previously. The possible recognition by positive law and the political authorities of techniques of artificial transmission of life and the experimentation connected with it would widen the breach already opened by the legalization of abortion. As a consequence of the respect and protection which must be ensured for the unborn child from the moment of his conception, the law must provide appropriate penal sanctions for every deliberate violation of the child's rights. The law cannot tolerate - indeed it must expressly forbid - that human beings, even at the embryonic stage, should be treated as objects of experimentation, be mutilated or destroyed with the excuse that they are superfluous or incapable of developing normally.

The political authority is bound to guarantee to the institution of the family, upon which society is based, the juridical protection to which it has a right. From the very fact that it is at the service of people, the political authority must also be at the service of the family. Civil law cannot grant approval to techniques of artificial procreation which, for the benefit of third parties (doctors, biologists, economic or governmental powers), take away what is a right inherent in the relationship between spouses; and therefore civil law cannot legalize the donation of gametes between persons who are not legitimately united in marriage. Legislation must also prohibit, by virtue of the support which is due to the family, embryo banks, *post mortem* insemination and "surrogate motherhood". *It is part of the duty of the public authority to ensure that the civil law is regulated according to the fundamental norms of the moral law in matters concerning human rights, human life and the institution of the family. Politicians must commit themselves, through their interventions upon public opinion, to securing in society the widest possible consensus on such essential points*

and to consolidating this consensus wherever it risks being weakened or is in danger of collapse.

In many countries, the legalization of abortion and juridical tolerance of unmarried couples makes it more difficult to secure respect for the fundamental rights recalled by this Instruction. It is to be hoped that States will not become responsible for aggravating these socially damaging situations of injustice. It is rather to be hoped that nations and States will realize all the cultural, ideological and political implications connected with the techniques of artificial procreation and will find the wisdom and courage necessary for issuing laws which are more just and more respectful of human life and the institution of the family. *The civil legislation of many states confers an undue legitimation upon certain practices in the eyes of many today; it is seen to be incapable of guaranteeing that morality which is in conformity with the natural exigencies of the human person and with the "unwritten laws" etched by the Creator upon the human heart. All men of good will must commit themselves, particularly within their professional field and in the exercise of their civil rights, to ensuring the reform of morally unacceptable civil laws and the correction of illicit practices. In addition, "conscientious objection" vis-à-vis such laws must be supported and recognized. A movement of passive resistance to the legitimation of practices contrary to human life and dignity is beginning to make an ever sharper impression upon the moral conscience of many, especially among specialists in the biomedical sciences.*

CONCLUSION

The spread of technologies of intervention in the processes of human procreation raises very serious moral problems in relation to the respect due to the human being from the moment of conception, to the dignity of the person, of his or her sexuality, and of the transmission of life. With this Instruction the Congregation for the Doctrine of the Faith, in fulfilling its responsibility to promote and defend the Church's teaching in so serious a matter, addresses a new and heartfelt invitation to all those who, by reason of their role and their commitment, can exercise a positive influence and ensure that, in the family and in society, due respect is accorded to life and love. It addresses this invitation to those responsible for the formation of consciences and of public opinion, to scientists and medical professionals, to jurists and politicians. It hopes that all will understand the incompatibility between recognition of the dignity of the human person and contempt for life and love, between faith in the living God and the claim to decide arbitrarily the origin and fate of a human being.

In particular, the Congregation for the Doctrine of the Faith addresses an invitation with confidence and encouragement to the theologians, and above all to moralists, that they study more deeply and make eves more accessible to the faithful the contents of the teaching of the Church's Magisterium in the light of a valid anthropology in the matter of sexuality and marriage and in the context of the necessary interdisciplinary approach. Thus they will make it possible to understand ever more clearly the reasons for and the validity of this teaching. By defending man against the excesses of his own power, the Church of God reminds him of the reasons for his true nobility; only in this way can the possibility of living and loving with that dignity and liberty which derive from respect for the truth be ensured for the men and women of tomorrow. The precise indications which are offered in the present Instruction therefore are not meant to halt the effort of reflection but rather to give it a renewed impulse in unrenounceable fidelity to the teaching of the Church.

In the light of the truth about the gift of human life and in the light of the moral principles which flow from that truth, everyone is invited to act in the area of responsibility proper to each and, like the good Samaritan, to recognize as a neighbour even the littlest among the children of men (Cf. Lk 10: 29-37). Here Christ's words find a new and particular echo: "What you

do to one of the least of my brethren, you do unto me" (Mt 25:40).

During an audience granted to the undersigned Prefect after the plenary session of the Congregation for the Doctrine of the Faith, the Supreme Pontiff, John Paul II, approved this Instruction and ordered it to be published.

Given at Rome, from the Congregation for the Doctrine of the Faith, February 22, 1987, the Feast of the Chair of St. Peter, the Apostle.

JOSEPH Card. RATZINGER

Prefect

ALBERTO BOVONE

Titular Archbishop of Caesarea in Numidia Secretary

(1) POPE JOHN PAUL II, *Discourse to those taking part in the 81st Congress of the Italian Society of Internal Medicine and the 82nd Congress of the Italian Society of General Surgery*, 27 October 1980: AAS 72 (1980) 1126.

(2) POPE PAUL VI, *Discourse to the General Assembly of the United Nations Organization*, 4 October 1965: AAS 57 (1965) 878; Encyclical *Populorum Progressio*, 13: AAS 59 (1967) 263.

(3) POPE PAUL VI, *Homily during the Mass closing the Holy Year*, 25 December 1975: AAS 68 (1976) 145; POPE JOHN PAUL II, Encyclical *Dives in Misericordia*, 30: AAS 72 (1980) 1224.

(4) POPE JOHN PAUL II, *Discourse to those taking part in the 35th General Assembly of the World Medical Association*, 29 October 1983: AAS 76 (1984) 390.

(5) Cf. Declaration *Dignitatis Humanae*, 2.

(6) Pastoral Constitution *Gaudium et Spes*, 22; POPE JOHN PAUL II, Encyclical *Redemptor Hominis*, 8: AAS 71 (1979) 270-272.

(7) Cf. Pastoral Constitution *Gaudium et Spes*, 35.

(8) Pastoral Constitution *Gaudium et Spes*, 15; cf. also POPE PAUL VI, Encyclical *Populorum Progressio*, 20: AAS 59 (1967) 267; POPE JOHN PAUL II, Encyclical *Redemptor Hominis*, 15: AAS 71 (1979) 286-289; Apostolic Exhortation *Familiaris Consortio*, 8: AAS 74 (1982) 89.

(9) POPE JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio*, 11: AAS 74 (1982) 92.

(10) Cf. POPE PAUL VI, Encyclical *Humanae Vitae*, 10: AAS 60 (1968) 487-488.

(11) POPE JOHN PAUL II, *Discourse to the members of the 35th General Assembly of the World Medical Association*, 29 October 1983: AAS 76 (1984) 393.

(12) Cf. POPE JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio*, 11: AAS 74 (1982) 91-92; cf. also Pastoral Constitution *Gaudium et Spes*, 50.

(13) SACRED CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Declaration on Procured Abortion*, 9, AAS 66 (1974) 736-737.

(14) POPE JOHN PAUL II, *Discourse to those taking part in the 35th General Assembly of the World Medical Association*, 29 October 1983: AAS 76 (1984) 390.

(15) POPE JOHN XXIII, Encyclical *Mater et Magistra*, III: AAS 53 (1961) 447.

(16) Pastoral Constitution *Gaudium et Spes*, 24.

(17) Cf. POPE PIUS XII, Encyclical *Humani Generis*: AAS 42 (1950) 575; POPE PAUL VI, *Professio Fidei*: AAS 60 (1968) 436.

(18) POPE JOHN XXIII, Encyclical *Mater et Magistra*, III: AAS 53 (1961) 447; cf. POPE JOHN PAUL II, *Discourse to priests participating in a seminar on "Responsible Procreation"*, 17 September 1983, *Insegnamenti di Giovanni Paolo II*, VI, 2 (1983) 562: "At the origin of each human person there is a creative act of God: no man comes into existence by chance; he is always the result of the creative love of God".

(19) Cf. Pastoral Constitution *Gaudium et Spes*, 24.

(20) Cf. POPE PIUS XII, *Discourse to the Saint Luke Medical-Biological Union*, 12 November 1944: *Discorsi e Radiomessaggi VI* (1944-1945) 191-192.

(21) Cf. Pastoral Constitution *Gaudium et Spes*, 50.

(22) Cf. Pastoral Constitution *Gaudium et Spes*, 51: "When it is a question of harmonizing married love with the responsible transmission of life, the moral character of one's behaviour does not depend only on the good intention and the evaluation of the motives: the objective criteria must be used, criteria drawn from the nature of the human person and human acts, criteria which respect the total meaning of mutual self-giving and human procreation in the context of true love".

(23) Pastoral Constitution *Gaudium et Spes*, 51.

(24) HOLY SEE, *Charter of the Rights of the Family*, 4: *L'Osservatore Romano*, 25 November 1983.

(25) SACRED CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Declaration on Procured Abortion*, 12-13: AAS 66 (1974) 738.

(26) Cf. POPE PAUL VI, *Discourse to participants in the Twenty-third National Congress of Italian Catholic Jurists*, 9 December 1972: AAS 64 (1972) 777.

(27) The obligation to avoid disproportionate risks involves an authentic respect for human beings and the uprightness of therapeutic intentions. It implies that the doctor "above all ... must carefully evaluate the possible negative consequences which the necessary use of a particular exploratory technique may have upon the unborn child and avoid recourse to diagnostic procedures which do not offer sufficient guarantees of their honest purpose and substantial harmlessness. And if, as often happens in human choices, a degree of risk must be undertaken, he will take care to assure that it is justified by a truly urgent need for the diagnosis and by the importance of the results that can be achieved by it for the benefit of the unborn child himself" (POPE JOHN PAUL II, *Discourse to Participants in the Pro-Life Movement Congress*, 3 December 1982: *Insegnamenti di Giovanni Paolo II*, V, 3 [1982] 1512). This clarification concerning "proportionate risk" is also to be kept in mind in the following sections of the present Instruction, whenever this term appears.

(28) POPE JOHN PAUL II, *Discourse to the Participants in the 35th General Assembly of the World Medical Association*, 29 October 1983: AAS 76 (1984) 392.

(29) Cf. POPE JOHN PAUL II, *Address to a Meeting of the Pontifical Academy of Sciences*, 23 October 1982: AAS 75 (1983) 37: "I condemn, in the most explicit and formal way, experimental manipulations of the human embryo, since the human being, from conception to death, cannot be exploited for any purpose whatsoever".

(30) HOLY SEE, *Charter of the Rights of the Family*, 4b: *L'Osservatore Romano*, 25 November 1983.

(31) Cf. POPE JOHN PAUL II, *Address to the Participants in the Convention of the Pro-Life Movement*, 3 December 1982: *Insegnamenti di Giovanni Paolo II*, V, 3 (1982) 1511: "Any form of experimentation on the foetus that may damage its integrity or worsen its condition is unacceptable, except in the case of a final effort to save it from death". SACRED CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Declaration on Euthanasia*, 4: AAS 72 (1980) 550: "In the absence of other sufficient remedies, it is permitted, with the patient's consent, to have recourse to the means provided by the most advanced medical techniques, even if these means are still at the experimental stage and are not without a certain risk".

(32) No one, before coming into existence, can claim a subjective right to begin to exist; nevertheless, it is legitimate to affirm the right of the child to have a fully human origin through conception in conformity with the personal nature of the human being. Life is a gift that must be bestowed in a manner worthy both of the subject receiving it and of the subjects transmitting it. This statement is to be borne in mind also for what will be explained concerning artificial human procreation.

(33) Cf. POPE JOHN PAUL II, *Discourse to those taking part in the 35th General Assembly of the World Medical Association*, 29 October 1983: AAS 76 (1984) 391.

- (34) Cf. Pastoral Constitution on the Church in the Modern world, *Gaudium et Spes*, 50.
- (35) Cf. POPE JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio*, 14: AAS 74 (1982) 96.
- (36) Cf. POPE PIUS XII, *Discourse to those taking part in the 4th International Congress of Catholic Doctors*, 29 September 1949: AAS 41 (1949) 559. According to the plan of the Creator, "A man leaves his father and his mother and cleaves to his wife, and they become one flesh" (*Gen 2:24*). The unity of marriage, bound to the order of creation, is a truth accessible to natural reason. The Church's Tradition and Magisterium frequently make reference to the Book of Genesis, both directly and through the passages of the New Testament that refer to it: *Mt 19: 4-6; Mk: 10:5-8; Eph 5: 31*. Cf. ATHENAGORAS, *Legatio pro christianis*, 33: PG 6, 965-967; ST CHRYSOSTOM, *In Mattheum homiliae*, LXII, 19, 1: PG 58 597; ST LEO THE GREAT, *Epist. ad Rusticum*, 4: PL 54, 1204; INNOCENT III, *Epist. Gaudemus in Domino*: DS 778; COUNCIL OF LYONS II, IV Session: DS 860; COUNCIL OF TRENT, XXIV, Session: DS 1798. 1802; POPE LEO XIII, *Encyclical Arcanum Divinae Sapientiae*: ASS 12 (1879/80) 388-391; POPE PIUS XI, *Encyclical Casti Connubii*: AAS 22 (1930) 546-547; SECOND VATICAN COUNCIL, *Gaudium et Spes*, 48; POPE JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio*, 19: AAS 74 (1982) 101-102; *Code of Canon Law*, Can.1056.
- (37) Cf. POPE PIUS XII, *Discourse to those taking part in the 4th International Congress of Catholic Doctors*, 29 September 1949: AAS 41 (1949) 560; *Discourse to those taking part in the Congress of the Italian Catholic Union of Midwives*, 29 October 1951: AAS 43 (1951) 850; *Code of Canon Law*, Can. 1134.
- (38) POPE PAUL VI, *Encyclical Letter Humanae Vitae*, 12: AAS 60 (1968) 488-489.
- (39) *Loc. cit., ibid.*, 489.
- (40) POPE PIUS XII, *Discourse to those taking part in the Second Naples World Congress on Fertility and Human Sterility*, 19 May 1956: AAS 48 (1956) 470.
- (41) *Code of Canon Law*, Can. 1061. According to this Canon, the conjugal act is that by which the marriage is consummated if the couple "have performed (it) between themselves in a human manner".
- (42) Cf. Pastoral Constitution *Gaudium et Spes*, 14.
- (43) Cf. POPE JOHN PAUL II, *General Audience on 16 January 1980: Insegnamenti di Giovanni Paolo II*, III, 1 (1980) 148-152.
- (44) POPE JOHN PAUL II, *Discourse to those taking part in the 35th General Assembly of the World Medical Association*, 29 October 1983: AAS 76 (1984) 393.
- (45) Cf. Pastoral Constitution *Gaudium et Spes*, 51.
- (46) Cf. Pastoral Constitution *Gaudium et Spes*, 50.
- (47) Cf. POPE PIUS XII, *Discourse to those taking part in the 4th International Congress of Catholic Doctors*, 29 September 1949: AAS 41 (1949) 560: "It would be erroneous ... to think that the possibility of resorting to this means (artificial fertilization) might render valid a marriage between persons unable to contract it because of the *impedimentum impotentiae*".
- (48) A similar question was dealt with by POPE PAUL VI, *Encyclical Humanae Vitae*, 14: AAS 60 (1968) 490-491.
- (49) Cf. *supra*: I, 1 ff.
- (50) POPE JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio*, 14: AAS 74 (1982) 96.
- (51) Cf. *Response of the Holy Office*, 17 March 1897: DS 3323; POPE PIUS XII, *Discourse to those taking part in the 4th International Congress of Catholic Doctors*, 29 September 1949: AAS 41 (1949) 560; *Discourse to the Italian Catholic Union of Midwives*, 29 October 1951: AAS 43 (1951) 850; *Discourse to those taking part in the Second Naples World Congress on Fertility and Human Sterility*, 19 May 1956: AAS 48 (1956) 471-473; *Discourse to those taking part in the 7th International Congress of the International Society of Haematology*, 12 September 1958: AAS 50 (1958) 733; POPE JOHN XXIII, *Encyclical Mater et Magistra*, III: AAS 53 (1961) 447.
- (52) POPE PIUS XII, *Discourse to the Italian Catholic Union of Midwives*, 29 October 1951: AAS 43 (1951) 850.
- (53) POPE PIUS XII, *Discourse to those taking part in the 4th International Congress of Catholic Doctors*, 29 September 1949: AAS 41 (1949) 560.
- (54) SACRED CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Declaration on Certain Questions Concerning Sexual ethics*, 9: AAS 68 (1976) 86, which quotes the Pastoral Constitution *Gaudium et Spes*, 51. Cf. *Decree of the Holy Office*, 2 August 1929: AAS 21 (1929) 490; POPE PIUS XII, *Discourse to those taking part in the 26th Congress of the Italian Society of Urology*, 8 October 1953: AAS 45 (1953) 678.
- (55) Cf. POPE JOHN XXIII, *Encyclical Mater et Magistra*, III: AAS 53 (1961) 447.
- (56) Cf. POPE PIUS XII, *Discourse to those taking part in the 4th International Congress of Catholic Doctors*, 29 September 1949: AAS 41 (1949) 560.
- (57) Cf. POPE PIUS XII, *Discourse to the taking part in the Second Naples World Congress on Fertility and Human Sterility*, 19 May 1956: AAS 48 (1956) 471-473.
- (58) Pastoral Constitution *Gaudium et Spes*, 50.
- (59) POPE JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio*, 14: AAS 74 (1982) 97.
- (60) Cf. *Declaration Dignitatis Humanae*, 7."

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

"I'd also like to cast a no vote with a few brief comments, please. This is the emergency contraceptive.

"I believe this is a taskforce to draft protocols to allow a pharmacist to give emergency contraceptives. Usually, right now, you need a doctor, an OB-GYN or a doctor to prescribe these emergency contraceptives. Basically, this taskforce is to try to get rid of any obstacles that this is running into right now. And the resolution has been amended so that it deletes any reference to abortion.

"It's very enlightening. The resolution is very well drafted. The first whereas paragraph says, that almost 50% of pregnancies, of conceptions and those children that are in the womb, are terminated by abortion. That is shocking. Our real problem is not access to emergency contraceptives. Our real problem is our view and our perspective as a society of family and of sex.

"This measure, later on in one of the whereas paragraph says, emergency contraceptives works in a number of ways and one of those ways is to alter the endometrium, that is the lining of the uterus. And what happens is that when a sperm meets an egg that little life is begun.

"Many people say that it is not a life until that egg that fertilized egg attaches to that uterus wall. Emergency contraceptives do not allow that fertilized egg to attach to the wall of the uterus. Thus, it is an abortifacient and to many people who find abortion reprehensible, this kind of measure, to allow those who are not doctors to prescribe this basically promotes this sort thing. So for those reasons, I personally have to vote no. Thank you."

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

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong opposition to House Concurrent Resolution number 194, House Draft 2 and House Resolution 137, House Draft 2 which relates to requesting that an advisory committee be formed to draft and implement a protocol to allow emergency contraception."

"Mr. Speaker, I oppose this resolution. We are giving new powers to pharmacists and this causes my concern.

"This resolution states that approximately 50 percent of all pregnancies are unplanned due to sexual assault, contraceptive failure, or a failure to use contraceptives. Within this figure, 50 percent of pregnancies are aborted. According to the Alan Guttmacher Institute, one in ten girls between the ages of 15 or 19 becomes pregnant. Eighty percent of these teen pregnancies are unplanned.

"Mr. Speaker, I challenge the definition of 'emergency' in this context. I believe the term 'emergency' is applicable in instances of rape or incest or to save the life of a mother. However, I don't believe that contraceptive failure or failure to use contraceptives in the first place altogether constitutes an emergency. This is a broader definition of emergency. I think the use of this word in this context is unwarranted.

"This resolution explicitly states that a protocol will be established which 'allows its pharmacists to dispense emergency contraception without a prescription to prevent delays.' We are giving pharmacists the power to decide whether these emergency contraceptives are necessary and the power to dispense these contraceptives in cases they deem necessary. These pharmacists are trained to fill prescriptions. They are not trained to decide what patients need. I understand that the program in the State of Washington trains their pharmacists to dispense emergency contraceptive pills. How can they possibly be trained to make such a delicate decision? However, by allowing this practice we are opening the doors to allow pharmacists to dispense other types of drugs and medicines without the prescription of a physician.

"I have never met a pharmacist in an emergency room. I always see doctors in emergency rooms. Giving pharmacists this new power is not necessary.

"While the method of disposal of emergency contraceptives is important, equally important is the message we send out to society, especially our young people. By allowing emergency contraceptives to be easily accessible to teenagers as young as 15, we are teaching them that irresponsibility is permissible. Mr. Speaker, our actions speak louder than our words to these young women. If we open the door by allowing them easy access to emergency contraceptives, then we negate all they have learned about family planning. We are not teaching them to be careful. We are not teaching them to become responsible for their actions. We are giving them an easy way out and we may be encouraging unsafe behavior. Use of conventional contraceptives — such as condoms — prevents spread of STDs. But these after-the-fact 'emergency contraceptives' do not prevent STDs.

"Mr. Speaker, I have an eight-year-old daughter. Currently, she cannot even take an aspirin without the consent of my wife or myself. Do you mean to tell me she will be able to receive emergency contraceptives without a doctor's prescription and without my wife's or my knowledge, yet she cannot even take

an un-prescribed aspirin for a headache without our consent? This situation is ludicrous and unacceptable.

"Mr. Speaker, I understand that this resolution only requests for an advisory committee to establish protocol. However, after reading the language of this resolution, I do not agree with the premise of this resolution.

"So for these reasons, Mr. Speaker, I oppose House Concurrent Resolution Number 194, House Draft 2 and House Resolution 137, House Draft 2."

Representative Auwae 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 Whalen rose in support of the measure with reservations and asked that the remarks of Representative Stonebraker be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Whalen continued, stating:

"Just with reservations. I appreciate the Vice Chair of the Judiciary Committee making those changes for me. But, my major concern at this point is still that the resolution is urging... I guess for brevity just insert the words of the speaker from Hawaii Kai as my own. Thank you."

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

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

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

Representative Lee continued, stating:

"Madame Speaker I'd like to speak briefly in favor of this resolution.

"I'd just like to say that I was just made aware of an article in the San Francisco Bay Guardian, which mentions the efforts that we're undertaking in Hawaii to help women have access to emergency contraception.

"I'd just like to read just a little bit from it because I think it tells what is being done in other places. Morning-after contraception has existed since the mid 1960s but there hasn't been access to it.

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....

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 pregnancies. 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 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 has ever used ECPs. Experts say that's because many women don't know about them – and that even when 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 [in California] allows pharmacists to give out ECPs 'behind the counter,' or without an individualized prescription. [However] 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.

"The use of ECPs has been approved by the American College of Obstetricians and Gynecologists. So far more than 650 pharmacist in the San Francisco area have completed training statewide. So I'd like to insert this article into the Journal because I think it is very informative. Thank you very much. I urge the members to support the resolution."

Representative Lee's submitted the following article from the *San Francisco Bay Guardian*:

"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."

San Francisco Bay Guardian
March 27, 2001

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

Representative Morita's written remarks are as follows:

"Chances are normal prescription requirements will slow down and delay action for an unfortunate incident when time is of the essence. To be effective, emergency contraception must be taken within seventy-two hours after intercourse. By preventing unintended pregnancies, emergency contraception can reduce the need for abortion, an emotional turmoil that no woman should ever be forced to face when there are other safe, options.

"Worldwide, a critical use for emergency contraceptive has been in cases of sexual assault. However, a study recently conducted in Washington State, during a period of time when almost 12,000 prescriptions were dispensed, found that 60% of the patients who sought emergency contraceptives did so due to contraceptive failure.

"Emergency contraception has been available for over twenty-five years. There is no evidence to suggest that knowledge of emergency contraception increase sexual activity among young people. Nor, according to a recent study in Scotland, allowing pharmacists to dispense this medication will not increase the chance of women utilizing emergency contraception instead of other forms of birth control. Although emergency contraceptives is much more effective than doing nothing, it only reduces the chance of pregnancy by about 70% as opposed to daily birth control pills or condoms whose effectiveness is in the high 90%. Further, I do not believe a woman would want to subject herself to an expensive, nausea causing contraceptive as a routine option for birth control.

"Good family planning services and options like emergency contraception can bridge the gap over abortion and women's reproductive rights. Preventing pregnancies is the first line of defense in avoiding an abortion. Emergency contraception should be readily available so that the decision of an abortion will never have to be contemplated by a woman fearing an unwanted pregnancy.

"Requesting the Board of Pharmacy to establish a protocol to dispense emergency contraceptives is a very critical step in the right direction. I ask my colleagues to support these important measures."

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 2, entitled: "HOUSE RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION," was adopted with Representatives Auwae, Leong, McDermott, Moses, Ontai, Pendleton, Rath, Stonebraker and Whalen voting no, and with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused;

and,

H.C.R. No. 194, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION," was adopted with Representatives Auwae, Leong, McDermott, Moses, Ontai, Pendleton, Rath, Stonebraker and Whalen voting no, and with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1339-02) recommending that H.R. No. 106, 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. 106, entitled: "HOUSE RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK'," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1340-02) recommending that H.C.R. No. 148, 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. 148, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK'," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1341-02) recommending that H.C.R. No. 106, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 106, be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am rising to speak in support of Standing Committee Report 1341, H.C.R. 106, the IDEA resolution but I have some concerns about it.

"I would like to just read a brief statement by Dr. John Roseman into the record. First, though I'd like to explain the HCR is urging the President of the United States and Congress to fully fund the Individuals with Disabilities Education Act. My concern is with the underlying IDEA itself, and I will quote from Doctor Rosemen.

For almost two decades, I have witnessed a dark, I'll be so bold as to term it, evil trend in psychology and psychiatry. I have watched as members of these two respective professions mass market two non-existent diseases, ADD and ADHD, to the American public.

The success of the propaganda effort have resulted in the victimization of millions of parents and children. Worse has been the elevation of amphetamines, or in street slang, speed, to legitimate status when used in the so-called treatment of children who have received this diagnosis. Worse still is the fact that many, if not most of these children's parents are actually convinced that the nature of the 'disease,' their children supposedly have necessitates the use of these dangerous drugs, often given in dosage levels that would satisfy a street addict.

"That is the end of the quote from Dr. Rosemen. He appears in our newspaper. I think either weekly or semi weekly.

"I have concerns in the funding and the definitions in the IDEA Act. I think that we need to get a better handle on this both from the federal end, as well as the State end, Madame Speaker. And when one of the nations renowned family practitioners makes these statements, I think we really ought to sit back and listen and think hard. We are going the wrong way with this, Madame Speaker. Thank you."

At 12:31 o'clock p.m., Representative Garcia requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

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

"Thank you, Madame Speaker.

"I am in strong support of this. And I am pleased that we are passing it. Hawaii is not alone in struggling with the cost of special education and since the Congress had in the beginning when they passed IDEA Act, they talked about paying some 40%, and the 15% that they pay is putting a terrific strain on State's budgets throughout the country. So, I am very pleased that we are passing this, 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. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO FULLY FUND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1342-02) recommending that H.C.R. No. 101, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 101, HD 1, be adopted, seconded by Representative Lee.

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker I rise in support of House Concurrent Resolution 101, House Draft 1. I believe that this resolution is important because it initiates action on the issue of gun safety education.

"As stated in the resolution, we are seeing our nation become one that is increasingly urbanized and with a prevalent illegal use of firearms. Yet the safety training for firearms is lacking.

"Clearly we need to take more action to continue preventing gun accident injuries. Some people have argued that strict gun control laws are the answer. However, as a strong supporter of the Bill of Rights and more particularly the Second Amendment to our United States Constitution, I believe that we need to guard the freedoms granted to us by our nation's founders.

"There is a reason why they put these words into our Founding Document. There is a reason why they saw it necessary to support this concept from the very start.

"Mr. Speaker, today we have people who think that banning guns is the way to go. They argue that guns kill. But in truth guns don't kill, people kill. And it is not the lawful and law-abiding sportsman or gun collector who is out killing people. It is the criminal and the drug dealer and the gang member. Crimes are committed for the most part with unregistered and illegally obtained firearms by criminals. We must keep guns

out of the hands of criminals, not out of the hands of law-abiding citizens.

"An analogy might be helpful at this point: cars kill. People drive them negligently. And some use them intentionally to hurt others. Police have been attacked as it were by fleeing criminals or suspects and nearly run over by an automobile. Many people get hurt in these car chases you all too often see on TV.

"But we would never ban automobiles to address this problem. Likewise, banning guns is no way to prevent criminals from having guns. It is no way to improve gun safety.

"Gun safety education is the answer to lack of gun safety education.

"Under the Second Amendment citizens are given the right to bear arms. For centuries guns have been a part of our world, our nation and our lives. I have no problem with hunters who want to use guns. There are people hurt by guns. But in a vast majority of the cases it is not by someone who has had gun safety training. It occurs when someone has not had enough training on the proper handling of a weapon or in instances of crime. This is why this resolution is so important.

"Some argue in favor of stricter gun laws rather than gun safety education. They quote statistics of a higher injury rates when victims of violent crimes possess guns. Their statistics while perhaps very interesting are also very misleading. Often the higher injury rate is because the would-be crime victim has successfully used his or her lawfully obtained firearm to ward off an attack or robbery.

"In a recent issue of the Hawaii Rifle Association newspaper, we read that the probability of injury from an attack is 2.5 times greater for women who offer no resistance than it is for women who resist with a gun. This data was gathered from the US Department of Justice. The same publication and same resource also states that attempted rape was only successful in 3 % of the cases where a woman was armed. Clearly we need to allow women the protection they can take from owning a gun. Yet we must also encourage proper training and education on the issue of gun safety.

"We need to educate the public on the danger of handling a gun improperly. Outside of the criminal arena, people are hurt from time to time because they have not had the proper gun safety training. Irresponsible parents leave a firearm around. This resolution seeks to change this. Until people are educated about guns, we will continue to see average citizens being hurt or killed by guns.

"But we cannot stop at simply educating adults. We must educate our children on the hazards of guns which are left laying around. Programs like the Eddie Eagle Gunsafe program conducted by the National Rifle Association are excellent tools for accomplishing this. If we educate our children they are more likely to become responsible adults when it comes to gun safety.

"The Eddie Eagle Gunsafe program is clearly a successful program. It has received numerous awards from other state legislatures, governors, the United States Senate, the National Safety Council, and the American Legion's National Committee on Education. It is a program that has been designed specifically for the understanding of children in elementary school.

"Mr. Speaker, this measure will save lives. This measure is about important education that can make the difference for a

youngster who encounters a firearm, whether it is at the park, a friend's house, or at home. They will learn from this program to get away from the firearm, not to touch it, and to notify a responsible adult immediately.

"It is for these reasons Mr. Speaker that I am in support of House Concurrent Resolution 101, House Draft 1."

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

Representative Ito rose in support of the measure and asked that his written 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 this resolution.

"Mr. Speaker, the number of unintentional injuries to children caused by firearms nationally has decreased dramatically over the last two decades primarily due to increased recognition of the need for gun safety educational programs.

"The purpose of this resolution to increase the safety of our own communities by recommending that Hawaii schools adopt firearm safety education programs such as the Eddie Eagle program of the Hawaii Rifle Association. This program has been shown to be an effective method of teaching firearms avoidance behavior to grade-school children, helping to prevent the horrible loss of life that can result from accidental and uninformed misuse of firearms. Mr. Speaker, Eddie Eagle is a structured, fundamental, nonjudgmental public safety program for elementary school children and community agencies and organizations.

"Specifically, Mr. Speaker, this resolution requests the Crime Prevention and Justice Assistance Division (CPJAD) of the Office of the Attorney General to convene a working group to evaluate and recommend measures to encourage the use of safety programs, such as the Eddie Eagle GunSafe Program. Furthermore, CPJAD is requested to examine innovative measures used in other jurisdictions to prevent and reduce firearms injuries to children. The working group is to include representatives from firearm dealers, organized firearm owner and hunting organizations, parent groups, emergency medical personnel, elementary school teachers, and law enforcement.

"Mr. Speaker, I would especially like to acknowledge the leadership of Mr. Artie Cooper of the Hawaii Rifle Association for his determination in seeing this resolution through, and for his commitment to the safety of the children of Hawai'i.

"Mr. Speaker, this resolution will help to make our communities safer, and to save lives.

"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. 101, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A WORKING GROUP TO BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE EAGLE PROGRAM FOR FIREARM SAFETY," was adopted with Representatives Hale, Morita and Thielen voting no, and with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1343-02) recommending that H.C.R. No. 37, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and H.C.R. No. 37, HD 1 be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I'd like to speak in strong support of Standing Committee Report 1343 and the accompanying H.C.R.

"First of all I'd like to re-enter into the Journal my thanks to Dr. Bill Harris who helped me craft the language for this resolution. Actually, Dr. Harris is one of the more vocal opponents of fluoridation of our public water supply system. Although we may differ on that, we both agree that when it comes to cavities and the oral health of our children, one of the biggest contributors is the kind of drinks and snacks that our kids are consuming. Not only in terms of oral health, but the physical health of our young people is starting to go downhill.

"We have a lot more kids who are fatter, not unlike our members who are 'svelte and physically fit.' Our kids are growing up more and more overweight, inactive, and unphysically fit. And I think most of you know our schools do not require physical education. So that only compounds the problems and although it is anecdotal, I hear that on a per capita basis the kids in Hawaii consume more soft drinks than any other state, maybe in any other place in the world. I know you folks aren't drinking anything like Pepsi or Coke or things like that. But you know, our kids do drink a lot of soda.

"It is a big industry. The problem is on our school campuses. It also brings a lot of extra dollars to some of their activities. So a lot of our principals and teachers are conflicted because they know that the kids shouldn't be drinking these types of soft drinks and the snacks. But they are also making money off these vending machines.

"So one of the things that I hope you will do when you return to the community during the interim, is check out your schools and see what kind of vending machines they have and what they are selling in their vending machines, and look how healthy they are. Think about the health of the children, the students who are attending the school. Not only for their physical health but their oral health. Talk to the principals and see if we can at least offer some alternatives.

"I know our food manager, Mr. Kaneshiro says he is really trying hard to provide more healthy menus and even healthy snacks to the students. But when you offer these other things that they would rather have the things in the vending machines and at Mc Donald's, and stuff like that. But we really need to be concerned, and I guess it is only the parents and the communities that can really have the kids change their eating

habits. So I want to encourage all my colleagues to support this measure and also support our children through healthy foods. Thank you."

Representative Lee rose in support of the measure and asked that the remarks of Representative Arakaki be entered in the journal as her own, and the Chair "so ordered." (By reference only.)

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

"In support, Madame Chair. I hope that we are going to be good examples and maybe put some fruit juices in our vending machines. Thank you."

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

"Thank you, Madame Speaker. I am in strong support and I just want to add to the comments of Representative Arakaki.

"If you notice, in these vending machines they're moving from cans to plastic bottles. And those plastic bottles are the 20-ounce bottles. So it is bad enough that they get sugar from the 12-ounce cans, but it is more than likely that they are going to finish drinking this 20-ounce bottle of soda pop or whatever. So the additional sugar from that 20-ounce bottle should be a big concern to all of us."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 37, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO INTRODUCE HEALTHFUL JUICES AND SNACKS ON HAWAII SCHOOL PREMISES," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Ito, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1344-02) recommending that H.R. No. 46, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1345-02) recommending that H.C.R. No. 77, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted and that H.R. No. 46, HD 1 and H.C.R. No. 77, HD 1 be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am in support of Standing Committee Report Nos. 1344 and 1345, and a few comments in support.

"Madame Speaker, we took a big step this week toward reform by voting out decentralization, which allows the communities to get more involved. We've been subject to criticism though, because there are lots of people that say that doesn't really solve the problem. That is correct. And I would like to encourage our colleagues toward the next step, maybe looking at its leadership, and these resolutions do just that. I know that sometimes we want to look bottom up, and we look at the teachers in the classrooms. What kind of conditions they are in? Are the teachers qualified? That is one way to possibly examine reform."

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

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

Representative Ontai continued, stating:

"My apologies Madame Speaker. It seems like there was a 'switcheroo' on me so I am speaking about the wrong thing. Sorry, it is the wrong title apparently on the measure."

At this time, Representative Schatz rose and addressed the members of the House, stating:

"Thank you, Madame Speaker. First, I want to extend my sincere apologies to the Representative Ontai, the member of the Education Committee. I thought I was being helpful in clarifying something, but I was actually wrong.

"The short version of it is that I believed that the content of one of the resolutions had been gutted completely and it didn't have anything to do with educational officers, which is of course what the Representative was discussing. I was wrong about that so I apologize. Thank you."

Representative Ontai continued, stating:

"Thank you, Madame Speaker. I will make it quick. I just wanted to make a couple of points. I think that motivation for this is that there are about 800 people identified as educational officers in the State of Hawaii, 540 of them are athletic directors, vice-principals and principals. And one of the points of this study was to try to discover what the others are doing, because we hear so much that we have to accept that we have a shortage of leaders, of principals and vice-principals, in the schools. So, we wish to discover how our schools are being managed. What we want to find out is the important thing in the next step to school reform. I think it's important that we look at our leadership structure.

"I guess, when I was interrupted, one way you are going to look at reform is from the bottom up. Look in the classrooms and at the teachers. Are they qualified? Do we have enough?

"Another way to look at it is what we are doing, which is from the top down. Because that is where we sit. That is our responsibility. So we should look at that and so far what we've done is the first step. We are decentralizing, trying to get the communities more involved.

The second step, I think, is to examine our leadership and among that this should be the first step. How we are employing them now? And what we hope to find out, Madame Speaker, is the study should suggest pretty clearly, hopefully, what are the next steps that we could do? Professional development, increased responsibility perhaps in compensation, maybe even looking at management prerogatives. Right now, one of the negotiated prerogatives is that a principal can refuse to be moved from their school, which leaves us with a pretty static situation in schools. It is very tough to move up. With that, this measure is an important second step in school reform, Madame Speaker. And I appreciate your indulgence."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 46, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A COMPREHENSIVE OCCUPATIONAL VALIDATION STUDY OF EDUCATIONAL OFFICERS AND DEVELOP A MARKET-BASED RECRUITMENT AND RETENTION

PLAN," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused;

and

H.C.R. No. 77, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A COMPREHENSIVE OCCUPATIONAL VALIDATION STUDY OF EDUCATIONAL OFFICERS AND DEVELOP A MARKET-BASED RECRUITMENT AND RETENTION PLAN," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1346-02) recommending that H.C.R. No. 108, 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. 108, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE PUBLIC UTILITIES COMMISSION," was adopted with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

At 12:43 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 12:43 o'clock p.m.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1347-02), recommending that H.R. No. 103, 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. 103, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY ON DNA TESTING OF CLASS A AND B FELONS TO ASSIST IN SOLVING CRIMES AND DETERRING CRIMINAL RECIDIVISM," was referred to the Committee on Finance with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1348-02), recommending that H.C.R. No. 145, 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. 145, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON DNA TESTING OF CLASS A AND B FELONS TO ASSIST IN SOLVING CRIMES AND DETERRING CRIMINAL RECIDIVISM," was referred to the Committee on Finance with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1349-02), recommending that S.C.R. No. 44, SD 1, as amended in HD 1, be referred to the Committee on Energy and Environmental Protection.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 44, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE." was referred to the Committee on Energy and Environmental Protection with Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Nakasone, Souki and Takamine being excused.

At 12:44 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 12:46 o'clock p.m.

ANNOUNCEMENTS

Representative Meyer: "Thank you, Madame Speaker. I just wanted to thank the Members of the House that found the time to come to our 'Smackdown the Vote Hawaii' press conference. It was spirited and very successful. I just wanted to pass on some kind of important information, which is not included in the packets that were delivered to your offices.

"We were pleased to have Kurt Angle call on a speaker phone from Pennsylvania and in a 'question and answer' period we found out that the WWF has actually extended the deadline for when students can sign up to be Ambassadors. This is a great opportunity for students in Hawaii because they can win a \$2,000 scholarship if their plan is judged to be one of the winners.

"We also found out that there are about 13 states that are participating right now and that we could indeed win more than one scholarship here in Hawaii. So I hope that you will get excited. Representative Hale was there and I know that she is rearing to go, as are Representatives Jaffe, Marumoto, and Leong. We were delighted to hear the words from Representative Schatz who is a Co chair. I think that those of us that were there see that this is an opportunity and exciting so I hope that, that will be conveyed to the rest of you."

Representative Arakaki: "Thank you, Madame Speaker. Members, if you look on your desks you will see a couple of ribbons that are left for you. These ribbons were given to you from Prevent Child Abuse Hawaii. This month of April is when we observe Prevent Child Abuse Hawaii. I think that some of you know that a few of us walked barefoot, giving up our shoes. And the shoes that we gave up, along with some others, were represented on the Capitol Rotunda. Some of the children who are abused, you know there are over 5,000 cases right now. And those are just the reported cases and

"I think all of you know by now the long-term damage that child abuse incurs both psychologically, physically, and sociologically. There is tremendous cost in terms of our foster care system, our courts, the CPS, and police. Not to mention costs in terms of those who end up in prison, in our institutions.

"I also want to point out that there is a banner on Beretania Street, which is a Prevent Child Abuse banner. It points out that one out of every five children is going to be abused while growing up. No matter how much money we spend on investigation, the most cost effective way of handling the

situation is prevention. Prevention is something that we as a community and as individuals have to participate in.

"So on behalf of the Chair of the Human Services and Housing Committee, the Chair of the Health Committee and our members, we'd like to say a prayer for all the children who do end up abused, and also a prayer that we can prevent child abuse whenever possible, by speaking up and by making sure that a child is not abused. Thank you."

HOUSE COMMUNICATION

House Communication dated April 12, 2002 from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the Speaker has this day appointed as Conferees for the consideration of amendments proposed by the Senate to the following House Bills:

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

Chair: Takamine
Members: Cabrerros, Espero, Kawakami, Magaoay, Nakasone, Saiki, Suzuki, Yonamine, Davis, Leong and Moses.

H.B. No. 2300, HD 2, SD 1:

Chair: Takamine
Members: Cabrerros, Espero, Hamakawa, Kawakami, Magaoay, Nakasone, Saiki, Suzuki, Yonamine, Davis, Djou, Leong and Moses.

ADJOURNMENT

At 12:54 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 Monday, April 15, 2002. (Representatives Ahu Isa, Case, Chang, Djou, Halford, Hiraki, Ito, Morita, Nakasone, Pendleton, Rath, Souki, Takamine and Yonamine were excused.)

FIFTIETH DAY

Monday, April 15, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:18 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Kevin Kuniyuki of the Wahiawa Hongwanji Mission, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Case, Hale, Ito, Meyer, Rath, Saiki, Stonebraker, Takai and Takamine who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 622 through 662) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 622, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 2102, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," and

S.B. No. 2234, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION."

Sen. Com. No. 623, transmitting S.C.R. No. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF AFGHAN WOMEN TO THE PROVISIONAL GOVERNMENT OF AFGHANISTAN TO ENSURE EQUITABLE TREATMENT OF WOMEN IN THE NEW GOVERNMENT," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 624, transmitting S.C.R. No. 3, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 625, transmitting S.C.R. No. 7, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE TANF REAUTHORIZATION ACT OF 2001," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 626, transmitting S.C.R. No. 16, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 627, transmitting S.C.R. No. 19, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 628, transmitting S.C.R. No. 35, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COLLABORATIVE EFFORTS AND THE PARTNERING INITIATIVES OF THE VETERANS' ADMINISTRATION (VA) STATE HOME CONSTRUCTION OFFICE IN WASHINGTON, D.C., THE HAWAII HEALTH SYSTEMS CORPORATION (HHSCR), THE HAWAII VA

MEDICAL AND REGIONAL OFFICE CENTER (VAMROC), AND THE HAWAII OFFICE OF VETERANS' SERVICES, TO ESTABLISH A STATE-OF-THE-ART VA STATE HOME FACILITY ON THE CAMPUS OF THE HILO MEDICAL CENTER WHICH WILL PROVIDE CRITICALLY NEEDED, HIGH QUALITY, ACCESSIBLE LONG-TERM CARE SERVICES TO VA BENEFICIARIES RESIDING IN EAST HAWAII COUNTY," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 629, transmitting S.C.R. No. 39, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 630, transmitting S.C.R. No. 48, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR NATUROPATHS, ACUPUNCTURISTS, AND CHIROPRACTORS," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 631, transmitting S.C.R. No. 53, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO DEVELOP LEGISLATION ESTABLISHING A CENTER FOR NURSING IN HAWAII," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 632, transmitting S.C.R. No. 58, SD 2, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT SENATE-HOUSE REVIEW COMMITTEE TO REVIEW PETROLEUM FUEL PRICE ISSUES," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 633, transmitting S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE PANEL TO DEVELOP A STANDARD PAYMENT RATE FOR MENTAL HEALTH SERVICES PROVIDED TO CHILDREN UNDER STATE CONTRACTS," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 634, transmitting S.C.R. No. 64, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF STATE PROGRAMS INVOLVED WITH OR PROVIDING LONG-TERM CARE SERVICES FOR HAWAII'S ELDERLY," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 635, transmitting S.C.R. No. 68, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 636, transmitting S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO ALLOCATE ADDITIONAL FUNDING FOR THE RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 637, transmitting S.C.R. No. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 638, transmitting S.C.R. No. 82, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY AND THE STATE ATTORNEY GENERAL TO CONDUCT AN INVESTIGATION OF THE MAUI FAMILY COURT SYSTEM," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 639, transmitting S.C.R. No. 85, SD 1, entitled: "SENATE 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," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 640, transmitting S.C.R. No. 95, entitled: "SENATE 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," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 641, transmitting S.C.R. No. 98, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A CONSIDERATION OF THE FEASIBILITY OF OPENING A PUBLIC UTILITIES COMMISSION DOCKET RELATING TO STANDBY CHARGES AND CUSTOMER RETENTION DISCOUNTS," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 642, transmitting S.C.R. No. 100, SD 1, entitled: "SENATE 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, AND REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE GUARDIAN AD LITEM FEES," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 643, transmitting S.C.R. No. 103, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 644, transmitting S.C.R. No. 107, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN TO ADVANCE THE CUTOFF DATE FOR KINDERGARTEN TO JUNE 30 BEGINNING WITH THE 2005-2006 SCHOOL YEAR," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 645, transmitting S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 646, transmitting S.C.R. No. 112, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A STATEWIDE ECONOMIC DEVELOPMENT TASK FORCE TO DEVELOP AND ADMINISTER AN ECONOMIC DEVELOPMENT PLAN FOR THE STATE," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 647, transmitting S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 648, transmitting S.C.R. No. 115, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DO AN ACTUARIAL ANALYSIS OF THE UTILIZATION AND RATE IMPACTS, IF ANY, OF REINSTATING NATUROPATHY AMONG THE PERSONAL INJURY PROTECTION BENEFITS IN MOTOR VEHICLE INSURANCE," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 649, transmitting S.C.R. No. 121, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE CURRENT POLICIES AND CRITERIA USED IN CONDUCTING SUNRISE REVIEWS PURSUANT TO CHAPTER 26H, HAWAII REVISED STATUTES," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 650, transmitting S.C.R. No. 127, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ADEQUATE FINANCIAL IMPACT ASSISTANCE FOR PROVIDING SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES WHO RESIDE IN THE STATE OF HAWAII," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 651, transmitting S.C.R. No. 132, SD 1, entitled: "SENATE 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," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 652, transmitting S.C.R. No. 134, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO CONVENE A TASK FORCE TO ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR TRANSITIONAL HOUSING AND SOCIAL WELFARE FACILITIES IN THE STATE," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 653, transmitting S.C.R. No. 136, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES AND DEVELOPMENT OF A MASTER PLAN FOR STATE PARKS," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 654, transmitting S.C.R. No. 137, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY AND UNIVERSITY OF HAWAII BOARD OF REGENTS TO ASSURE NO FURTHER DEVELOPMENT OR CONSTRUCTION ON THE SUMMIT

OF MAUNA KEA UNTIL APPROPRIATE ENVIRONMENTAL IMPACT STATEMENTS OR ENVIRONMENTAL ASSESSMENTS HAVE BEEN COMPLETED," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 655, transmitting S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF FEDERAL INITIATIVES ON THE ECONOMY OF THE STATE OF HAWAII," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 656, transmitting S.C.R. No. 142, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 657, transmitting S.C.R. No. 150, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS "KIDS VOTING HAWAII WEEK"," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 658, transmitting S.C.R. No. 151, SD 1, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 659, transmitting S.C.R. No. 157, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, HIGH TECHNOLOGY DEVELOPMENT CORPORATION, HAWAII TECHNOLOGY TRADE ASSOCIATION, AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO SET THE DIRECTION FOR THE HIGH TECHNOLOGY INDUSTRY," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 660, transmitting S.C.R. No. 169, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF THE POWER QUALITY TASK FORCE TO STUDY ISSUES RELATING TO RESPONSIBILITY OVER POWER QUALITY IN HAWAII," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 661, transmitting S.C.R. No. 176, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, DEPARTMENT OF EDUCATION, AND GOVERNOR'S SPECIAL ADVISOR FOR TECHNOLOGY DEVELOPMENT TO ENDORSE AND PROMOTE THE HAWAII CUBESAT PROJECT," which was adopted by the Senate on April 12, 2002.

Sen. Com. No. 662, transmitting S.C.R. No. 180, SD 1, entitled: "SENATE 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," which was adopted by the Senate on April 12, 2002.

INTRODUCTIONS

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

Representative Thielen introduced 75 students from Kailua Intermediate School with their teachers, Ms. Kathleen Miller, Ms. Karen Frayto-Hilderbrand, and Mr. Bob Hughes.

Representative Thielen also introduced the Souza Family from Boston.

Representative Ontai introduced a former student at Kamehameha Schools, Mr. Louis Kaneshiro, a recent graduate of MIT.

At this time, Representative Yoshinaga rose to a point of inquiry, stating:

"Has the House leadership received a letter from the Senate President or leadership, requesting consideration of S.B. 2961, SD 2."

The Chair responded, "Yes"

Representative Yoshinaga continued, stating:

"Yes? You are in receipt? The leadership is in receipt of said letter?"

The Chair responded, stating:

"Yes, the letter from President Bunda."

Representative Yoshinaga: "Last point of inquiry. Are you or the leadership considering a response with regard to said letter from the Senate President?"

Speaker Say: "At this point, the Chair does not see any warrant for a response to the Senate President."

Representative Yoshinaga: "So you just take no action?"

Speaker Say: "At this point, yes. I'll take no action."

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate concurrent resolutions were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
2	Committee on Judiciary and Hawaiian Affairs
3, SD 1	Committee on Human Services and Housing
7, SD 1	Committee on Human Services and Housing
16	Jointly to the Committee on Health and the Committee on Consumer Protection and Commerce, then to the Committee on Finance
19, SD 1	Committee on Finance
35, SD 1	Committee on Finance

39, SD 1	Committee on Labor and Public Employment, then to the Committee on Finance	132, SD 1	Committee on Education, then to the Committee on Finance
48, SD 1	Jointly to the Committee on Human Services and Housing and the Committee on Consumer Protection and Commerce, then to the Committee on Finance	134, SD 1	Committee on Human Services and Housing, then to the Committee on Finance
53, SD 1	Committee on Labor and Public Employment	136, SD 1	Committee on Water and Land Use, then to the Committee on Finance
58, SD 2	Committee on Consumer Protection and Commerce, then to the Committee on Finance	137, SD 1	Committee on Higher Education, then to the Committee on Water and Land Use
63	Committee on Health	141	Committee on Education, then to the Committee on Finance
64, SD 1	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance	142	Committee on Transportation
68, SD 1	Committee on Water and Land Use	150, SD 1	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
69	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance	151, SD 1	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
79, SD 1	Committee on Water and Land Use, then to the Committee on Legislative Management, then to the Committee on Finance	157, SD 1	Committee on Economic Development and Business Concerns
82, SD 1	Committee on Judiciary and Hawaiian Affairs	169, SD 1	Committee on Energy and Environmental Protection, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
85, SD 1	Committee on Water and Land Use	176, SD 1	Jointly to the Committee on Higher Education and the Committee on Education
95	Jointly to the Committee on Energy and Environmental Protection and the Committee on Water and Land Use	180, SD 1	Committee on Finance
98, SD 2	Committee on Consumer Protection and Commerce		
100, SD 1	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance		
103, SD 1	Committee on Finance		
107, SD 1	Committee on Education, then to the Committee on Finance		
109	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance		
112, SD 2	Committee on Economic Development and Business Concerns, then to the Committee on Finance		
113	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance		
115	Committee on Consumer Protection and Commerce, then to the Committee on Finance		
121	Committee on Legislative Management, then to the Committee on Finance		
127, SD 1	Committee on Finance		

COMMITTEE REASSIGNMENT

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

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

87 Committee on Public Safety and Military Affairs, then to the Committee on Finance

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the House to the amendments proposed by the Senate to the following House bills and the request for a conference on the respective subject matter thereof, the Speaker has this day appointed the following as Conferees on the part of the House:

<u>H.B. Nos.</u>	<u>Representatives</u>
536, SD 1	Kanoho/Nakasone, Co-Chairs; Bukoski
703, HD 1, SD 2	Hamakawa, Chair; B. Oshiro, Thielen
741, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Gomes

870, SD 1	Kanoho/Nakasone, Co-Chairs; Meyer	1858, HD 2, SD 2	Arakaki/Kahikina/Kawakami, Co-Chairs; Yonamine, Auwae, Leong
1011, HD 1, SD 1	Hamakawa, Chair; B. Oshiro, Gomes	1864, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Gomes
1012, SD 1	Suzuki/Hamakawa/Espero, Co-Chairs; Cabreros, Halford, Rath	1867, HD 1, SD 2	Kahikina/Arakaki/Kawakami, Co-Chairs; Yonamine, Leong, Rath
1357, HD 1, SD 2	Arakaki/Kawakami, Co-Chairs; Stonebraker	1878, HD 2, SD 1	Ito/Suzuki, Co-Chairs; Ontai
1684, HD 1, SD 2	Hiraki/Nakasone, Co-Chairs; Whalen	1901, HD 2, SD 1	Arakaki/B. Oshiro, Co-Chairs; Marumoto
1700, HD 1, SD 1	Hiraki, Chair; Chang, Whalen	1939, HD 2, SD 2	Kanoho/Abinsay/Nakasone, Co-Chairs; Hale, Davis, Gomes
1713, HD 1, SD 1	Hiraki, Chair; Chang, Meyer	1942, SD 1	Chang/Suzuki, Co-Chairs; Halford
1715, HD 1, SD 1	Hiraki, Chair; Chang, Meyer	1950, SD 2	Kahikina/Kawakami, Co-Chairs; Leong
1716, HD 1, SD 1	Hiraki, Chair; Chang, Meyer	1969, SD 1	Ito/Suzuki, Co-Chairs; Halford
1722, SD 1	Souki/Hiraki/Takamine, Co-Chairs; Espero, Pendleton, Rath	1976, SD 1	Abinsay/Cabreros, Co-Chairs; Gomes
1724, SD 1	Souki/Espero, Co-Chairs; Pendleton	1996, SD 1	Nakasone, Chair; Suzuki
1730, HD 1, SD 1	Souki/Ito/Espero, Co-Chairs; Garcia, Bukoski, Ontai	1999, SD 1	Hamakawa, Chair; B. Oshiro, Auwae
1731, HD 2, SD 1	Souki/Takumi/Espero, Co-Chairs; Garcia, Bukoski, Ontai	2002, SD 1	Kanoho/Nakasone, Co-Chairs; Djou
1749, HD 2, SD 1	Arakaki/Kahikina/Hamakawa, Co-Chairs; B. Oshiro, Auwae, Gomes	2006, HD 1, SD 1	Morita/B. Oshiro/Yonamine, Co-Chairs; Cabreros, Bukoski, Thielen
1751, HD 2, SD 1	Garcia/Nakasone, Co-Chairs; Pendleton	2018, HD 1, SD 2	Kanoho/Abinsay/Nakasone, Co-Chairs; Hale, Gomes, Moses
1758, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Auwae	2030, HD 1, SD 2	Souki/Hamakawa, Co-Chairs; Auwae
1761, HD 1, SD 2	Hiraki/Arakaki/Takamine, Co-Chairs; Saiki, Auwae, Whalen	2045, HD 1, SD 2	Morita/Yonamine, Co-Chairs; Bukoski
1777, HD 1, SD 1	Hiraki/Nakasone, Co-Chairs; Meyer	2065, HD 1, SD 1	Arakaki/Hiraki, Co-Chairs; Stonebraker
1778, HD 1, SD 1	Hiraki/Nakasone, Co-Chairs; Meyer	2072, HD 2, SD 1	Kahikina/Kawakami, Co-Chairs; Rath
1821, HD 2, SD 1	Suzuki/Yonamine, Co-Chairs; Halford	2120, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Thielen
1823, HD 1, SD 1	Nakasone, Chair; Suzuki, Davis	2132, HD 1, SD 2	Garcia/Nakasone, Co-Chairs; Moses
1842, HD 1, SD 2	Arakaki/Hiraki, Co-Chairs; Meyer	2163, SD 2	Ito/Saiki/Suzuki, Co-Chairs; Schatz, Halford, Ontai
1843, SD 1	Saiki/Nakasone, Co-Chairs; Davis	2164, HD 2, SD 2	Takumi/Saiki, Co-Chairs; Ontai
		2165, HD 1, SD 2	Ito/Saiki/Suzuki, Co-Chairs; Schatz, Davis, Ontai

2166, HD 1, SD 2	Ito/Takumi/Hamakawa/Suzuki, Co-Chairs; Davis, Ontai	2382, HD 1, SD 2	Garcia, Chair; Souki, Moses
2172, HD 1, SD 2	Abinsay/Takumi/Cabreros, Co-Chairs; Ito, Davis, Gomes	2387, HD 1, SD 1	Hamakawa, Chair; B. Oshiro, Thielen
2176, HD 1, SD 1	Abinsay/Cabreros, Co-Chairs; Gomes	2400, HD 1, SD 1	Hamakawa/Takamine, Co-Chairs; Auwae
2192, HD 1, SD 1	Chang/Suzuki, Co-Chairs; Marumoto	2413, HD 1, SD 1	Hiraki, Chair; Chang, Meyer
2195, SD 1	Chang/Saiki/Suzuki, Co-Chairs; Nakasone, Marumoto	2420, HD 1, SD 2	Nakasone, Chair; Suzuki, Davis
2207, HD 1, SD 2	Hiraki/B. Oshiro, Co-Chairs; Meyer	2426, HD 1, SD 1	Hamakawa, Chair; B. Oshiro, Thielen
2212, HD 1, SD 2	Morita/B. Oshiro/Yonamine, Co-Chairs; Cabreros, Auwae, Jaffe	2427, HD 1, SD 1	Hamakawa, Chair; B. Oshiro, Thielen
2216, HD 1, SD 1	Hiraki/Arakaki/Kawakami, Co-Chairs; Saiki, Moses, Rath	2428, HD 1, SD 2	Hamakawa, Chair; B. Oshiro, Auwae
2235, HD 2, SD 1	Takumi/Ito, Co-Chairs; Ontai	2433, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Thielen
2245, HD 1, SD 1	Hiraki/Yonamine, Co-Chairs; Marumoto	2438, HD 1, SD 1	Hamakawa/Hiraki, Co-Chairs; Gomes
2249, SD 2	Kanoho/Nakasone, Co-Chairs; Rath	2440, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Thielen
2251, HD 2, SD 2	Chang/Suzuki, Co-Chairs; Marumoto	2443, HD 2, SD 1	Kanoho/B. Oshiro, Co-Chairs; Meyer
2258, HD 2, SD 1	Arakaki/Hiraki, Co-Chairs; Stonebraker	2445, SD 2	Kahikina/Kawakami, Co-Chairs; Stonebraker
2271, SD 2	Abinsay/Cabreros, Co-Chairs; Moses	2449, HD 1, SD 2	Ahu Isa/Magaoay, Co-Chairs; Ontai
2276, HD 2, SD 1	Saiki/Nakasone, Co-Chairs; Rath	2451, SD 2	Chang/Suzuki, Co-Chairs; Marumoto
2301, HD 2, SD 2	Souki/Hamakawa, Co-Chairs; Pendleton	2453, SD 1	Ahu Isa/Magaoay, Co-Chairs; Moses
2302, HD 2, SD 1	Souki/Hamakawa, Co-Chairs; Moses	2454, SD 1	Ahu Isa/Magaoay, Co-Chairs; Moses
2304, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Thielen	2455, SD 1	Morita/Yonamine, Co-Chairs; Bukoski
2305, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Thielen	2459, SD 2	Takamine, Chair; Kawakami, Leong
2311, HD 2, SD 2	Hamakawa/Nakasone, Co-Chairs; Davis	2468, HD 1, SD 1	Hiraki/Yonamine, Co-Chairs; Moses
2315, HD 1, SD 1	Hamakawa, Chair; B. Oshiro, Thielen	2480, HD 1, SD 2	Ito/Suzuki, Co-Chairs; Bukoski
2349, HD 1, SD 1	Souki/Hamakawa, Co-Chairs; Rath	2485, SD 2	Hiraki/Takamine, Co-Chairs; Moses
2351, HD 1, SD 2	Hiraki, Chair; Chang, Jaffe	2495, SD 1	Kahikina/Kawakami, Co-Chairs; Stonebraker
2353, HD 2, SD 1	Ito/Suzuki, Co-Chairs; Ontai	2500, HD 1, SD 1	Saiki/Nakasone, Co-Chairs; Rath

2501, HD 1, SD 1	Takamine, Chair; Kawakami, Leong	2595, HD 1, SD 1	Chang/Abinsay/Suzuki, Co-Chairs; Cabreros, Halford
2506, HD 1, SD 1	Arakaki/Kawakami, Co-Chairs; Stonebraker	2618, HD 1, SD 2	Hiraki/Yonamine, Co-Chairs; Djou
2509, HD 1, SD 1	Souki/Hamakawa, Co-Chairs; Moses	2638, HD 2, SD 1	Arakaki/Kahikina/Kawakami, Co-Chairs; Yonamine, Auwae, McDermott
2512, SD 2	Arakaki/Kahikina/Kawakami, Co-Chairs; Yonamine, Djou, Leong	2642, HD 2, SD 1	Kahikina/Hiraki/Hamakawa, Co-Chairs; B. Oshiro, Marumoto, Whalen
2521, HD 2, SD 2	Arakaki/B. Oshiro/Kawakami, Co-Chairs; Kahikina, Stonebraker, Thielen	2655, HD 1, SD 1	Hiraki/B. Oshiro, Co-Chairs; Whalen
2525, HD 1, SD 2	Saiki/Nakasone, Co-Chairs; Leong	2720, HD 1, SD 1	Suzuki, Chair; Nakasone, Leong
2526, SD 1	Saiki/Hiraki/Nakasone, Co-Chairs; Cabreros, Leong, Pendleton	2723, HD 2, SD 1	Morita/B. Oshiro/Yonamine, Co-Chairs; Cabreros, Auwae, Djou
2527, SD 1	Saiki/Nakasone, Co-Chairs; Pendleton	2741, HD 2, SD 2	Arakaki/Kawakami, Co-Chairs; Leong
2536, SD 1	Kanoho/Nakasone, Co-Chairs; Bukoski	2744, HD 1, SD 2	Abinsay/Cabreros, Co-Chairs; Halford
2537, SD 1	Kanoho, Chair; Hale, Thielen	2751, HD 1, SD 2	Ito/Suzuki, Co-Chairs; Ontai
2542, HD 2, SD 2	Kanoho/Nakasone, Co-Chairs; Leong	2752, HD 1, SD 1	Takumi/Saiki, Co-Chairs; Ontai
2549, SD 1	Kanoho/Nakasone, Co-Chairs; Bukoski	2761, HD 1, SD 1	Arakaki/Kawakami, Co-Chairs; Moses
2552, HD 1, SD 1	Kanoho/Morita/Nakasone, Co-Chairs; Schatz, Meyer	2764, HD 1, SD 2	Kahikina/Kawakami, Co-Chairs; Davis
2553, SD 1	Kanoho/Nakasone, Co-Chairs; Leong	2788, SD 1	Takamine, Chair; Nakasone, Djou
2558, HD 1, SD 2	Takumi/Ito/Saiki, Co-Chairs; Espero, Ontai, Rath	2798, HD 1, SD 1	Takumi/Saiki, Co-Chairs; Ontai
2563, HD 1, SD 1	Garcia/Hamakawa/Takamine, Co-Chairs; Suzuki, Djou, Pendleton	2817, HD 1, SD 1	B. Oshiro, Chair; Hamakawa, Gomes
2565, HD 2, SD 1	Garcia/Hamakawa/Takamine, Co-Chairs; Suzuki, Djou, Pendleton	2821, HD 1, SD 2	Takamine, Chair; Kawakami, Djou
2568, HD 1, SD 1	Suzuki, Chair; Nakasone, Djou	2827, HD 1, SD 2	Takamine, Chair; Kawakami, Djou
2569, HD 1, SD 1	Suzuki, Chair; Nakasone, Djou	2832, HD 1, SD 2	Hiraki, Chair; Chang, Meyer
2570, HD 1, SD 1	Ahu Isa/Magaoay, Co-Chairs; Marumoto	2834, SD 2	Takumi/Arakaki/Kawakami, Co-Chairs; Saiki, Marumoto, Stonebraker
2571, SD 1	Ahu Isa/Magaoay, Co-Chairs; Leong	2840, SD 2	Saiki, Chair; Kawakami, Djou
2576, HD 1, SD 2	Ahu Isa/Magaoay, Co-Chairs; Marumoto	2843, SD 2	Hamakawa/Saiki, Co-Chairs; Marumoto
2577, HD 1, SD 1	Souki/Kanoho/Espero, Co-Chairs; Garcia, Bukoski, Djou	2844, HD 1, SD 2	Hamakawa, Chair; B. Oshiro, Marumoto
2582, HD 1, SD 1	Souki/Hamakawa, Co-Chairs; Pendleton		

2231, SD 1, HD 1	Kanoho/Hamakawa, Co-Chairs; Bukoski	2468, SD 1, HD 1	Hiraki, Chair; Chang, Bukoski
2234, SD 2, HD 2	Arakaki/Kahikina/Hamakawa/Saiki, Co-Chairs; Djou, Meyer	2476, SD 2, HD 2	Hamakawa/Takamine, Co-Chairs; Auwae
2242, SD 1, HD 1	Kanoho/Abinsay/Cabreros, Co-Chairs; Hale, Leong, Whalen	2477, SD 2, HD 2	Hamakawa/Takamine, Co-Chairs; Auwae
2246, SD 1, HD 1	Garcia/Espero, Co-Chairs; Rath	2488, SD 1, HD 2	Souki/Espero, Co-Chairs; Pendleton
2270, SD 2, HD 2	Ito/Suzuki, Co-Chairs; Ontai	2490, SD 2, HD 1	Abinsay/Hiraki, Co-Chairs; Meyer
2274, SD 1, HD 1	Yonamine, Chair; Cabreros, Leong	2498, SD 2, HD 1	Kahikina/Arakaki/Hiraki, Co-Chair; Chang, Auwae, Marumoto
2284, SD 2, HD 1	Ito/Suzuki, Co-Chairs; Halford	2500, SD 2, HD 1	Arakaki/Kawakami, Co-Chairs; Moses
2289, SD 1, HD 2	Hiraki, Chair; Chang, Meyer	2505, SD 1, HD 2	Morita/Hiraki/Magaoy, Co-Chairs; Schatz, Bukoski, Rath
2290, SD 1, HD 1	Hiraki, Chair; Chang, Whalen	2512, SD 2, HD 2	Ito/Saiki/Suzuki, Co-Chairs; Schatz, Bukoski, Ontai
2302, SD 2, HD 2	Arakaki/Takamine, Co-Chairs;	2526, SD 2, HD 1	Takamine, Chair; Kawakami, Djou
2306, SD 2, HD 2	Souki/Espero, Co-Chairs; Pendleton	2540, SD 2, HD 1	Ahu Isa/Magaoy, Co-Chairs; Davis
2309, SD 1, HD 2	Kanoho/Hamakawa, Co-Chairs; Espero, B. Oshiro, Bukoski, Marumoto	2568, SD 2, HD 1	Kahikina/Kawakami, Co-Chairs; Leong
2331, SD 2, HD 2	Chang/Suzuki, Co-Chairs; Marumoto	2613, SD 2, HD 1	Kanoho/Ahu Isa, Co-Chairs; Bukoski
2336, SD 1, HD 2	Souki/Hamakawa, Co-Chairs; Pendleton	2615, SD 2, HD 2	Morita/Takamine, Co-Chairs; Jaffe
2337, SD 2, HD 2	Souki/Hamakawa, Co-Chairs; Gomes	2628, SD 2, HD 2	Souki/Hamakawa, Co-Chairs; Pendleton
2350, SD 2, HD 2	Chang/Suzuki, Co-Chairs; Marumoto	2666, SD 2, HD 1	Abinsay/Cabreros, Co-Chairs; Gomes
2382, SD 2, HD 1	Chang/Suzuki, Co-Chairs; Moses	2667, HD 1	Kanoho/Nakasone, Co-Chairs; Djou
2383, SD 2, HD 2	Ahu Isa/Takamine, Co-Chairs; Espero, Magaoy, Davis, Leong	2669, HD 1	Morita/Yonamine, Co-Chairs; Bukoski
2416, SD 2, HD 2	Arakaki/Kawakami, Co-Chairs; Kahikina, Yonamine, Leong, McDermott	2680, HD 1	Ito/Suzuki, Co-Chairs; Ontai
2422, SD 2, HD 2	Souki/Espero, Co-Chairs; Pendleton	2682, SD 1, HD 2	Hamakawa/Takamine, Co-Chairs; Marumoto
2431, SD 2, HD 1	Hamakawa, Chair; B. Oshiro, Marumoto	2698, SD 2, HD 1	B. Oshiro, Chair; Hamakawa, Thielen
2432, SD 1, HD 1	Yonamine, Chair; Cabreros, Auwae	2701, SD 1, HD 1	Kanoho/B. Oshiro, Co-Chairs; Meyer
2438, SD 2, HD 1	Hamakawa/Espero, Co-Chairs; Thielen	2702, SD 2, HD 2	Kanoho/Nakasone, Co-Chairs; Moses
2457, SD 1, HD 1	Takumi/Magaoy, Co-Chairs; Halford	2708, SD 1, HD 1	Kahikina/Kawakami, Co-Chairs; Auwae

2709, SD 2, HD 2	Chang/Suzuki, Co-Chairs; Marumoto	2867, SD 1, HD 1	Kahikina/Kawakami, Co-Chairs; Stonebraker
2715, SD 1, HD 1	Saiki/Nakasone, Co-Chairs; Rath	2883, SD 1, HD 1	Hiraki/Nakasone, Co-Chairs; Whalen
2721, SD 1, HD 1	Arakaki/Kawakami, Co-Chairs; Stonebraker	2885, SD 2, HD 1	Hiraki/Nakasone, Co-Chairs; Whalen
2724, SD 2, HD 1	Hiraki/Nakasone, Co-Chairs; Meyer	2898, SD 2, HD 2	Morita/B. Oshiro, Co-Chairs; Bukoski
2732, SD 1, HD 1	Hiraki/B. Oshiro/Nakasone, Co-Chairs; Chang, Jaffe, Whalen	2900, HD 1	Morita/Kanoho/Magaoy, Co-Chairs; Hale, Bukoski, Thielen
2733, SD 2, HD 1	Hiraki/Nakasone, Co-Chairs; Meyer	2904, SD 1, HD 1	Arakaki/Espero, Co-Chairs; Auwae
2737, HD 1	Hamakawa/Hiraki/Magaoy, Co-Chairs; B. Oshiro, Davis, Thielen	2907, SD 2, HD 2	Ahu Isa/Takamine, Co-Chairs; Magaoy, Suzuki, Djou, Leong
2750, SD 1, HD 2	Hamakawa/Saiki, Co-Chairs; Rath	2926, SD 1, HD 2	Ito/Suzuki, Co-Chairs; Ontai
2757, SD 2, HD 2	Saiki/Nakasone, Co-Chairs; Moses	2931, SD 2, HD 2	Abinsay/Takamine, Co-Chairs; Gomes
2763, SD 2, HD 2	Arakaki/Kawakami, Co-Chairs; Stonebraker	2934, HD 2	Kanoho/Hamakawa, Co-Chairs; Jaffe
2772, HD 1	Arakaki, Chair; Kahikina, Stonebraker	2944, SD 1, HD 1	Arakaki/Kahikina/Kawakami, Co-Chairs; Yonamine, McDermott, Stonebraker
2774, SD 2, HD 2	Morita/Yonamine, Co-Chairs; Jaffe	2964, SD 2, HD 2	Saiki/Takumi/Espero, Co-Chairs; Rath
2775, HD 1	Nakasone, Chair; Saiki, Djou	2985, SD 2, HD 2	Arakaki/Kahikina/Takamine, Co-Chairs; Yonamine, Djou, Stonebraker
2782, SD 1, HD 1	Arakaki/Kawakami, Co-Chairs; Stonebraker	3011, SD 2, HD 2	Suzuki/Yonamine, Co-Chairs.; Halford
2784, SD 1, HD 1	Saiki/Nakasone, Co-Chairs; Pendleton	3018, SD 1, HD 1	Ito/Suzuki, Co-Chairs; Ontai
2786, SD 1, HD 1	Saiki, Chair; Nakasone, Djou	3021, SD 2, HD 1	Ahu Isa/Magaoy, Co-Chairs; Djou
2802, SD 2, HD 2	Kanoho/Morita/Magaoy, Co-Chairs; Jaffe	3028, SD 1, HD 2	Souki/Hiraki/Espero, Co-Chairs; Chang, Marumoto, Meyer
2804, HD 1	Kanoho/Nakasone, Co-Chairs; Meyer	3040, SD 2, HD 2	Hiraki/B. Oshiro, Co-Chairs; Whalen
2810, SD 2, HD 2	Kanoho/Morita/Nakasone, Co-Chairs; Schatz, Djou, Meyer	3041, SD 1, HD 1	Ito/Suzuki, Co-Chairs; Ontai
2816, SD 2, HD 1	Takumi/Ito/Saiki, Co-Chairs; Espero, Ontai, Rath	3048, SD 2, HD 1	Takamine, Chair; Nakasone, Moses
2817, SD 2, HD 1	Hamakawa/Magaoy, Co-Chairs; Davis	3049, SD 2, HD 2	Souki/Espero, Co-Chairs; Pendleton
2819, SD 2, HD 1	Garcia/Saiki/Espero, Co-Chairs; Pendleton	3053, SD 2, HD 1	Arakaki/Kawakami, Co-Chairs; Leong
2824, SD 2, HD 1	Takamine, Chair; Espero, Djou	3060, SD 1, HD 1	Souki/Espero, Co-Chairs; Djou
2831, SD 1, HD 1	Ahu Isa/Takamine, Co-Chairs; Marumoto	3063, SD 2, HD 2	Morita/Saiki, Co-Chairs; Thielen

ANNOUNCEMENTS

Representative Souki for the Committee on Transportation requested waiver of the 48-hour notice for SCR 142 and SCR 143 to be heard at 9 a.m. on Wednesday, with decision making to follow, and the Chair "so ordered"

At 12:26 o'clock p.m., Representative Kahikina requested a recess and the Chair declared a recess subject to the call of the Chair.

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

Representative Kahikina for the Committee on Human Services and Housing, requested a waiver of the 48-hour notice for the purpose of hearing the SCR 3, SCR 7 and SCR 134, Wednesday morning at 9:30 a.m. with decision making to follow, and the Chair "so ordered."

Representative Garcia: "On behalf of the Speaker and Leadership, I would like to reiterate the invitation to all members for the last of series of your New Aloha Economy Days, scheduled for tomorrow morning. Members should have received a printed as well as an email invitation. While the invitation says a display of the electric vehicles in the Capitol rotunda, it will not be static. But the vehicles will be driven by the students and the members will be able to try their hand in taking the wheel.

"I will list the schools attending tomorrow, just so that if you can support the students from your district. Castle High School, Hawaii Baptist Academy, Iolani School, Kahuku High School, Kalani High School, Kapolei High School, Maryknoll High School, Mid-Pacific Institute, Mililani High School, Scared Hearts Academy and St. Andrew's Priory. The members are encouraged, if the schools I just cited are in your districts, because you will be extended an invitation in trying your hand and taking a spin around the Capitol. Thank you very much."

Representative Luke: "Mr. Speaker, it is with great sadness that I inform the members of this House of the death of Representative Ito's mother. If we could have a moment of silence after we adjourn."

At this time the House of Representatives stood for a moment of silence in memory of Mrs. Betsy Ito, mother of Representative Ken Ito.

HOUSE COMMUNICATIONS

Dated April 15, 2002, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. No. 2552, Added Representative Djou as a member.
HD 1, SD 1

S.B. No. 2139, Discharged Representative Arakaki as first Co-Chair.
SD 1, HD 1
Added Representative Kahikina as first Co-Chair.

S.B. No. 2500, Discharged Representative Arakaki as first Co-Chair.
SD 2, HD 1
Added Representative Kahikina as first Co-Chair.

Dated April 15, 2002, informing the Senate that the House has made the following changes to the conferees on the following measures:

S.B. No. 2026, Added Representative McDermott as a member.
SD 1, HD 1

S.B. No. 2802, Added Representative Meyer as a member.
SD 2, HD 2

Dated April 15, 2002, to reiterate to the Senate that the Speaker has appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bill:

H.B. 1800, Takamine, Chr.;
HD 1, SD 1 Cabrerros, Espero, Kawakami, Magaoay, Nakasone, Saiki, Suzuki, Yonamine, Davis, Leong, Moses

ADJOURNMENT

At 12:35 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, April 17, 2002. (Representatives Ahu Isa, Case, Hale, Meyer, Rath, Saiki, Stonebraker, Takai and Takamine were excused.)

FIFTY-FIRST DAY

Wednesday, April 17, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:17 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Caron Ling, Legislative Aide to Representative Takumi, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Case and Ontai who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 228 and 230) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 228, informing the House that the following bill was signed into law:

S.B. No. 2725, RELATING TO NATUROPAHTY (ACT 014)

Gov. Msg. No. 229, informing the House that the following bills were signed into law:

H.B. No. 1542, HD 1, RELATING TO VOTER REGISTRATION (ACT 015)

H.B. No. 2613, RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS (ACT 016)

S.B. No. 2341, SD 1, RELATING TO CONDOMINIUM PROPERTY REGIMES (ACT 017)

S.B. No. 2518, SD 1, RELATING TO MEASUREMENT STANDARDS (ACT 018)

S.B. No. 2692, RELATING TO MEDICAL SUPPORT FOR CHILDREN (ACT 019)

S.B. No. 2727 SD 1 RELATING TO UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT (ACT 020)

S.B. No. 2728, SD 1, RELATING TO ESCROW DEPOSITORIES (ACT 021)

S.B. No. 2734, SD 1, RELATING TO COMMERCIAL EMPLOYMENT AGENCIES (ACT 022)

Gov. Msg. No. 230, transmitting the Report of the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Months of January and February 2002.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 663 through 665) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 663, dated April 15, 2002, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:

<u>S.B. Nos.</u>	<u>Representatives</u>
23, SD2, HD2	Nakata, Chair; Kim/Taniguchi, Co-Chairs; Kawamoto, Hogue
99, HD1	Kanno, Chair; Kim/Nakata, Co-Chairs; Chumbley, Slom
233, SD2, HD2	Menor, Chair; Kanno/Matsuura, Co-Chairs; Kim, Slom
251, SD2, HD1	Menor, Chair; Matsuura, Co-Chair; Fukunaga, Hogue
331, SD2, HD2	Menor, Chair; Kanno, Co-Chair; Kim, Slom
484, SD1, HD2	Tam/Inouye/Taniguchi, Co-Chairs; Ihara, Slom
594, SD1, HD2	Matsuura, Chair; Hanabusa/Kawamoto, Co-Chairs; Fukunaga, Hogue
706, SD1, HD1	Taniguchi, Chair; Kawamoto, Co-Chair; Chun Oakland, Ige, Inouye, Kim, Hemmings
720, SD2, HD2	Kim, Chair; Kanno/Matsuura, Co-Chairs; Slom
859, SD1, HD2	Kanno, Chair; Fukunaga, Ihara, Slom
940, HD2	Menor, Chair; Kanno, Co-Chair; Hogue
941, SD2, HD1	Nakata/Menor/Taniguchi, Co-Chairs; Chumbley, Ihara, Slom
996, HD1	Kanno, Chair; Matsuura, Slom
997, HD1	Kanno, Chair; Matsuura, Slom
1320, SD2, HD1	Menor, Chair; Kanno, Co-Chair; Kawamoto, Hogue
1575, SD2, HD2	Kawamoto, Chair; Fukunaga
2005, SD1, HD1	Inouye, Chair; Menor, Co-Chair; Chun Oakland, Kim, Hemmings
2007, SD2, HD2	Inouye, Chair; Buen/Kim, Co-Chairs; Chun Oakland, Hemmings
2026, SD1, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Chun Oakland, Hogue

2036, SD1, HD2	Sakamoto, Chair; Taniguchi, Co-Chair; Chumbley, Ige, Matsunaga, Hogue	2179, SD2, HD1	Menor, Chair; Inouye/Kawamoto/Taniguchi, Co-Chairs; Hemmings
2043, SD1, HD1	Chun, Chair; Hanabusa/Kanno, Co-Chairs; Chun Oakland, English, Taniguchi, Slom	2184, SD1, HD1	Buen, Chair; Hanabusa, Co-Chair; Taniguchi, Hogue
2046, SD1, HD1	Kanno, Chair; Ihara, Slom	2227, SD1, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Fukunaga, Hogue
2052, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Fukunaga, Ige, Hogue	2228, SD1, HD2	Buen, Chair; Hanabusa/Tam, Co-Chairs; Inouye, Slom
2067, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Chun Oakland, Hanabusa, Ige	2231, SD1, HD1	Chun, Chair; Kanno/Kawamoto, Co-Chairs; Kokubun, Hemmings
2068, SD2, HD2	Sakamoto, Chair; Kawamoto/Taniguchi, Co-Chairs; Fukunaga, Matsunaga, Hogue	2234, SD2, HD2	Matsuura, Chair; Kanno/Taniguchi, Co-Chairs; Hogue
2069, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Chumbley, Chun Oakland, Hanabusa, Hogue	2242, SD1, HD1	Buen, Chair; Inouye/Taniguchi, Co-Chairs; Hemmings
2075, SD2, HD1	Menor, Chair; Matsuura, Co-Chair; Kim, Hogue	2246, SD1, HD1	Kawamoto, Chair; Taniguchi, Co-Chair; Fukunaga, Hemmings
2078, SD1, HD1	Nakata, Chair; Kawamoto/Taniguchi, Co-Chairs; Kanno, Slom	2270, SD2, HD2	Sakamoto, Chair; Taniguchi, Co-Chair; Chumbley, Fukunaga, Matsunaga, Hogue
2093, SD1, HD1	Menor, Chair; Kanno/Matsuura, Co-Chairs; Hogue	2274, SD1, HD1	Matsuura, Chair; Hanabusa, Co-Chair; English, Taniguchi, Hogue
2097, SD2, HD2	Sakamoto, Chair; Hanabusa/Kawamoto, Co-Chairs; Chumbley, Matsunaga, Hogue	2284, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Ige, Kawamoto, Hogue
2102, SD1, HD2 (Con. Am.)	Sakamoto, Chair; Kanno/Kawamoto/Taniguchi, Co-Chairs; Chumbley, Matsunaga, Hogue	2289, SD1, HD2	Tam, Chair; Menor, Co-Chair; Kim, Slom
2106, SD2, HD1	Menor, Chair; Matsuura, Co-Chair; Hogue	2290, SD1, HD1	Matsuura, Chair; Menor, Co-Chair; Hogue
2111, HD1	Nakata, Chair; Taniguchi, Co-Chair; Chumbley, Ihara, Slom	2302, SD2, HD2	Menor, Chair; Matsuura/Taniguchi, Co-Chairs; Fukunaga, Kim
2118, SD1, HD1	Nakata/Kanno, Co-Chairs; Kawamoto	2306, SD2, HD2	Kawamoto, Chair; Taniguchi, Co-Chair; Fukunaga, Inouye, Kim, Hemmings
2121, SD1, HD2	Buen, Chair; Hanabusa, Co-Chair; Kawamoto, Taniguchi, Hogue	2309, SD1, HD2	Kawamoto, Chair; Kanno/Tam, Co-Chairs; Fukunaga
2127, HD1	Nakata, Chair; Taniguchi, Co-Chair; Ihara, Kawamoto	2331, SD2, HD2	Kawamoto, Chair; Taniguchi, Co-Chair; Fukunaga, Hanabusa, Hemmings
2132, SD1, HD2	Buen, Chair; Taniguchi, Co-Chair; Inouye, Hogue	2337, SD2, HD2	Kawamoto, Chair; Kanno, Co-Chair; Fukunaga, Hemmings
2136, SD1, HD2	Buen, Chair; Hanabusa, Co-Chair; Inouye, Kawamoto, Taniguchi, Hogue	2350, SD2, HD2	Kim, Chair; Taniguchi, Co-Chair; Inouye, Sakamoto, Slom
2139, SD1, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Chun Oakland, Matsunaga, Sakamoto, Hogue	2382, SD2, HD1	Kawamoto, Chair; Taniguchi, Co-Chair; Tam, Hemmings
2149, SD1, HD1	Matsuura, Chair; Kanno, Co-Chair; Hogue	2383, SD2, HD2	Tam, Chair; Taniguchi, Co-Chair; Kim, Sakamoto, Slom
		2416, SD2, HD2	Matsuura, Chair; Taniguchi, Co-Chair; Chun Oakland, Fukunaga

2422, SD2, HD2	Kawamoto, Chair; Fukunaga/Kanno/Kim, Co-Chairs; Hemmings	2628, SD2, HD2	Kawamoto, Chair; Fukunaga/Kanno/Kim, Co-Chairs; Hemmings
2431, SD2, HD1	Kawamoto, Chair; Kanno/Kim/Taniguchi, Co-Chairs; Ihara, Slom	2666, SD2, HD1	Buen, Chair; Hanabusa, Co-Chair; Menor, Taniguchi, Hogue
2432, SD1, HD1	Matsuura, Chair; Hanabusa, Co-Chair; Taniguchi, Hogue	2667, HD1	Inouye, Chair; Taniguchi, Co-Chair; Chun Oakland, Kokubun, Hemmings
2438, SD2, HD1	Matsuura, Chair; Hanabusa/Kanno/Nakata, Co-Chairs; Chumbley, Ihara, Taniguchi	2669, HD1	Inouye, Chair; Taniguchi, Co-Chair; Matsunaga, Hemmings
2457, SD1, HD1	Matsuura, Chair; Hanabusa/Sakamoto, Co- Chairs; Fukunaga, Hogue	2680, HD1	Sakamoto, Chair; Kawamoto/Taniguchi, Co-Chairs; Chumbley, Hogue
2468, SD1, HD1	Menor, Chair; Kawamoto, Kim, Hogue	2682, SD1, HD2	Hanabusa, Chair; Chun Oakland, Ige
2476, SD2, HD2	Chun, Chair; Hanabusa, Co-Chair; Chun Oakland, Kokubun, Taniguchi, Hemmings	2698, SD2, HD1	Matsuura, Chair; Kanno, Co-Chair; Slom
2477, SD2, HD2	Chun, Chair; Taniguchi, Co-Chair; Chun Oakland, Ige, Hemmings	2701, SD1, HD1	Menor, Chair; Chumbley, Hogue
2478, HD1	Chun, Chair; Taniguchi, Co-Chair; Chun Oakland, Ige, Hemmings	2702, SD2, HD2	Kawamoto, Chair; Tam/Taniguchi, Co-Chairs; Fukunaga, Hemmings
2488, SD1, HD2	Kawamoto, Chair; Taniguchi, Co-Chair; Hanabusa, Hemmings	2708, SD1, HD1	Menor, Chair; Tam, Hogue
2490, SD2, HD1	Buen, Chair; Menor, Co-Chair; Inouye, Hogue	2709, SD2, HD2	Kim, Chair; Taniguchi, Co-Chair; Buen, Sakamoto, Hemmings
2498, SD2, HD1	Matsuura, Chair; Nakata, Co-Chair; Fukunaga, Kim, Hogue	2721, SD1, HD1	Menor, Chair; Matsuura, Co-Chair; Hogue
2500, SD2, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Chun Oakland, Hogue	2732, SD1, HD1	Menor, Chair; Kanno, Co-Chair; Hogue
2505, SD1, HD2	Inouye, Chair; Menor, Co-Chair; Chun Oakland, Hemmings	2733, SD2, HD1	Menor, Chair; Kanno, Co-Chair; Hogue
2512, SD2, HD2	Sakamoto, Chair; Nakata/Taniguchi, Co-Chairs; Ige, Hogue	2737, HD1	Kawamoto, Chair; Taniguchi, Co-Chair; Kim, Hemmings
2526, SD2, HD1	Kawamoto, Chair; Kanno/Taniguchi, Co-Chairs; Fukunaga, Slom	2750, SD1, HD2	Chun, Chair; Hanabusa, Co-Chair; Chun Oakland, Taniguchi, Hemmings
2540, SD2, HD1	Tam, Chair; Taniguchi, Co-Chair; Hanabusa, Kim, Slom	2757, SD2, HD2	Nakata, Chair; Taniguchi, Co-Chair; Fukunaga, Ihara, Hemmings
2568, SD2, HD1	Matsuura, Chair; Hanabusa/Taniguchi, Co-Chairs; Fukunaga, Kim, Hogue	2763, SD2, HD2	Matsuura, Chair; Hanabusa, Co-Chair; Fukunaga, Taniguchi, Hemmings
2613, SD2, HD1	Tam, Chair; Inouye/Kanno, Co-Chairs; Ihara, Slom	2772, HD1	Menor, Chair; Matsuura, Co-Chair; Hogue
2615, SD2, HD2	Inouye, Chair; Menor/Taniguchi, Co-Chairs; English, Ihara, Hemmings	2774, SD2, HD2	Inouye, Chair; Taniguchi, Co-Chair; Chun Oakland, English, Hemmings
		2775, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Chun Oakland, Fukunaga, Ige
		2782, SD1, HD1	Matsuura, Chair; Hanabusa, Co-Chair; Fukunaga, Ige, Taniguchi
		2786, SD1, HD1	Nakata, Chair; Hanabusa, Co-Chair; Chumbley, Ihara, Taniguchi, Slom

2802, SD2, HD2	Inouye, Chair; Menor/Taniguchi, Co-Chairs; Chun Oakland, Matsunaga, Hemmings	3018, SD1, HD1	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Ige, Matsunaga, Hogue
2804, HD1	Inouye, Chair; Taniguchi, Co-Chair; Chun Oakland, Ihara, Hemmings	3021, SD2, HD1	Kim, Chair; Tam/Taniguchi, Co-Chairs; Ige, Slom
2810, SD2, HD2	Inouye/Kanno, Co-Chairs; English, Kawamoto, Kokubun, Hemmings	3028, SD1, HD2	Kawamoto, Chair; Menor/Taniguchi, Co-Chairs; Matsunaga, Hogue
2816, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Chun Oakland, Hanabusa, Ige, Matsunaga, Hogue	3040, SD2, HD2	Menor, Chair; Kanno, Co-Chair; Hogue
2819, SD2, HD1	Kanno, Chair; Hanabusa/Taniguchi, Co-Chairs; Fukunaga, Ihara, Slom	3041, SD1, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Chumbley, Hanabusa, Ige, Hogue
2824, SD2, HD1	Taniguchi, Chair; Chun Oakland, Hanabusa, Ige, Slom	3047, SD1, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Kawamoto, Hogue
2831, SD1, HD1	Taniguchi, Chair; Kawamoto, Kim, Sakamoto, Slom	3048, SD2, HD1	Taniguchi, Chair; Kawamoto, Co-Chair; Kim, Sakamoto, Hemmings
2867, SD1, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Chun Oakland, Hogue	3053, SD2, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Fukunaga, Ige, Hogue
2883, SD1, HD1	Kawamoto, Chair; Menor/Taniguchi, Co-Chairs; Hemmings	Sen. Com. No. 664, transmitting S.C.R. No. 182, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RETURN SENATE BILL NO. 748 TO THE SENATE TO RECONSIDER ACTION TAKEN," which was adopted by the Senate on April 15, 2002.	
2885, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Kim, Hogue	Sen. Com. No. 665, dated April 15, 2002, informing the House that the President has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:	
2898, SD2, HD2	Inouye/Chun/Kanno, Co-Chairs; English, Ihara, Kokubun, Hemmings		
2900, HD1	Nakata, Chair; Hanabusa/Inouye, Co-Chairs; Chumbley, English, Ihara, Taniguchi, Slom	<u>H.B. Nos.</u>	<u>Representatives</u>
2904, SD1, HD1	Kim, Chair; Matsuura/Taniguchi, Co-Chairs; Hanabusa, Hemmings	536, SD1	Kim, Chair; Inouye, Taniguchi, Co-Chair(s); Kawamoto, Slom.
2907, SD2, HD2	Kim, Chair; Kawamoto/Taniguchi, Co-Chairs; Hanabusa, Sakamoto, Slom	703, HD1, SD2	Matsuura, Chair; Kanno, Co-Chair(s); Hogue.
2926, SD1, HD2	Sakamoto, Chair; Taniguchi, Co-Chair; Matsunaga, Hogue	741, HD1, SD1	Kawamoto, Nakata, Chair(s); Kanno, Co-Chair(s); Fukunaga, Hemmings.
2931, SD2, HD2	Buen, Chair; Taniguchi, Co-Chair; Chun, Hanabusa, Kokubun, Hogue	870, SD1	Inouye, Chair; Hanabusa, Co-Chair(s); Chun Oakland, Sakamoto.
2934, HD2	Matsuura, Chair; Kim, Co-Chair; Fukunaga, Hogue	1011, HD1, SD1	Matsuura, Chair; Kanno, Co-Chair(s); Slom.
2944, SD1, HD1	Matsuura, Chair; Taniguchi, Co-Chair; Fukunaga, Hogue	1012, SD1	Kanno, Chair; Ihara.
2964, SD2, HD2	Matsuura, Chair; Hanabusa, Co-Chair; Fukunaga, Sakamoto, Hogue	1357, HD1, SD2	Matsuura, Chair; Hanabusa, Co-Chair(s); Chun Oakland, Fukunaga, Hogue.
2985, SD2, HD2	Matsuura, Chair; Hanabusa, Co-Chair; Fukunaga, Ige, Hogue	1684, HD1, SD2	Menor, Chair; Taniguchi, Co-Chair(s); Kim, Slom.
3011, SD2, HD2	Taniguchi, Chair; Ige, Kim, Sakamoto, Slom	1700, HD1, SD1	Menor, Chair; Chumbley, Slom.
		1713, HD1, SD1	Menor, Chair; Kim, Slom.

1715, HD1, SD1	Menor, Chair; Kim, Hogue.	1942, SD1	Sakamoto, Chair; Taniguchi, Co-Chair(s); Chumbley, Hanabusa, Inouye, Kawamoto, Kim, Menor.
1716, HD1, SD1	Menor, Chair; Kanno, Co-Chair(s); Hogue.	1950, SD2	Matsuura, Chair; Menor, Taniguchi, Co-Chair(s); Buen, Fukunaga, Ige, Kim, Hemmings.
1722, SD1	Kawamoto, Chair; Menor, Taniguchi, Co-Chair(s); Fukunaga, Kim, Sakamoto, Hemmings.	1969, SD1	Sakamoto, Chair; Kanno, Taniguchi, Co-Chair(s); Chumbley.
1724, SD1	Kawamoto, Chair; Taniguchi, Co-Chair(s); Fukunaga, Hanabusa, Inouye, Slom.	1970, SD1	Kawamoto, Chair; Fukunaga, Hemmings.
1730, HD1, SD1	Kawamoto, Chair; Taniguchi, Co-Chair(s); Hanabusa, Ige, Sakamoto.	1976, SD1	Buen, Chair; Sakamoto, Taniguchi, Co-Chair(s); Inouye, Hogue.
1731, HD2, SD1	Kawamoto, Chair; Taniguchi, Co-Chair(s); Fukunaga, Matsunaga, Sakamoto, Hemmings.	1996, SD1	Hanabusa, Chair; Taniguchi, Slom.
1746, HD1, SD1	Kawamoto, Chair; Kanno, Co-Chair(s); Hogue.	1999, SD1	Kanno, Chair; Kokubun, Hemmings.
1749, HD2, SD1	Matsuura, Chair; Kanno, Co-Chair(s); Hemmings.	2002, SD1	Inouye, Chair; Hanabusa, Kim, Co-Chair(s); Chun Oakland, Hemmings.
1751, HD2, SD1	Matsuura, Chair; Kanno, Taniguchi, Co-Chair(s); Hanabusa, Ihara, Slom.	2006, HD1, SD1	Kawamoto, Chair; Fukunaga, Inouye, Kanno, Co-Chair(s); Hemmings.
1758, HD1, SD1	Kanno, Chair; English, Fukunaga, Slom.	2009, HD1, SD1	Buen, Chair; Kokubun, Hogue.
1768, HD1, SD1	Kawamoto, Chair; Kim, Co-Chair(s); Fukunaga, Hemmings.	2018, HD1, SD2	Buen, Chair; Inouye, Co-Chair(s); Ihara, Taniguchi, Hogue.
1778, HD1, SD1	Menor, Chair; Kanno, Co-Chair(s); Tam, Slom.	2030, HD1, SD2	Kawamoto, Chair; Menor, Co-Chair(s); Hogue.
1800, HD1, SD1	Taniguchi, Chair; Buen, Chun, Chun Oakland, English, Hanabusa, Ige, Inouye, Kawamoto, Kim, Kokubun, Sakamoto, Tam, Hemmings.	2045, HD1, SD2	Kim, Chair; Taniguchi, Co-Chair(s); Chun, English, Inouye, Slom.
1821, HD2, SD1	Taniguchi, Chair; Hanabusa, Kim, Slom.	2056, HD2, SD2	Matsuura, Chair; Menor, Co-Chair(s); Kim, Nakata, Hogue.
1842, HD1, SD2	Matsuura, Chair; Menor, Co-Chair(s); English.	2065, HD1, SD1	Menor, Chair; Matsuura, Co-Chair(s); Kim.
1843, SD1	Nakata, Chair; Taniguchi, Co-Chair(s); Hanabusa, Ihara, Sakamoto, Hogue.	2072, HD2, SD1	Matsuura, Chair; Hanabusa, Menor, Co-Chair(s); Taniguchi, Hogue.
1858, HD2, SD2	Matsuura, Chair; Hanabusa, Sakamoto, Co-Chair(s); Chun Oakland, Fukunaga, Taniguchi.	2120, HD1, SD1	Kanno, Chair; Fukunaga, Slom.
1864, HD1, SD1	Matsuura, Chair; Kanno, Co-Chair(s); Slom.	2132, HD1, SD2	Kanno, Chair; Fukunaga, Ihara, Taniguchi, Slom.
1867, HD1, SD2	Matsuura, Chair; Hanabusa, Taniguchi, Co-Chair(s); Chun Oakland, Fukunaga	2163, SD2	Sakamoto, Chair; Nakata, Taniguchi, Co-Chair(s); Hanabusa, Inouye, Matsunaga.
1878, HD2, SD1	Sakamoto, Chair; Taniguchi, Co-Chair(s); Chun Oakland, Ige, Kawamoto, Matsunaga, Hogue.	2164, HD2, SD2	Sakamoto, Chair; Taniguchi, Co-Chair(s); Chun Oakland, Ige, Matsunaga, Hogue.
1901, HD2, SD1	Matsuura, Chair; Kanno, Co-Chair(s).	2165, HD1, SD2	Sakamoto, Chair; Nakata, Taniguchi, Co-Chair(s); Chumbley, Hanabusa, Ige, Hogue.
1939, HD2, SD2	Buen, Chair; Inouye, Co-Chair(s); Chun, Kawamoto, Kim, Taniguchi, Hogue.		

2166, HD1, SD2	Sakamoto, Chair; Kanno, Kawamoto, Taniguchi, Co-Chair(s); Chumbley, Inouye, Hogue.	2349, HD1, SD1	Kawamoto, Chair; Kanno, Co-Chair(s); Hemmings.
2169, HD2, SD1	Buen, Chair; Menor, Co-Chair(s); Hemmings.	2351, HD1, SD2	Tam, Chair; Kawamoto, Menor, Taniguchi, Co-Chair(s); Slom.
2172, HD1, SD2	Buen, Chair; Inouye, Sakamoto, Co-Chair(s); Hanabusa, Taniguchi, Hogue.	2353, HD2, SD1	Sakamoto, Chair; Taniguchi, Co-Chair(s); Hanabusa, Ige, Matsunaga, Hogue.
2176, HD1, SD1	Buen, Chair; Hanabusa, Co-Chair(s); Inouye, Hogue.	2382, HD1, SD2	Kanno, Chair; Hanabusa, Ihara, Taniguchi, Slom.
2192, HD1, SD1	Kim, Chair; Taniguchi, Co-Chair(s); English, Hanabusa, Slom.	2387, HD1, SD1	Kanno, Chair; Matsuura, Slom.
2195, SD1	Kim, Chair; Taniguchi, Co-Chair(s); Hanabusa, Sakamoto, Slom.	2400, HD1, SD1	Chun, Chair; Hanabusa, Co-Chair(s); Chun Oakland, Kokubun, Taniguchi, Hemmings.
2207, HD1, SD2	Matsuura, Chair; Kanno, Menor, Co-Chair(s); Hogue.	2413, HD1, SD1	Menor, Chair; Tam, Hogue.
2216, HD1, SD1	Matsuura, Chair; Hanabusa, Menor, Co-Chair(s); Kim, Taniguchi.	2420, HD1, SD2	Kawamoto, Chair; Kim, Taniguchi, Co-Chair(s); Sakamoto, Hemmings.
2235, HD2, SD1	Sakamoto, Chair; Taniguchi, Co-Chair(s); Chumbley, English, Hogue.	2426, HD1, SD1	Matsuura, Chair; Kanno, Co-Chair(s); Hogue.
2245, HD1, SD1	Menor, Chair; Chun Oakland, Kim, Hogue.	2427, HD1, SD1	Kanno, Chair; Matsuura, Slom.
2249, SD2	Chun, Chair; Hanabusa, Inouye, Co-Chair(s); Chun Oakland, English, Taniguchi, Hemmings.	2428, HD1, SD2	Matsuura, Chair; Kanno, Co-Chair(s); Hogue.
2251, HD2, SD2	Kim, Tam, Taniguchi, Co-Chair(s).	2433, HD1, SD1	Matsuura, Chair; Kanno, Co-Chair(s); Hogue.
2258, HD2, SD1	Matsuura, Chair; Menor, Co-Chair(s).	2438, HD1, SD1	Kanno, Chair; Ihara, Slom.
2271, SD2	Buen, Chair; Hanabusa, Taniguchi, Co-Chair(s); Kokubun.	2440, HD1, SD1	Matsuura, Chair; Kanno, Co-Chair(s); Hogue.
2276, HD2, SD1	Nakata, Taniguchi, Co-Chair(s); Kanno, Kawamoto, Slom.	2443, HD2, SD1	Menor, Chair; Kanno, Co-Chair(s); Hogue.
2300, HD2, SD1	Kanno, Chair; Taniguchi, Co-Chair(s); Ihara, Matsuura, Slom.	2445, SD2	Menor, Chair; Taniguchi, Co-Chair(s); Hanabusa, Kim, Hogue.
2301, HD2, SD2	Kawamoto, Chair; Fukunaga, Kanno, Kim, Co-Chair(s); Hemmings.	2449, HD1, SD2	Tam, Chair; Taniguchi, Co-Chair(s); Hanabusa, Matsunaga, Sakamoto, Slom.
2302, HD2, SD1	Kawamoto, Chair; Fukunaga, Kanno, Kim, Co-Chair(s); Hogue.	2451, SD2	Kim, Chair; Taniguchi, Co-Chair(s); Buen, Hemmings.
2304, HD1, SD1	Kawamoto, Chair; Kanno, Co-Chair(s); Hemmings.	2453, SD1	Tam, Chair; Taniguchi, Co-Chair(s); Hanabusa, Ige, Slom.
2305, HD1, SD1	Kanno, Chair; Fukunaga, Slom.	2454, SD1	Tam, Chair; Taniguchi, Co-Chair(s); Buen, Hanabusa, Slom.
2311, HD2, SD2	Kanno, Chair; Ihara, Taniguchi, Slom.	2455, SD1	Inouye, Chair; Taniguchi, Co-Chair(s); Chun Oakland.
2315, HD1, SD1	Kanno, Chair; Fukunaga.	2459, SD2	Matsuura, Chair; Taniguchi, Co-Chair(s); Chun Oakland.
		2468, HD1, SD1	Menor, Chair; Taniguchi, Co-Chair(s); Hanabusa.

2480, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair(s); Hanabusa, Kokubun, Matsunaga, Hogue.	2569, HD1, SD1	Hanabusa, Chair; Taniguchi, Slom.
2485, SD2	Menor, Chair; Taniguchi, Co-Chair(s); Kawamoto, Hogue.	2570, HD1, SD1	Taniguchi, Chair; Kim, Sakamoto, Slom.
2495, SD1	Matsuura, Chair; Taniguchi, Hogue	2571, SD1	Matsuura, Chair; Hanabusa, Co-Chair(s); Chun Oakland, Fukunaga, Taniguchi, Hogue.
2500, HD1, SD1	Nakata, Hanabusa, Co-Chair(s); Chumbley, Taniguchi, Slom.	2576, HD1, SD2	Tam, Chair; Inouye, Taniguchi, Co-Chair(s); Ige, Matsunaga.
2501, HD1, SD1	Nakata, Hanabusa, Co-Chair(s); Ihara, Kanno, Taniguchi.	2577, HD1, SD1	Kawamoto, Chair; Inouye, Taniguchi, Co-Chair(s); Hogue.
2506, HD1, SD1	Matsuura, Chair; Hanabusa, Co-Chair(s); Taniguchi, Slom.	2582, HD1, SD1	Kawamoto, Chair; Kanno, Taniguchi, Co-Chair(s); Fukunaga, Hemmings.
2509, HD1, SD1	Kawamoto, Chair; Kanno, Co-Chair(s); Fukunaga, Hemmings.	2595, HD1, SD1	Kim, Kawamoto, Chair(s); Buen, Taniguchi, Co-Chair(s); English, Slom.
2512, SD2	Matsuura, Chair; Hanabusa, Co-Chair(s); Chun Oakland, Taniguchi, Hogue.	2618, HD1, SD2	Matsuura, Chair; Menor, Co-Chair(s); Fukunaga, Matsunaga, Hogue.
2521, HD2, SD2	Matsuura, Chair; Kanno, Co-Chair(s).	2638, HD2, SD1	Matsuura, Chair; Hanabusa, Menor, Taniguchi, Co-Chair(s); Chun Oakland, Fukunaga.
2525, HD1, SD2	Nakata, Chair; Hanabusa, Kawamoto, Kim, Co-Chair(s); Sakamoto.	2642, HD2, SD1	Menor, Chair; Kanno, Co-Chair(s); Hogue.
2526, SD1	Nakata, Hanabusa, Co-Chair(s); Ihara, Sakamoto, Slom.	2655, HD1, SD1	Menor, Chair; Kanno, Co-Chair(s); Hogue.
2527, SD1	Kawamoto, Chair; Nakata, Taniguchi, Co-Chair(s); Fukunaga, Hanabusa, Hemmings.	2720, HD1, SD1	Hanabusa, Chair; Ige, Kawamoto, Kim, Slom.
2536, SD1	Inouye, Kanno, Co-Chair(s); Chun Oakland, Hemmings.	2723, HD2, SD1	Inouye, Kim, Co-Chair(s); Chun Oakland, Kawamoto, Hemmings.
2537, SD1	Kawamoto, Chair; Chun Oakland, Inouye, Kanno, Co-Chair(s); Hemmings.	2741, HD2, SD2	Matsuura, Chair; Taniguchi, Co-Chair(s); Chun Oakland, Ige.
2542, HD2, SD2	Kawamoto, Chair; Tam, Taniguchi, Co-Chair(s); Fukunaga, Hanabusa, Matsunaga, Hemmings.	2744, HD1, SD2	Buen, Chair; Taniguchi, Co-Chair(s); Inouye.
2549, SD1	Inouye, Hanabusa, Kanno, Co-Chair(s); Chun Oakland, Kawamoto, Matsunaga, Hemmings.	2751, HD1, SD2	Sakamoto, Chair; Hanabusa, Co-Chair(s); Chumbley, Matsunaga, Hogue.
2552, HD1, SD1	Inouye, Kanno, Co-Chair(s); English, Kawamoto, Hemmings.	2752, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair(s); Chun Oakland, Kawamoto.
2553, SD1	Inouye, Taniguchi, Co-Chair(s); Chun Oakland, Ihara.	2761, HD1, SD1	Matsuura, Chair; Inouye, Sakamoto, Taniguchi, Co-Chair(s); Chun, Fukunaga, Hanabusa, Slom.
2558, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair(s); Chun Oakland, Hanabusa, Ige, Matsunaga.	2764, HD1, SD2	Inouye, Hanabusa, Matsuura, Co-Chair(s); Chun Oakland, Ige.
2563, HD1, SD1	Kanno, Chair; Fukunaga, Taniguchi, Slom.	2788, SD1	Taniguchi, Chair; Chun Oakland, Inouye, Kawamoto, Kim, Sakamoto, Hogue.
2565, HD2, SD1	Kawamoto, Chair; Kanno, Co-Chair(s); Fukunaga, Kim.	2798, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair(s); Hanabusa, Ige, Hogue.
2568, HD1, SD1	Hanabusa, Chair; Taniguchi, Hogue.	2817, HD1, SD1	Kanno, Chair; Ihara, Slom.

2821, HD1, SD2	Kawamoto, Chair; Taniguchi, Co-Chair(s); Hanabusa, Ihara, Nakata, Hemmings.	174, SD 1	Committee on Transportation, then to the Committee on Finance
2827, HD1, SD2	Taniguchi, Chair; Chun Oakland, Ige, Inouye, Kim, Sakamoto, Slom.		
2840, SD2	Kawamoto, Chair; Taniguchi, Co-Chair(s); Fukunaga, Hanabusa.		The following House bills, Senate bills and Senate concurrent resolutions were re-referred to committee by the Speaker:
2843, SD2	Kawamoto, Chair; Kanno, Kim, Taniguchi, Co-Chair(s); Fukunaga, Ihara, Hogue.	<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
2844, HD1, SD2	Kawamoto, Chair; Kanno, Kim, Taniguchi, Co-Chair(s); Ihara, Sakamoto, Hogue.	703, HD 1, SD 2	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
2848, HD1, SD2	Sakamoto, Chair; Kanno, Taniguchi, Co-Chair(s); Kawamoto, Hogue.	2235, HD 2, SD 1	Committee on Higher Education, then to the Committee on Finance
2854, HD1, SD1	Menor, Chair; Kim, Hogue.	2351, HD 1, SD 2	Committee on Consumer Protection and Commerce, then to the Committee on Finance

ORDER OF THE DAY**COMMITTEE ASSIGNMENTS**

The following Senate concurrent resolutions were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>	<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
9	Committee on Public Safety and Military Affairs, then to the Committee on Finance	2102, SD 1, HD 2	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
17, SD 2	Committee on Health, then to the Committee on Legislative Management	2478, HD 1	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
30, SD 1	Jointly to the Committee on Tourism and Culture and the Committee on Economic Development and Business Concerns	2964, SD 2, HD 2	Committee on Higher Education, then to the Committee on Finance
37, SD 1	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Legislative Management	3018, SD 1, HD 1	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
101, SD 1	Committee on Energy and Environmental Protection, then to the Committee on Judiciary and Hawaiian Affairs	<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
106	Committee on Public Safety and Military Affairs	39, SD 1	Committee on Finance
116	Committee on Transportation, then to the Committee on Finance	79, SD 1	Committee on Legislative Management, then to the Committee on Finance
131, SD 1	Committee on Education, then to the Committee on Finance	98, SD 2	Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce
152	Committee on Transportation, then to the Committee on Consumer Protection and Commerce	101, SD 1	Committee on Judiciary and Hawaiian Affairs
158	Committee on Water and Land Use	116	Committee on Finance
161, SD 1	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture	136, SD1	Committee on Finance
		150, SD1	Committee on Education
		151, SD1	Committee on Education

152 Committee on Consumer Protection and Commerce

169, Committee on Energy and Environmental
SD1 Protection, then to the Committee on Finance

such amendments for the following House bills, seconded by Representative Fox, and carried: (Representatives Ahu Isa, Bukoski, Case and Ontai were excused.)

H.B. 1746 HD 1 (SD 1)	H.B. 2009 HD 1 (SD 1)
H.B. 1768 HD 1 (SD 1)	H.B. 2056 HD 2 (SD 2)
H.B. 1970 (SD 1)	H.B. 2169 HD 2 (SD 1)

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1350-02), recommending that S.C.R. No. 34, SD 1, 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 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," was referred to the Committee on Legislative Management with Representatives Ahu Isa, Bukoski, Case and Ontai being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1351-02) recommending that S.C.R. No. 108, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Ahu Isa, Bukoski, Case and Ontai 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. 1352-02) recommending that S.C.R. No. 65, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS," was adopted, with Representatives Ahu Isa, Bukoski, Case and Ontai being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Ahu Isa, Bukoski, Case and Ontai were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action previously taken in disagreeing to amendments proposed by the Senate and gave notice of intent to agree to

The Chair addressed the Body, stating:

"Members, is there any discussions on the motion, which was to reconsider the action previously taken in disagreeing to the amendments by the Senate, and to give notice of the intention to agree to the amendments for the following House bills? Any discussions?"

Representative Gomes rose to a point of inquiry, stating:

"I think I know what's happening, but just to confirm this. Essentially, we're indicating that we are going to move to agree, but we are not agreeing today. We still have to come before the House for Final Reading. Is that correct?"

The Chair responded, stating:

"Absolutely. But, we are giving notice to the members of this House, so that you have proper time to analyze the particular draft."

ANNOUNCEMENTS

Representative B. Oshiro for the Committee on Judiciary and Hawaiian Affairs requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 101 this afternoon at 3:30 p.m. in room 325, and the Chair, "so ordered."

Representative Arakaki for the Committee on Health requested a waiver of the 48-hour advanced notice to hear Senate concurrent resolutions, and the Chair "so ordered."

Representative Arakaki then announced that SCR 48, Relating to Health Insurance to Offer Coverage for Naturopaths, Acupuncturist and Chiropractors; SCR 17, Health Insurance to Offer Coverage for Mental Disorders; SCR 69, To Allocate Additional Funding for Residential Alternative Community Care Programs; and SCR 37, Requesting the State Auditor to Conduct a Study to Designate a Single Department to Oversee the Funding and Regulation of Adult Residential Care Homes and Foster Homes; would be heard on Thursday, April 28 at 9 a.m. in room 329, along with decision making on several other deferred Health and Human Services measures.

HOUSE COMMUNICATIONS

House Communication dated April 16, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the Speaker has this day appointed as Conferees for the consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 706, SD 1, HD 1	Representative Takamine, Chair;
	Representative Kawakami, Representative Leong

House Communication dated April 16, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to

the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made the following changes to the conferees on the following House Bills:

- H.B. No. 703, HD 1, SD 2 Added Representative Takamine, Co-Chair.
Added Representative Leong as a member.
- H.B. No. 1256, HD 2, SD 2 Discharged Representatives Kawakami as a member.
Added Representative Magaoay as a member.
- H.B. No. 2848, HD 1, SD 2 Discharged Representative Ontai as a member.
Added Representative Bukoski as a member.

House Communication dated April 16, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made the following changes to the conferees on the following House Bills:

- H.B. No. 2235, HD 2, SD 1 Added Representative Suzuki as third Co-Chair.
Added Representatives Abinsay and Halford as members.
- H.B. No. 2351, HD 1, SD 2 Added Representative Nakasone as second Co-Chair.
Discharged Representative Chang as a member.

House Communication dated April 16, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made the following changes to the conferees on the following Senate Bills:

- S.B. No. 2102, SD 1, HD 2 Added Representative Hamakawa as second Co-Chair.
Added Representative Saiki as a member.
Added Representative Bukoski as a member.
- S.B. No. 3018, SD 1, HD 1 Added Representative Hamakawa as second Co-Chair.
Added Representative Saiki as a member.
Added Representative Bukoski as a member.

House Communication dated April 16, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made

the following changes to the conferees on the following Senate Bill:

- S.B. 2964, SD 2, HD 2 Discharged Representative Saiki.

House Communication dated April 17, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the Speaker has this day appointed as Conferees for the consideration of amendments proposed by the House to the following Senate Bill:

- S.B. No. 2478, HD 1 Representatives Hamakawa/
Takamine, Co-Chairs;
Representative Davis

House Communication dated April 17, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made the following changes to the conferees on the following House Bills:

- H.B. No. 1800, HD 1, SD 1 Discharged Representative Suzuki as a member.
- H.B. No. 2834, SD 2 Discharged Representative Takumi as first Co-Chair.
Added Representative Hiraki as first Co-Chair.

House Communication dated April 17, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made the following changes to the conferees on the following House Bill:

- H.B. No. 2235, HD 2, SD 1 Discharged Representative Ito as second Co-Chair.
Discharged Representatives Abinsay and Halford as members.

House Communication dated April 17, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made the following changes to the conferees on the following Senate Bill:

- S.B. No. 2302, SD 2, HD 2 Added Representative Hiraki as second Co-Chair.

ADJOURNMENT

At 12:31 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, April 18, 2002. (Representatives Ahu Isa, Case and Ontai were excused.)

FIFTY-SECOND DAY

Thursday, April 18, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:18 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Brother Greg O'Donnell, Principal, Damien Memorial High School, after which the Roll was called showing all members present with the exception of Representatives Gomes, Ito, Kahikina, Meyer, Ontai and Saiki 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-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth and Thirty-Fifth Days were approved. (Representatives Kahikina, Meyer, Ontai and Saiki were excused.)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 666 and 667) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 666, dated April 17 2002, informing the House that the Senate has made changes to Senate Conferee assignments to the following House and Senate Bills:

H.B. 1156, HD 2, SD 1 Adds Senator Chun Oakland as a Member

H.B. 2300, HD 2, SD 1 Discharges Senator Kanno as Chair; Adds as a Member.
Discharges Senator Taniguchi as Co-Chair; Adds as Chair.
Discharges Senators Ihara and Matsuura as Members.
Adds Senators Buen, Chun, Chun Oakland, English, Hanabusa, Ige, Inouye, Kawamoto, Kim, Kokubun, Sakamoto, Tam, Hemmings as Members.

S.B. 2179, SD 2, HD 1 Adds Senator Chun Oakland as a Member
Discharges Senator Kawamoto as a Member; Adds as Chair.
Discharges Senator Menor as Chair; Adds as Co-Chair

S.B. 2270, SD 2, HD 2 Senator Ige replaces Senator Fukunaga as a Member.

Sen. Com. No. 667, dated April 17 2002, informing the House that the Senate has made changes to Senate Conferee assignments to the following House and Senate Bills:

H.B. 1730, HD 1, SD 1 Adds Senator English as a Member;
Discharges Senator Ige as a Member

H.B. 2542, HD 2, SD 2 Discharges Senator Hemmings as a Member

H.B. 2506, HD 1, SD 1 Discharges Senator Slom

H.B. 2553, SD 1 Adds Senators Hanabusa and Hemmings as Members

H.B. 2576, HD 1, SD 2 Discharges Senator Inouye as a Co-Chair;
Adds Senator Slom as a Member

H.B. 2741, HD 2, SD 2 Adds Senators Hanabusa and Sakamoto as Members; Discharges Senator Ige as a Member.

H.B. 2764, HD 1, SD 2 Adds Senator Taniguchi as a Co-Chair;
Discharges Senator Hanabusa as a Co-Chair and Adds her as a Member

H.B. 2788, SD 1 Adds Senators Buen, Hanabusa, Chun, English, Ige, Kokubun, Tam, Hemmings and Slom as Members;
Discharges Senator Hogue as a Member.

H.B. 2827, HD 1, SD 2 Discharges Senator Slom as a Member

H.B. 2843, SD 2 Adds Senator Hanabusa as a Member.

H.B. 2844, HD 1, SD 2 Adds Senator Hanabusa as a Member

S.B. 2306, SD 2, HD 2 Discharges Senators Inouye and Kim as Members; Adds Senator Kim as a Co-Chair.

S.B. 2383, SD 2, HD 2 Adds Senators Hanabusa and Ihara as Members.

S.B. 2478, HD 1 Discharges Senator Hemmings as a Members; Adds Senator Hogue as a Member.

S.B. 2802, SD 2, HD 2 Discharges Senator Hemmings as a Member; Adds Senator Slom as a Member.

INTRODUCTIONS

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

Representative Lee Introduced the National Science Foundation Presidential Award for Excellence Awardees from Hawaii:

Mrs. Phyllis Nakama-Kawamoto, an elementary mathematics teacher at Mililani Mauka Elementary School.

Mr. Wesley Yuu, a mathematics teacher at Mililani Middle School.

Mrs. Geraldine Kajitani, an elementary science teacher at Nuuuanu Elementary School.

And

Dr. Joan Rohrback, a science teacher at Sacred Hearts Academy."

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

SB.
Nos.

Re-referred to:

2302, Committee on Health, then to the Committee on SD 2, Consumer Protection and Commerce, then to the HD 2 Committee on Finance

S.C.R.
Nos.

Re-referred to:

16 Committee on Finance
48, Committee on Health
SD 1
79, Committee on Legislative Management
SD 1
121 Committee on Legislative Management
174, Committee on Finance
SD 1

STANDING COMMITTEE REPORTS

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1353-02), recommending that S.C.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 S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," was referred to the Committee on Finance with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1354-02) recommending that S.C.R. No. 50, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1355-02) recommending that S.C.R. No. 75, SD 1, 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 S.C.R. No. 75, SD 1, HD 1, entitled: "SENATE 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 adopted, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative Fox and carried. (Representatives Case, Kahikina, Ontai, Saiki and Souki were excused.)

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative M. Oshiro moved to agree to the amendments made by the Senate to H.B. 1746, HD 1 (SD 1); H.B. 1768, HD 1 (SD 1); H.B. 1970 (SD 1); H.B. 2009, HD 1 (SD 1); H.B. 2056, HD 2 (SD 2); H.B. 2169, HD 2 (SD 1), seconded by Representative Fox.

Representative Meyer rose to point of inquiry, stating:

"Thank you Mr. Speaker just a point of inquiry. When the Majority Leader was reading off the bills on page 18 H.B. 2009 he said HD 2, our yellow sheet says there is a HD 1 and I didn't know if..."

The Chair responded, stating:

"It is a HD 1, okay."

The motion was then put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the aforementioned bills, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

H.B. No. 1746, HD 1, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, H.B. No. 1746, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED VEHICLES," passed Final Reading by a vote of 46 ayes, with Representative Case, Kahikina, Ontai, Saiki and Souki being excused.

H.B. No. 1768, HD 1, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, H.B. No. 1768, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION," passed Final Reading by a vote of 46 ayes, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

H.B. No. 1970, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, H.B. No. 1970, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," passed Final Reading by a vote of 46 ayes, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

H.B. No. 2009, HD 1, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, H.B. No. 2009, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 46 ayes, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

H.B. No. 2056, HD 2, SD 2:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, H.B. No. 2056, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed Final Reading by a vote of 46 ayes, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

H.B. No. 2169, HD 2, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, H.B. No. 2169, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Final Reading by a vote of 46 ayes, with Representatives Case, Kahikina, Ontai, Saiki and Souki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1746, HD 1, SD 1; 1768, HD 1, SD 1; 1970, SD 1; 2009, HD 1, SD 1; 2056, HD 2, SD 2; 2169, HD 2, SD 1; had passed Final Reading at 12:31 o'clock p.m.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker I would just like to remind the members that tomorrow is our Third Annual Hemp Aloha Shirt Aloha Friday. And I hope members will be able to wear a natural fiber shirt in honor of Earth Day which is actually Monday."

Representative Magaoay for the Conference Committees for H.B. 2449, HD 1, SD 2; H.B. 2453, SD 1; H.B. 2454, SD 1; and H.B. 2570, HD 1, SD 1, announced a time changed for the meeting originally scheduled for today at 2:45 p.m. These bills are now scheduled to heard on Monday, the 22nd at 2:15 pm in room 423.

Representative Morita for the Committees on Energy and Environmental Protection and Consumer Protection and Commerce requested waiver of the 48-hour hearing notice for the purposes of decision making on S.C.R. 98, SD 1, and the Chair "so ordered."

Representative Morita then announced that this would be tomorrow, Friday, April 19th at 10:00 am in room 312.

Representative B. Oshiro for the Committee on Judiciary and Hawaiian Affairs requested a waiver of the 48-hour notice requirement for hearing S.C.R. 82, tomorrow afternoon at 1:00 pm in room 325, and the Chair "so ordered."

Representative B. Oshiro then announced that there will be a proposed HD 1, to this resolution and that copies would be made available in his office this afternoon and tomorrow morning.

Representative Kahikina: "Just an announcement a friendly announcement about tomorrow presentation by Dr. Dole from Selena Group on plasma art in room 329, 9:00 am. Thank you."

Representative Takamine for the Committee on Finance requested a waiver of the 48-hour notice requirement for the

purpose of hearing certain Senate Concurrent Resolutions, and the Chair "so ordered."

Representative Takamine then announced that S.C.R. 19, SD 1; S.C.R. 35, SD 1; S.C.R. 39, SD 1; S.C.R. 103, SD 1; S.C.R. 127, SD 1; and S.C.R. 136, SD 1; would be heard tomorrow morning at 9:30 am in room 308."

LATE INTRODUCTIONS

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

Representative Lee introduced former Representative Alex Santiago accompanied by Ms. Debbie Shimizu of the National Association of Social Workers.

Representative Lee moved to keep the Journal open until 9:00 o'clock p.m. this legislative day, seconded by Representative Djou and carried. (Representatives Case, Ontai, Saiki and Souki were excused)

Representative Thielen rose to a point of inquiry, stating:

"Mr. Speaker I understand that this is going to be for the purpose of receiving concurrent resolutions that need to pass Second Reading before they go to their final committee, am I correct? Okay Mr. Speaker I am going to have to vote with reservations because I don't believe that we should be assumed to have voted in favor of a measure that we haven't had before us. And haven't had an opportunity to debate on the floor. So while I may wholeheartedly support a number of those resolutions on principle I am voting with reservations on the whole clump that is going to fly through without our being able to debate them. Thank you."

The motion was put to vote by the Chair and carried, with Representatives Case, Ontai, Saiki and Souki being excused.

Representative Lee moved that all Standing Committee Reports received by the Clerk up to 9:00 o'clock p.m. be adopted, and that all corresponding Senate Concurrent Resolutions attached thereto proceed to their designated committees, seconded by Representative Djou.

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

"With reservations on the whole lot for the reasons just previously stated. Thank you."

The motion was put to vote by the Chair and carried, with Representatives Case, Ontai, Saiki and Souki being excused.

At this time, the Chair waived the 48-hour advance notice requirement for decision making on Senate Concurrent Resolutions having already had at least one public hearing in the House, and being referred to their final committee by 9:00 o'clock p.m. tonight. This accommodation was made to meet the Second Crossover deadline for concurrent resolutions on Monday, April 22, 2002.

RECESS

At 12:36 o'clock p.m. on motion by Representative Lee, seconded by Representative Djou and carried, the House of Representatives stood in recess until 12:00 noon, Friday, April 19, 2002. (Representatives Case, Ontai, Saiki and Souki were excused.)

Representatives Cabrerós,
McDermott, Stonebraker

STANDING COMMITTEE REPORTS

In accordance with the motion made earlier, the following Standing Committee Reports (Stand. Com. Rep. Nos. 1356-02 through 1359-02) were received in the Clerk's Office prior to 9:00 o'clock p.m., this legislative day and the following actions taken:

Stand. Com. Rep. No. 1356-02 (JHA) was adopted and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1357-02 (JHA) was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES," was referred to the Committee on Finance.

Stand. Com. Rep. No. 1358-02 (JHA) was adopted and S.C.R. No. 100, SD 1, as amended in HD 1, entitled: "SENATE 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.

Stand. Com. Rep. No. 1359-02 (EEP) was adopted and S.C.R. No. 169, SD 1, as amended in HD 1, entitled: "SENATE 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 Finance.

HOUSE COMMUNICATIONS

House Communication dated April 18, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the Speaker has this day appointed as Conferees for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 331, SD 2, HD 2	Representatives Kahikina/ Hamakawa, Co-Chair; Representative Auwae
S.B. No. 859, SD 1, HD 2	Representatives Garcia/ Hamakawa, Co-Chairs; Representative Auwae
S.B. No. 2179, SD 2, HD 1	Representatives Morita/ Hiraki/Takamine, Co-Chairs; Representatives Schatz, Rath, Whalen
S.B. No. 3047, SD 1, HD 1	Representatives Arakaki/ Kahikina/Kawakami, Co- Chairs

House Communication dated April 18, 2002 from Patricia Mau Shimizu, Chief Clerk of the House of Representatives to the Honorable President and Members of the Senate of the State of Hawaii, informing the Senate that the House has made the following changes to the conferees on the following Senate Bill:

S.B. No. 2069, SD 2, HD 1	Discharged Representative Ito as first Co-Chair.
	Added Representative Takumi as first Co-Chair.

A Communication dated April 18, 2002, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, that in accordance with the provision of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill, a copy of which was attached thereto: H.B. No. 2848, HD 1, SD 2, CD 1, entitled: "PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT PRIVATE ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES," and that said measure was filed in the Office of the Chief Clerk of the Hawaii House of Representatives on this date.

A Communication dated April 18, 2002, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill, a copy of which was attached thereto: H.B. No. 1012, SD 1, CD 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," and that said measure was filed in the Office of the Chief Clerk of the Hawaii House of Representatives on this date.

ADJOURNMENT

At 9:00 o'clock p.m., the House of Representatives adjourned until 12:00 noon, tomorrow, Friday, April 19, 2002.

FIFTY-THIRD DAY

Friday, April 19, 2002

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:25 o'clock p.m., with the Speaker presiding.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 231 through 233) were received and announced by the Clerk:

Gov. Msg. No. 231, informing the House that on April 18, 2002, the following bill was signed into law:

S.B. No. 410, SD 3, RELATING TO TRANSPORTATION (ACT 023)

Gov. Msg. No. 232, returning House Bill No. 2467, without his approval and his statement of objections relating to the measure, as follow:

"EXECUTIVE CHAMBERS
HONOLULU

April 17, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2467

Honorable Members
Twenty-First Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2467, entitled "A Bill for an Act Relating to Naturopathy."

The purposes of this bill are to: (1) repeal outdated language regarding application procedures for the naturopathy examination and (2) modify the accrediting standards for approved naturopathic schools in order to eliminate adverse consequences on applicants for a naturopathy license.

However, this bill is identical to Senate Bill No. 2725, which was also passed during the regular session of 2002. Senate Bill No. 2725 was approved on April 11, 2002, as Act 14, Session Laws of Hawaii 2002. Consequently, there is no need to also approve this bill.

For the foregoing reason, I am returning House Bill No. 2467 without approval.

Respectfully,

/s/ Benjamin J. Cayetano
BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 233, transmitting his statement of objections to Senate Bill No. 748, which was returned to the Senate without his approval, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 17, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 748

Honorable Members
Twenty-First Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 748, entitled "A Bill for an Act Relating to Motorcycle Operator Education."

The purpose of this bill is to amend section 286-108.4, Hawaii Revised Statutes, to provide that military motorcycle operator education programs in Hawaii that (1) meet Motorcycle Safety Foundation standards and (2) are certified by the military installation commander, shall be deemed approved and certified by the director of transportation.

Section 15 of Article III of the State Constitution provides in part as follows:

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated.

This bill carried over from the regular session of 2001 but did not pass at least one reading in its originating house during the regular session of 2002. Therefore, this bill did not meet the requirements of Section 15 of Article III of the State of Constitution that apply to carried-over bills and cannot validly become law.

Furthermore, the bill may result in undesirable inconsistencies with current State Department of Transportation (DOT) efforts in this area. The DOT recently adopted administrative rules that establish a fair, equitable, and consistent procedure for program certification. This bill would undermine the intent of these rules by treating the military differently.

For the foregoing reasons, I am returning Senate Bill No. 748 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano
BENJAMIN J. CAYETANO
Governor of Hawaii"

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 668) was received and announced by the Clerk:

Sen. Com. No. 668, transmitting H.C.R. No. 28, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE

STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES," which was adopted by the Senate on April 18, 2002.

At this time, the Chair announced that action on this matter would be deferred to later on the calendar.

INTRODUCTIONS

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

Representative Jaffe introduced her legislative 'shadows', Ms. Marisa Why and Ms. Sarah Mason from La Pietra Hawaii School for Girls who were following the 'bottle bill.'

Representative Halford introduced Ms. Carolyn Mossman from Maui.

Representative Thielen introduced a couple visiting from New Jersey.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

S.B.

No. Re-referred to:

2179, Committee on Energy and Environmental
SD 2, Protection, then to the Committee on Consumer
HD 1 Protection and Commerce, then to the Committee
 on Finance

S.C.R.

No. Re-referred to:

69 Jointly to the Committee on Health and the
 Committee on Human Services and Housing

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1360-02) recommending that S.C.R. No. 142, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and S.C.R. No. 142, HD 1, be adopted, seconded by Representative Lee.

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

"Mr. Speaker, I speak in favor of the light rail system. As I understand it, this is a proposal to study a legitimate light rail system, and not the 'phony-baloney' BRT effort that is being pushed by the City. If I'm wrong, I'd appreciate being corrected. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 142, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM," was

adopted, with Representatives Espero, Kahikina, Ontai and Takamine being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1361-02) recommending that S.C.R. No. 36, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Espero, Kahikina, Ontai and Takamine being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1362-02) recommending that S.C.R. No. 68, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 68, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was adopted, with Representatives Espero, Kahikina, Ontai and Takamine 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. 1363-02) recommending that S.C.R. No. 95, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 95, entitled: "SENATE 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 Espero, Kahikina, Ontai and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1364-02) recommending that S.C.R. No. 44, SD 1, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 44, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," was adopted, with Representatives Espero, Kahikina, Ontai and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1365-02) recommending that S.C.R. No. 43, as amended in HD 1, be adopted.

In accordance with Chapter 171, Hawaii Revised Statutes, consideration of Stand. Com. Rep. No. 1365-02 and S.C.R. No. 43, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING STATE AGENCIES TO TAKE ACTION ON TRANSPORTATION ISSUES AFFECTING THE ECONOMY," was deferred.

CONFERENCE COMMITTEE REPORTS

Representatives Ito, Takumi, Hamakawa and Suzuki for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2848, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 1-02) recommending that H.B. No. 2848, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3 of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 1-02, and H.B. 2848, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT PRIVATE ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES," was deferred.

Representatives Suzuki, Hamakawa and Espero for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1012, SD 1, presented a report (Conf. Com. Rep. No. 2-02) recommending that H.B. No. 1012, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3 of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 2-02 and H.B. 1012, SD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," was deferred.

Representatives Hamakawa for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 996, HD 1, presented a report (Conf. Com. Rep. No. 51-02) recommending that SB. No. 996, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3 of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 51-02 and S.B. No. 996, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII CONSTITUTION," was deferred.

Representative Hamakawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 997, HD 1, presented a report (Conf. Com. Rep. No. 52-02) recommending that SB. No. 997, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-02 and S.B. No. 997, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to a certain House bill. (Representatives Espero, Kahikina, Ontai and Takamine were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action previously taken in disagreeing to amendments proposed by the Senate and gave notice of intent to agree to such amendments for the following House bill, seconded by Representative Fox, and carried: (Representatives Espero, Kahikina, Ontai and Takamine were excused.)

H.B. No. 2387, HD 1 (SD 1)

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Representative M. Oshiro moved to agree to the amendments made by the Senate to H.C.R. No. 28, (SD 1), seconded by Representative Fox and carried. (Representatives Espero, Kahikina, Ontai and Takamine were excused.)

H.C.R. No. 28, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 28 and H.C.R. No. 28, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES," was Finally Adopted, with Representatives Espero, Kahikina, Ontai and Takamine being excused.

ANNOUNCEMENTS

Representative Arakaki for the Committee on Health requested the waiver of the 48-hour advance for the purpose of reconsidering action previously taken on SCR 48 with decision making immediately following the end of today's Session in the Majority Caucus room, and the Chair "so ordered."

Representative B. Oshiro reminded the members of the Judiciary and Hawaiian Affairs Committee that there would be a 1:00 p.m. hearing on SCR 82.

Representative Thielen: "Happy Third Annual Industrial Hemp Aloha Shirt Day, Mr. Speaker. I would say that you look very fine in your hemp aloha shirt. And for those Neighbor Islanders, who forgot to bring their shirts over in time for today, you have another chance. Monday is Earth Day, and we can celebrate it by wearing our hemp aloha shirts in recognition that that crop, that plant, is much more beneficial for our State and our earth. Thank you."

Representative Hale: "I think the speaker from Kaneohe [Kailua] is referring to me, because she asked me to wear my shirt today. And I told her it was in Hilo, and I couldn't go back to get it. So thank you. I told her I would wear it on the proper day, which is Earth Day, on Monday. I will try not to

forget. Thank you. At my age, I don't know, I have Alzheimer's sometimes."

Speaker Say: "Representative Hale, I don't believe you have Alzheimer's."

"Members, for the record. On Monday, you can't wear aloha shirts. It is formal attire on Monday."

Representative Thielen: "Mr. Speaker, the women can. That's where we have an advantage here. Thank you."

ADJOURNMENT

At 12:38 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 22, 2002. (Representatives Espero, Kahikina, Ontai and Takamine were excused.)