

SEVENTEENTH DAY

Monday, February 10, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Kahu Kordell Kekoa of Kamehameha Schools, after which the Roll was called showing all members present with the exception of Representatives Herkes, Kaho'ohalahala, Kanoho, Marumoto, Pendleton, Shimabukuro, Souki, and Takamine who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 169 through 172) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 169, transmitting a report on the Performance Standards Review Commission as prepared by the Department of Education.

Gov. Msg. No. 170, transmitting a report, Licensing of Educational Administrators prepared by the Department of Education.

Gov. Msg. No. 171, transmitting the Annual Report on School-by-School Expenditures as prepared by the Department of Education.

Gov. Msg. No. 172, dated February 7, 2003, proposing changes to H.B. 200, the State Budget, and includes operating budget adjustments to the Department of Education (except for the Autism program) and Hawaii State Public Library System along with debt service adjustments to the Departments of Budget and Finance, Education and the University of Hawaii, and discretionary add-on adjustments to the Department of Public Safety.

INTRODUCTIONS

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

Representative Kahikina introduced his ARC Legislative intern, Mr. Melvin Hayashida.

Representative Hale introduced her ARC Legislative intern, Mr. Jeremy Richmond; and his ARC assistant, Ms. Tanya Davis.

Representative Hale also introduced her Legislative Aide, Ms. Flo Jefferson who was celebrating her birthday today.

Representative Takai acknowledged and introduced the following ARC Legislative interns and Representatives who will be participating in this program during the entire week:

Ms. Lani Bartholomew interning with Representative Ontai.

Ms. Cheryl Derby interning with Representative Takai.

Mr. Melvin Hayashida interning with Representative Kahikina.

Mr. Lorrin Hee interning with Representative Fox.

Mr. Allen Higa interning with Representative B. Oshiro.

Mr. Michael Higashi interning with Representative Shimabukuro.

Mr. Dennis Naito interning with Representative Wakai.

Mr. John Okihiro interning with Representative Mindo.

Mr. Ryan Palacio interning with Representative Morita.

Mr. Jeremy Richmond interning with Representative Hale.

Ms. Jacqueline Sofare interning with Representative Finnegan.

Ms. Julie Suehiro interning with Representative Pendleton.

Mr. Peter Tengan interning with Representative Arakaki.

Representative Takai also introduced ARC in Hawaii Coordinator, Ms. Allison Tanaka; Monitor, Ms. Bernadette Lane; and Team Leaders, Castro, Noelani, Billand, Leslie, Palakiko, Jesica, Hayashi and Lynn.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolution (H.R. No. 26) and concurrent resolution (H.C.R. No. 22) were referred to committee by the Speaker:

H.R.
No. **Referred to:**
26 Committee on International Affairs

H.C.R.
No. **Referred to:**
22 Committee on International Affairs

COMMITTEE REASSIGNMENT

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

H.B.
No. **Re-referred to:**
1105, Committee on Agriculture, then to the Committee
HD 1 on Finance

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 166) recommending that H.B. No. 136, pass Second Reading and be referred to the Committee on Education.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 136, pass Second Reading and be

referred to the Committee on Education, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. This in regards to Standing Committee Report No. 166, H.B. 136. I rise with reservations. This bill threatens federal government funding of information providers who also receive federal funding supporting only education on abstinence. In these tight budgetary times and given our concerns with maximizing the federal money Hawaii receives, perhaps the next Committee can draft language to address this. Thank you."

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

"I'd just like to voice reservations as well for the same reasons as mentioned by the previous speaker."

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

"Thank you, Mr. Speaker. I'd like to speak in strong support. Mr. Speaker, we've received a 2003 policy paper that states there is no credible evidence that abstinence-only education works. And Mr. Speaker the paper states, despite years of evaluation of abstinence-only education, no reliable evidence exists to prove that it actually delays the initiation of sex or reduces its frequency. In fact, recent research shows that abstinence-only strategies may deter contraceptive use among sexually active teenagers, increasing their risk of unintended pregnancy and STDs. It goes on Mr. Speaker, to further affirm that fact.

"I think this bill makes sense, and I think it really should be supported by our entire House of Representatives. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 136, entitled: "A BILL FOR AN ACT RELATING TO MEDICALLY ACCURATE SEX EDUCATION," passed Second Reading and was referred to the Committee on Education with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 167) recommending that H.B. No. 1182, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1182, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 168) recommending that H.B. No. 938, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy and Environmental Protection.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 938, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY FACILITIES," passed Second Reading and was referred to the Committee on Energy

and Environmental Protection with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 169) recommending that H.B. No. 919, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 919, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I have slight reservations on Standing Committee Report 169. It actually does two things. It seems to release the Certificate of Need program and raise the minimum expenditure to \$5 million, which I think is probably a good thing. But it does also include geriatricians as primary health clinic providers. While it frees medical facilities up in one area, it may control others, so I just have slight reservations."

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

"I have reservations, Mr. Chairman. I am sorry. Mr. Speaker. I have to also apologize to you Mr. Speaker, because having served 20 years in local government, we always address the presiding officer as Mr. Chair. I am still confused even though I've been through this, my second session now.

"Mr. Speaker, I rise with reservations because I have another bill to abolish the whole State Health Planning Agency. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 919, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 170) recommending that H.B. No. 556, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEER SUPPORT COUNSELING SESSIONS," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 171) recommending that H.B. No. 613, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with

Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 172) recommending that H.B. No. 1256, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1256, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"I have reservations on Standing Committee Report No. 172. Later on today we'll be speaking about a bill for universal healthcare and it appears that this bill would be the study of the review panel which would go toward furthering that goal. I think the universal healthcare proposal, though the motives are good, I think it is the wrong method to get healthcare to everybody. Being the case, therefore, I think that studying it further is just not a real good idea, so I am actually, rather than reservations I'd like to cast a no vote."

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

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

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

"Thank you, Mr. Speaker. I wasn't really prepared to respond. But I would like to speak in favor of this measure. I am just surprised that the Minority is opposed to it, because actually this is a measure that is strongly proposed and really requested by the ..."

Representative Bukoski rose to a point of order, stating:

"Point of order. I would just like to clarify that I am not opposed to it and I am a member of the Minority."

The Chair responded, stating:

"Your point is well taken. Representative Arakaki, make reference to the ..."

Representative Arakaki responded, stating:

"My apologies. I did not mean to include all the Minority, but just that the ones who stood up to voice concerns are members of the Minority. I apologize to the others who are supportive.

"But this a measure that the Chamber of Commerce put forth. It is also one of the primary concerns of the Hawaii Uninsured Project. And one of the focuses of their concerns is that we as a Legislature have passed many mandated benefits without really looking at what the cost implications are. And as a result they are saying that it results in increased costs to our health insurance providers.

"So what they want to do is look at a process because right now we are utilizing the Auditor's Office. They want to look at a more objective type of panel who could look at all these requests for mandated benefits, whether they come from the

Legislature, or advocates outside of the Legislature. They want to develop a more fair and equitable process. Like I said, a more objective way of determining which of these mandated benefits should be included. At this point it is just a study, but just to let the members know that this is a priority concern also of the Uninsured Project. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise with some reservations. I think it is a good idea. In the eight years that I been here, we've passed a number of bills mandating coverage for more and more different procedures, so this is something that is needed.

"My concern is with the fact that the Office of Information Practices was opposed to this bill because of the wording in the bill which sort of vaguely defines an exception to open meetings. So my concern is that we have a very open process. So perhaps in the next Committee, this language could be amended. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1256, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Stonebraker voting no, and with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representatives Schatz and Chang, for the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 173) recommending that H.B. No. 1395, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1395, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY PROJECTS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representatives Schatz and Chang, for the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 174) recommending that H.B. No. 1397, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1397, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY PROJECTS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 175) recommending that H.B. No. 1129, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1129, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1129, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representatives Kahikina and Schatz, for the Committee on Human Services and Housing and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 176) recommending that H.B. No. 1577, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1577, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Herkes, Marumoto, Meyer and Shimabukuro 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. 177) recommending that H.B. No. 1402, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 178) recommending that H.B. No. 1107, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1107, entitled: "A BILL FOR AN ACT RELATING TO THE IRRIGATION WATER DEVELOPMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 179) recommending that H.B. No. 547, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 547, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

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

No. 180) recommending that H.B. No. 10, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 10, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 181) recommending that H.B. No. 744, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 744, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in support but with a minor reservation. H.B. 744, Standing Committee Report No. 181, will prevent MTBE from coming into our State. This will protect our drinking water which is a very important thing to do. My concern is that testimony showed the two major refineries do not use that additive in fuel. However, I believe it is Aloha Petroleum, who sometimes uses ships that might have had trace elements of that in their tanks before they are brought over here to Hawaii.

"In this present situation where we must make sure that our supply of fuel remains constant in Hawaii, I think it would be wise for the next Committee to look at if the .05 allowed to be in the tank is sufficient. If it is not I think we need to, at least for this present period of time, raise that figure to maybe .5, and it should be based upon scientific information that we would receive knowing exactly what we are doing. Otherwise we could actually harm the flow of fuel into our State. Thank you."

Representative Morita rose and stated:

"If the Representative from Kailua could look at the Committee Report, on page 2, in checking with various shippers, the possible average ..."

Representative Pendleton rose to a point of order, stating:

"Point of order. Has the current speaker stated whether she is standing in favor?"

Representative Morita responded, stating:

"I am standing in favor of the bill. The average residual amount of MTBE found after a shipment is only 800 gallons, and the .05 amount is equal to 8,000 gallons in the shipment of 16 million gallons of fuel to the islands."

The Chair then stated:

"Thank you very much. Has that been clarified Representative Thielen?"

Representative Thielen responded, stating:

"Thank you. I appreciate that. And I did see that. I am just being overly cautious. And maybe it is being overly cautious but I want to have that figure re-examined by those that are in this industry. Thank you."

The Chair responded, stating:

"Thank you very much. Your point is well taken."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 182) recommending that H.B. No. 616, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 616, entitled: "A BILL FOR AN ACT RELATING TO STRIKES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 183) recommending that H.B. No. 957, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 957, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 184) recommending that H.B. No. 29, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 29, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 185) recommending that H.B. No. 389, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 389, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 186) recommending that H.B. No. 1069, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 187) recommending that H.B. No. 1226, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1226, entitled: "A BILL FOR AN ACT RELATING TO SIMPLIFIED TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 188) recommending that H.B. No. 1410, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1410, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 189) recommending that H.B. No. 146, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 146, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 190) recommending that H.B. No. 1215, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1215, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATED PERSONS," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 191) recommending that H.B. No. 1620, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1620, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 192) recommending that H.B. No. 1643, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1643, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In support with reservations, and this is Standing Committee Report No. 192, H.B. 1643. My reservations, Mr. Speaker, are that this bill directs a Director of Public Safety ...

"First, of all let me back up. I am not at all opposed to looking at alternative ways to keep people out of prison. So in that sense this good. But it does tell the Director of Public Safety, and creates an organization, and puts funds in the budget for one specific named organization. Not a type, but a specific organization, specific name. And that is my reservation."

The Chair responded, stating:

"Thank you very much. Your point is well taken."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRISON ALTERNATIVES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 193) recommending that H.B. No. 1221, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF COMMITTED PERSONS' MONEYS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representatives Ito and M. Oshiro, for the Committee on Public Safety and Military Affairs and the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 194) recommending that H.B. No. 1222, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1222, entitled: "A BILL FOR AN

ACT RELATING TO THE EXECUTIVE DEPARTMENTS OF STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 195) recommending that H.B. No. 1120, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted and that H.B. No. 1120, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Mr. Speaker, on Standing Committee Report No. 195, I wish to state my strong reservations, with due respect to the Chairman and the Members of the Committee. I believe that this does provide some positive changes where we need to be in conformance with federal law. However there is a section that gets me very edgy and nervous, where everything has to be coordinated through the Governor's office.

"You have one additional step to go through. It makes the Attorney General's office an all-powerful office, which they already are. That all surveillance must be going through them. As it is right now, the Prosecuting Attorney can go to a judge and then commence with the surveillance upon approval. This would require going through the Attorney General's office, and for this reason, I am strongly opposed to this measure."

The Chair addressed Representative Souki, stating:

"Are you with reservations Representative Souki, which you stated earlier?"

Representative Souki responded, stating:

"Very strong reservations."

The Chair noted:

"Very strong reservations, but not opposed."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1120, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed Second Reading

and was referred to the Committee on Judiciary with Representatives Herkes, Marumoto, Meyer and Shimabukuro being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 196) recommending that H.B. No. 1617, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1617, HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Lee.

The motion was put to vote by the Chair and was interrupted by Representative Stonebraker who rose to be recognized.

The Chair addressed Representative Stonebraker, stating:

"Excuse me. We are going through the vote. All those opposed, say no."

Representative Stonebraker: "I'd like to register a no vote on 196 if I could."

Speaker Say: "The Chair will recognize you after this."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Herkes, Kahikina, Marumoto, Meyer and Shimabukuro being excused.

At this time, the Chair addressed the Clerk, stating:

"Madame Clerk, can you record a no vote for Representative Stonebraker on Stand Comm Report No. 196."

Representative Stonebraker: "May we have an opportunity to discuss this? I'm sorry."

Speaker Say: "The vote has already been cast."

Representative Ching: "I did want to register a no vote on Standing Committee Report ..."

Speaker Say: "At this point ... Representative Fox."

At this time Representative Fox moved for reconsideration, seconded by Representative Bukoski.

The Chair then announced:

"It has been moved to reconsider action taken, and Members, this is the Chair's recommendation to all of you, on Standing Committee Report No. 196, because debate has taken place all the way up to Standing Committee Report 195."

Representative Fox: "Yes, the motion to reconsider is only bill 196, and it is because all of a sudden the thing stopped. And I think we have several people who want to voice their concerns about 196, if we could open that up."

At 12:36 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

The Chair then announced:

"Members, before this House is a motion for a reconsideration, in reference to Standing Committee Report No. 196, H.B. 1617, H.D. 1. The Chair would ask that the Minority Leader and the Whip withdraw their motion so that we can suspend the rules of the House to consider H.B. 1617, H.D. 1. with the proper motion."

At this time, Representative Fox withdrew his previous motion for reconsideration of Standing Committee Report No. 196, and H.B. 1617, HD 1, and Representative Bukoski withdrew his second.

The motion for withdrawal was put to vote by the Chair and carried, and the previous motion was withdrawn. (Representatives Herkes, Marumoto, Meyer, and Shimabukuro were excused.)

The Chair then stated:

"At this time the Chair recognizes Representative Saiki for the motion to suspend the rules of the House to take Standing Committee Report No. 196, H.B. 1617, H.D. 1 out of order, since all other measures have been adopted through the prior motion of adoption."

SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules of the House were suspended to take Stand. Com. Rep. No. 196, and H.B. No. 1617, HD 1, out of order. (Representatives Herkes, Kanoho, Marumoto, Meyer and Shimabukuro were excused.)

The Chair then stated:

"Members before you, we have now suspended the rules for Standing Committee Report 196 for discussion.

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

"Mr. Speaker, I rise in opposition..."

At 1:43 o'clock p.m., Representative Luke requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

Representative Saiki moved that Stand. Com. Rep. No. 196, be adopted, and that H.B. No. 1617, HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Lee.

The Chair then recognized Representative Stonebraker who rose to speak in opposition to the measure, stating:

"Alright, thank you Mr. Speaker. At this time, I rise in opposition to this measure.

"This has been called a revolutionary bill in the past, and there are many areas of it that I think would be very detrimental to the healthcare system in Hawaii. One of them would be that it would create in effect, I think, a fourth branch of government. It would increase the Hawaii State budget by \$5 billion to be overseen by a panel of 17 Governor-appointed officials. So this would be a huge and drastic measure which I think we shouldn't entertain at this time."

Representative Ching rose to speak 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 Ching continued, stating:

"Thank you, Mr. Speaker. I would like to also rise in opposition. I think that the bills is fraught with many concerns of quality of care, as well as long waiting lines."

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

"We have one of the best healthcare systems in the country. The Prepaid Health Care Act takes care of all but 11% of the population here. We do want to expand that coverage. There are other ways of doing it. One way is a bill that has been debated on this floor before and that is to go to the federal government, get a waiver, and allow the employer-employee payout percentage to be changed. That would allow employers to cover more employees if we made that important adjustment.

"Another way is to encourage competition among healthcare providers in Hawaii by doing away with the tax on for-profit healthcare providers, an excellent measure that would bring more people into our market and end up with wider coverage. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. I'd also ask for the words of the speaker from Waikiki, the previous speaker to be incorporated as my own, and I have to add that I don't see any people from the United States going across borders to get healthcare and I see that in some of our neighbors. I believe we do have the best healthcare system in the world. Their system provides poor quality healthcare and long, long, long waiting lists and people die on that waiting list. Thank you, Mr. Speaker."

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 opposition to Standing Committee Report 196 and its attached measure, House Bill 1617.

"This measure is one calculated to effectuate a single-payer medical system in our State. It is universal health care. It is socialized medicine.

"Mr. Speaker, the intentions behind this measure are good. I do not question the motives of the introducers and supporters. I know they have the best interests of Hawaii's citizens in mind. However, good intentions cannot overcome bad results. Consequences count, Mr. Speaker.

"And what are the consequences? Let us look at the evidence. Single-payer systems are characterized by having coverage for all that is paid for by a single payer, which in our case is the state, who pays for all health care services provided. The State becomes the administrator of the health care delivery system in Hawaii, much like it does now for Medicare and

Medicaid programs. The State would make everyone eligible for services and it equalize the quality of services across the board.

"Note that uniformity and equality would result. But what sort of uniformity? We would end up with a system that would be uniformly mediocre. We would all be equal in receiving equally poor care. That is the experience of those jurisdictions in the world which have single-payer systems.

"Based on the experience of countries that have implemented, such as the United Kingdom, France, Australia, and Canada, cost control has not been as good as hoped for, efficiency has been lacking, especially with regard to long waiting times for service, and quality of care has been reduced to the point where their citizens come to the US for better quality care for which they pay out of pocket for.

"Medical care has been rationed in these countries because there are no market forces to respond to. The government taxes to the extent it wants. Then the legislative branch appropriates monies for the executive branch to run the health system. That is it. There is no give or take. There is no flexibility. It is take it or leave it, with politicians deciding who gets what sort of care, when they get that care, and if they get that care.

"Mr. Speaker, let me try to illustrate the problems with single-payer systems by analogizing to the HMO system. People are already concerned with HMOs. They don't like how it all comes down to cost control. But single payer systems where the single payer is the government is even more problematic. Unlike an HMO, which is at least driven by market forces to both lower costs and improve quality, a state-run system has no such force acting on it.

"Consequently, the quality of care usually diminishes over time.

"In testimony and letters provided to my office, I read that this single payer system would result in replacing the oligopoly in health care that we presently have with a monopoly. This is a solution which is worse than the problem we face.

"A state-run monopoly usually produces mediocre service for all and eventually there is a resounding call for privatization, as we have seen in other sectors like energy and transportation. As citizens find themselves facing even more delays and bureaucracy, they realize that they are in a state-run monopoly creating inefficient markets for products and services. These inefficiencies reduce the ability of the market to support and sustain innovation. Healthcare product manufacturers will no longer have the necessary financial incentives to develop innovative new technologies.

"This is why the best, most sophisticated medicine is available in the United States. In Canada, one has all health care taken care of. This works well if you are well. Colds, annual checkups - single payer systems do well with these. But if you need surgery, if you need sophisticated care, these systems are terrible.

"For example, if you have breast cancer, in the US your mortality ratio is 25%. In Canada and Australia, it is 28%. In Germany it is 31%, in France it is 35%. Why is the mortality rate so much higher in these other sophisticated countries. These are first world countries. They have comparable training, technology, and economic development. There should be no difference. The answer is the single payer system. These countries have universal health care. They are socialized medicine regimes. This is what happens when you adopt this sort of health care system.

"For men, let's look at prostate cancer. For US citizens, it is 19%. For men in Canada it is 25%, New Zealand it is 30%, and Germany it is 44%. Again, these are developed, first world countries. The only difference is their system. Their single payer systems result in delays and bureaucracy. They have socialized medicine and low quality of care. Is that a coincidence? I think not.

"Now, let me close by saying that I share the goal of universal health care. We should make care available to all. Treatment and medicine should be universally available. But this is not the way to do it. I agree with the goal but disagree with the means to attain that goal.

"The proposal would worsen our state of health here in Hawaii in order to reach the uninsured or under-insured.

"This proposal also includes long term care as part of health - and that's a noble goal. But we need to pass long term care tax credits to incentivize purchase of long term care policies, not create a monopoly on long term care delivery.

"I will close by saying that we need not this system envisioned by this bill but Savings Accounts, tax credits for the purchase of long term care insurance, a more comprehensive safety net for those who fall between the cracks, to mix a metaphor, and we must eliminate taxes on the purchase of medical products.

"For these reasons, Mr. Speaker, I rise in opposition to this measure and ask all to oppose a single payer health care system. Vote no on House Bill 1617."

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

"Mr. Speaker, I would like to rise in opposition. I just wanted to add that I highly respect and appreciate our Health Committee Chair but I am opposed to this bill."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. Having family living in New Zealand which has universal healthcare, we find that it is not equitable. And we find also that people are waiting long periods of time to get healthcare, to get a hospital bed. People do die before they get there. In a lot of cases, people are buying insurance and going into a private program rather than into a public program, and for this reason I oppose this bill."

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

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

"I rise in opposition also. Mr. Speaker, many of my reasons are the same as those articulated by our Republican Leader. The answer is competition, with a variety of health plans being allowed to come into our State and not prevented from coming into the State by those companies being taxed, where our primary healthcare insurer is exempt from those taxes. We all know the answer. If you level the playing field, we would have a lot more competition. We would have a lot more variety and plans available to people. And we will lower the cost of healthcare coverage."

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

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

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

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

"Thank you, Mr. Speaker. May I speak in favor of the measure? You know, I could probably spend a lot of minutes explaining to our colleagues, because I believe there is a lot of misunderstanding about this measure.

"Basically, here in our country, our nation's spending on healthcare has reached \$1.4 trillion, and this is as of 2001. It has been increasing at a rate close to double-digits every year. It has also, in the State of Hawaii, and I think many of us know because we are concerned about prescription drugs. That has increased by 16% over the past couple of years.

"At the same time we are looking at double-digit increases in the number of uninsured. So I think that our colleagues can see that we have a real problem. For people who say what is the problem? When you have increases in healthcare cost and at the same time, you have less people being covered. I think that is a problem. I think it is something that we should look at seriously.

"And has anybody has looked at the newspapers recently? This one says that HMSA plans to raise rates again. And who are these people paying the increased rates? They are consumers, our constituents. And who pays a major share of healthcare costs? If you are an employer, you are paying for the increases because our Prepaid Health Act, as great as it was and still is, to some extent, it still leaves our employers paying a major share because employees only have to pay 1.5%. They're capped at 1.5% of their wages.

"So who pays for the differences? It is our employers. And if you are pro business, if you want to see more business, then we need to look at how we can fix this system so that there is more equity in terms of contributions. We need to look at also how we can deal with the growing numbers of uninsured.

"We talk about providers. Physicians are now choosing to turn patients away because they are uninsured or because they are covered by Medicaid or QUEST. As a result, our hospitals are projecting a \$450 million loss this year. A \$450 million loss. Imagine that. How many of us want to see our hospital and our long-term care facilities go out of business? How many of us want to see our constituents turned away because they can't afford health insurance. I mean, it is fine to take shots at this proposal. That's fine. But let's work at creating a solution, because we are spending close to \$5 billion in the State of Hawaii.

"We need to come up with a more rational way of how we spend our healthcare dollars. We need to make sure that people receive quality healthcare across the board. Not just for the ones who can afford to pay for it, but for everybody. So I am hoping that we can continue this discussion. Granted it is not a perfect solution, and granted it is going to make people unhappy because we are going to have to make sacrifice. But the question is: Do we continue to let healthcare cost escalate? Do we continue to see providers being underpaid? And do you continue to see our businesses suffer because they can no longer cover their employees? So those are the questions I want to ask my colleagues. Okay, you can vote against it, but let me know what the solution is. Let me know what your ideas are.

"And don't depend on the federal government. Because according to the latest press release from the Administration, they want to give more monies to the states so we can develop our own health plans. We are not going to have a national health plan. But it is incumbent upon the states. I've talk to my colleagues and it is incumbent upon our states to come up with a coverage for as many people as we can. So this is a just a starting point. I want to invite all of you to be part of the solution, and not part of the problem."

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

"Briefly, there are many ideas that have been put forward to improve our healthcare system. I appreciate the Chairman's sincere consideration to help to improve healthcare. Just one of many ideas to improve healthcare is to eliminate the tax on medical services, including insurance for medical services which would level the playing field and improve competition in that area for us."

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

"I'd like to speak in favor of the measure. I'd just like to quote briefly from the *Advertiser* editorial of January 30. And they say:

"It seems as though Hawaii has been paving the way for universal healthcare since the passage of the 1974 Prepaid Health Care Act, which requires employers to pay the lion's share of premiums for their full time workers.

But it pains us to learn that too many Islanders -- 11% are uninsured. Many businesses avoid paying health insurance premiums by hiring part-time employees. Meanwhile, the population is aging and in need of more health services, and the cost of these services and prescription drugs is steadily rising. Our health is at the mercy of the market."

"I think we talked a little bit about tax breaks and other ways that we can bring down the cost of healthcare. But much of the rising cost of healthcare is at the provider level. The Chair of Health Committee is very brave to bring this before all of us because we must consider the rising cost of healthcare. Not only competition in the market, taxes, but also what is it within the healthcare system that is making our cost rise. The idea needs to be discussed, keeping in mind that the Prepaid Health Care Act is largely what has made us the Health State. Thank you."

Representative Moses rose and stated:

"Thank you, Mr. Speaker. I'd just like to remind all my colleagues that the State departments hire a lot of part-time people so they get away under-paying them the health insurance with the 20 hours."

The Chair responded:

"Representative Moses, that statement does not correlate to the state Health Authority at this point. Do you understand that? It has nothing to do with our State employees."

Representative Moses responded:

"I was just referring to a comment that was just made on the floor about employers hiring people for less than 20 hours and

the State does the same thing. That is the only point I was making."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representatives Herkes, Kahikina, Marumoto, Meyer and Shimabukuro being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 26) and concurrent resolution (H.C.R. No. 22) were referred to printing and further action was deferred:

H.R. No. 26, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO RELAX RESTRICTIONS ON THE GRANTING OF NONIMMIGRANT VISAS TO NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE PURPOSE OF BUSINESS, TOURISM, AND STUDY IN THE UNITED STATES," was offered by Representative Hale.

H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO RELAX RESTRICTIONS ON THE GRANTING OF NONIMMIGRANT VISAS TO NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE PURPOSE OF BUSINESS, TOURISM, AND STUDY IN THE UNITED STATES," was offered by Representative Hale.

ANNOUNCEMENTS

Representative Nishimoto, for the Committee on Health requested a waiver of the 48-hour notice requirement for the purpose of conducting a public hearing with decision making to follow on H.B. 910, and the Chair "so ordered."

Speaker Say: "Representative Nishimoto, can you explain to the Members of this House what is the contents of H.B. 910?"

Representative Nishimoto: "The bill's contents authorizes the issuance of a general obligation bonds and makes appropriations for the Kulamalu long-term care facility in Kula, Maui."

Representative M. Oshiro, for the Committee on Labor and Public Employment requested a waiver of the 48-hour advance notice requirement to hear H.B. 1617, H.D. 1, the State Health Authority, to be held Tuesday morning in room 309, following Agenda #4, and the Chair "so ordered."

ADJOURNMENT

At 12:59 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 11, 2003. (Representatives Herkes, Kahikina, Marumoto, Meyer, and Shimabukuro were excused.)

EIGHTEENTH DAY

Tuesday, February 11, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Eric Matsumoto of Moiliili Hongwanji, after which the Roll was called showing all members present with the exception of Representatives Blundell, Morita, and M. Oshiro who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 173 through 176) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 173, transmitting a report, Establishing the Primary Care Incentive Program and the Primary Care Roundtable.

Gov. Msg. No. 174, transmitting the Annual Report for July 1, 2001–June 30, 2002 by the Disability and Communication Access Board.

Gov. Msg. No. 175, transmitting a Report, Relating to Neurotrauma.

Gov. Msg. No. 176, transmitting a Report, Relating to the State Water Pollution Control Revolving Fund of the Department of Health.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 5 through 8) were received and announced by the Clerk:

Sen. Com. No. 5, transmitting S.B. No. 442, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS," which passed Third Reading in the Senate on February 10, 2003.

Sen. Com. No. 6, transmitting S.B. No. 933, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STALKING," which passed Third Reading in the Senate on February 10, 2003.

Sen. Com. No. 7, transmitting S.B. No. 934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION," which passed Third Reading in the Senate on February 10, 2003.

Sen. Com. No. 8, transmitting S.B. No. 935, entitled: "A BILL FOR AN ACT RELATING TO ORDERS FOR PROTECTION," which passed Third Reading in the Senate on February 10, 2003.

On motion by Representative Lee, seconded by Representative Meyer and carried, S.B. Nos. 442, S.D. 1; 933, S.D. 1; 934, S.D. 1; and 935, passed First Reading by title and further action was deferred, with Representatives Blundell, Morita and M. Oshiro being excused.

INTRODUCTION

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

Representative Wakai introduced his ARC Legislative intern, Mr. Dennis Naito; and ARC assistant Mr. Conrad Herrera.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
442, SD 1	Committee on Judiciary
933, SD 1	Committee on Judiciary
934, SD 1	Committee on Judiciary
935	Committee on Judiciary

The following resolution (H.R. No. 27) and concurrent resolution (H.C.R. No. 23) were referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Referred to:</u>
27	Committee on Labor and Public Employment, then to the Committee on Finance

<u>H.C.R.</u> <u>No.</u>	<u>Referred to:</u>
23	Committee on Labor and Public Employment, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
86, HD 1	Committee on Water, Land Use, and Hawaiian Affairs
89, HD 1	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
467, HD 1	Committee on Energy and Environmental Protection, then to the Committee on Finance
674, HD 1	Committee on Human Services and Housing, then to the Committee on Finance
682, HD 1	Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance

965, HD 1	Committee on Agriculture, then to the Committee on Finance
1020	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
1021	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
1064	Committee on Transportation, then to the Committee on Finance
1117	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary
1260, HD 1	Committee on Public Safety and Military Affairs, then to the Committee on Economic Development and Business Concerns, then to the Committee on Finance
1261, HD 1	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 197) recommending that H.B. No. 1554, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1554, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, in opposition. Mr. Speaker, here in Hawaii we have a cost of living that is 20% above the national average, yet our salary structure is barely at the national average. We pay the fourth highest State and local taxes combined, in the country.

"This bill proposes to give, essentially force, the City and County of Honolulu to raise taxes because it squeezes the City and County of Honolulu out of the TAT distribution, and gives the City and County of Honolulu the right to enact an excise tax.

"This is a tax increase, it is an increased burden on the people of Hawaii. It is not what our economy needs at this time. It is a terrible bill. Let's vote it down. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in opposition. The Standing Committee Report records a number of votes. There are 5 votes with reservations, 2 votes no, and 4 votes in total support. This is a bill that is very controversial. To raise taxes in a time like this, when our economy is struggling along, I just think it is a bad idea. And I would urge the members of this House to vote no."

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

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

"Thank you, Mr. Speaker. In support. This is another bill introduced by our innovative Representative from Kahului. This bill came about because of a recent budget briefing in the Finance Committee when the Mayor of the City and County of Honolulu mentioned that if the State gave him and his County taxing authority, he would give up his share of the TAT revenues.

"This bill authorizes the City and County of Honolulu to establish a general excise and use tax surcharge of an unspecified percentage. It also revises the allocation of the TAT revenues to the Tourism Special Fund and to the counties. I must admit, Mr. Speaker, there is a flaw in the percentages that the Finance Committee will be able to address when it gets there. But as written in this bill, 41.8% of revenues collected will be divided to the counties in the following manner. Kauai will receive 29.2%, up from the 14.5% it currently receives. Hawaii County would receive 33.3%, up from 18.6%. And Maui County would receive 37.5%, up from 22.8%. This is an increase of approximately \$11 million per county, and a 5% increase to the Hawaii Tourism Authority, for a potential of 8.5% increase. But realizing Mr. Speaker, we already capped the HTA at \$62.292 million, so we would see an increase of approximately \$6 million to \$7 million into the general fund.

"Currently the City and County of Honolulu receives approximately \$29 million from the TAT tax. Given the taxing authority that the Mayor requests, and using the 2001 general excise tax and use tax figures, at 1% interest in the GET for the City and County of Honolulu, they would raise a whopping \$340 million. At a half percent increase, they would receive \$170 million. At a quarter percent increase they would receive \$84 million. Even at one-eighth percent increase, they would receive \$42 million. An increase of over \$12 million of what they are currently receiving from the TAT tax now.

"So Mr. Speaker, this bill supports the City and County of Honolulu in giving them more control over their fiscal administration. It allows the Neighbor Island counties to have a bigger share in TAT revenues to meet their financial responsibilities. And Mr. Speaker, it will add more to our general fund to contribute to balancing our budget. I ask the Members to pass this measure on to Finance for further discussion and to get more input from our City and County of Honolulu officials."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. I believe it would have an adverse impact on our economy, the real estate industry and the tourism industry. The counties already have taxing powers through the real property tax that is totally in their jurisdiction. They also receive a share of the Transient Accommodation Tax. By having this additional excise tax in the City and County of Honolulu, businesses that operate in other counties, as well as Hawaii, would be a nightmare as far as accounting for the taxes and the different jurisdictions, just to get ready for it. There is all kinds of paperwork that would have to be done.

"I was in the Committee where the Mayor of Honolulu expressed this desire. I mean, why wouldn't he if they can tax in another year, and another year. It gives him two taxing authorities. The people in this State, and the people on Oahu are already overtaxed and I don't find this a positive step in helping us get into a healthier economic climate. Thank you, Mr. Speaker."

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

"Thank you. I also am in opposition to this measure. This will result in the Neighbor Islands, yes, the counties receiving more money, but it will also result in Oahu paying more taxes. The general fund will not be realizing more money because the money raised, extra taxes raised, will go to the City and County of Honolulu. I think I should ask all Oahu Representatives to vote no on this measure for the record."

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

"Yes, thank you very much, Mr. Speaker and Members. I wish to speak in favor of this bill. Again I wish to congratulate the Representative from Kahului, my colleague, for coming up with this innovative bill. I think this bill can benefit everyone including the citizens of the City and County of Honolulu."

"This bill, and if you enact an increase the excise tax specifically for Honolulu, you will be able to then reduce the property tax for the homeowners and businesses in Honolulu. I believe that is the spirit of this bill, and the Mayor was discussing and saying that he wouldn't mind having an increase. It is because he wanted to provide basically, a relief to the property tax owners."

"For the Members, some years ago there was a poll taken as to what tax does the public hate the most? It is the property tax. They believe that their home is their domain, and they don't want to be taxed out of their home. And I believe again, this is the spirit of the bill. And thanks to the Chairman. He has provided basically a relief to property tax owners."

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

"Thank you very much, Mr. Speaker. I rise in opposition. I cannot support any increase in tax, even if it is a tax on another county than the county that I represent. And it is a tax that would probably benefit my county. I cannot vote for legislation that will 'kill the goose that laid the golden egg.' Taxation isn't the answer to our fiscal crisis. What we need is restraint and fiscal responsibility, and I ask all of you to please take a look at this."

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

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. I listened very closely to the remarks of the gentleman from Maui and I think he is right about the intent of the measure. I think there is a possibility that you could see an attendant decrease, perhaps in property rates."

"The problem with the bill is that there is no guarantee that, that might happen. My skepticism leads me to feel that you might end up with both things. With this new tax and with no comparable reduction in property taxes, and then you would end up with the worst of both worlds. So because of that fear, at this point, I am going to voting no unless somehow in some future version we have a guarantee that that intent is in the law, that you are going to have a reduction in property taxes tied to this. So for those reasons, I oppose this measure at this time."

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

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

"Thank you, Mr. Speaker. I have a no vote also. It's basically the same thing you've heard. It just says the surcharge, the use tax surcharge, is of an unspecified percentage. To me, that's very, very scary. I wouldn't wish that upon anybody. Thank you."

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

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

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

"Mr. Speaker, I rise in support of this measure. I have a few brief comments in support of this measure. I would ask that those Members who have consistently stood on this floor and advocated for increased county authority over matters such as land use, regulation, environmental regulation, health and safety regulation, that they be consistent in voting on this measure, because this is basically homerule proposal. The power to tax ..."

Representative Pendleton rose to a point of order, stating:

"Point of order, Mr. Speaker. the gentleman is suggesting that we are being inconsistent by supporting homerule on other issues when opposing taxes. I take umbrage at the suggestion of being inconsistent on that matter, Mr. Speaker."

The Chair responded, stating:

"Representative Pendleton, I believe the speaker who is speaking now, is not inconsistent because it is a question of county homerule, and we are as a legislative body authorizing the counties to be given the opportunity of that taxation power, which is the general excise tax and use tax."

Representative Pendleton: "But those matters don't involve tax matters such as this, Mr. Speaker."

Speaker Say: "Tax matters do affect county homerule because this is at the request of the Mayor of the City and County of Honolulu at the Finance briefing. So that's why I'm allowing the speaker to continue on with his debate."

Representative Pendleton: "Mr. Speaker, I would appreciate if the gentleman would just refer to the bill and why he believes it is good, as opposed to talking about other people being inconsistent, Mr. Speaker."

Representative Lee rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe you already made a ruling on the issue."

The Chair responded, stating:

"Yes. Please proceed Representative Saiki."

Representative Saiki continued, stating:

"Thank you, Mr. Speaker. I forgot what I was going to say. And I'm going to try to be consistent with my prior comments."

"Basically, the property tax is the ultimate form of homerule and it is important to note that this measure is basically a continuation of pre-existing law which allows counties to raise the general excise tax and the use tax for the purpose of funding mass transit.

"The Legislature passed this legislation over ten years ago. Mass transit was a compelling need at that time. This bill will give the counties further flexibility to address other compelling needs in addition to mass transit. Thank you."

Representative Souki rose to respond, stating:

"Yes, Mr. Speaker. Just one last item on this here. In regard to the poll that was recently taken, and of course I'm speaking for the measure. It shows that the public is in favor of raising taxes if there is a plan. And obviously there is a plan here, and I would think this would meet the requirement of the poll. Also, and I think this is for both sides of the aisle. The public does not mind if we raise taxes if it is for ..."

Representative Meyer rose to a point of order, stating:

"The speaker seems to be confusing this poll with additional taxing authorities. With the other poll, I think he's talking about additional taxes for improving schools and education. I don't think it has anything to do with just a blanket raising taxes for the City and County of Honolulu."

The Chair responded, stating:

"Your point is well taken. May we proceed on members?"

Representative Fox rose to respond, stating:

"Mr. Speaker, briefly. The point that is being missed in some of the debate is that the City and County of Honolulu will lose revenue that it is currently getting. This bill provides that the TAT funds no longer go to the City and County of Honolulu. Thus the City and County of Honolulu will be forced to raise taxes. They'll have no choice. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1554, entitled: "A BILL FOR AN ACT RELATING TO COUNTY TAXES," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Fox, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representatives Blundell, Hiraki and Morita being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 198) recommending that H.B. No. 814, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 814, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 199) recommending that H.B. No. 815, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 815, entitled: "A BILL FOR AN

ACT RELATING TO THE COURTS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 200) recommending that H.B. No. 1023, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1023, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"One of the ways of trying to take care of the City and County of Honolulu, and I'm speaking against Standing Committee Report No. 200, one of the ways of trying to take care of the City and County of Honolulu is to allow the fines and forfeitures to go to the county. This bill actually raids that pot of money and means that less money will transfer to the City and County of Honolulu. This seems to be a bad day for the City and County of Honolulu at the Legislature. Thank you."

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

"I would like to speak on this bill with reservations, Committee Report 200, HB 1023.

"I just question the title. It is: "Relating to Traffic Fines." It also seems to have something to do with the Drug Court Program special funds so I'm just wondering whether the title is all-encompassing. Thank you."

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

"I rise with reservations on the same measure. These special funds are really a bad way of doing accounting. Half of our budget is made up of special funds. Hundreds and hundreds of them. And I think it's a little bit irresponsible to create special funds at every need. These are 'slush funds.' This is loose cash that's flowing around that we have no accountability over, and so I think that we should 'hold our horses' on these special funds. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. One problem I have with it is there's really no rational nexus between the purpose of special fund and the traffic fines. Diverted money could be used to support traffic enforcement and highway safety.

"This bill also moves in the wrong direction as far as letting the counties participate in some of those fines. We are instead funneling that money off for a brand new purpose. One that was never funded by traffic fines. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1023,

entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Meyer and Ontai voting no and with Representatives Blundell, Hiraki and Morita being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 201) recommending that H.B. No. 1255, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1255, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 202) recommending that H.B. No. 628, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 628, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 203) recommending that H.B. No. 1636, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1636, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Mr. Speaker, I rise in support of this measure. The purpose of this bill is to establish the Hawaiian Housing Finance Corporation whose purpose is to remedy the acute housing shortage for the people of Hawaiian ancestry.

"Mr. Speaker, I wanted to educate you and my colleagues. On the surface it seems that we're just creating the Hawaiian Housing Authority, but I wanted to educate you on the purpose of the true, I guess, energies that went into creating this Housing Authority.

Mr. Speaker, this Housing Authority would address this newly created federal recognition under HUD, called the NAHASDA, empowerment and it stands for Native American Housing and Self Determination Act. We're about to begin our second year of the five-year authorization, and I believe the department was given in each year, approximately \$10 million each.

"Mr. Speaker, this measure speaks to a protected class, and in your Committee Report there are some legal aspects that we wanted to get clarified. For the edification for you and my colleagues, Mr. Speaker, one of the legal intents was really, the intent of the creation of the Hawaiian Homes Commission Act, as amended in 1921. As you and I, if you don't know, the federal government created that Act. So may I give you a small

little synopsis of it, being that native Hawaiian. Because we know that in 1778, the history books said that Captain Cook discovered these islands. In fact, it was only two years after this great nation was formed. In 1893, with the support of our Representative from the United States, Queen Liliuokalani was overthrown. A provisional government took the powers to be, and in 1898 they created their own Constitution. That Constitution is what we follow.

"Two years after that in 1900, the United States codified that Constitution by creating the Organic Act. In the Organic Act, I believe twenty years afterwards, was the first apology to Native Hawaiians. In these ceded lands that we are disputing right now, the 20% for OHA, they set aside 203,500 acres. They qualified and quantified who were the native Hawaiians. We had to prove that our ancestors were here prior to Captain Cook, with 1778. And at the same time this federal legislation violated our civil rights by creating two classes of Hawaiians. In order to qualify, you had to prove that you were 50% of the blood prior to Captain Cook.

"So I have been constantly educating you. I've called them the 'less than 50 percenters.' The 49 percenters are crying out loud, "What about me? I am Hawaiian." And the 50 percenters are saying, "I tired wait on the waiting list." OHA testified that there is approximately 17,000 individuals waiting on the waiting list, and only 7,000 is on the land, and I'm one of them.

"You know, Mr. Speaker, I'm a ward of this State. As a veteran I have fought for America and all that is right, but I go home as a ward of this State. Mr. Speaker, this bill speaks about that.

"I wanted to educate you because I wanted to ask what is the legal intent of the Hawaiian Home Commission Act, so I won't make any lyrics. I'll read it right from our Hawaii Revised Statutes, Volume 1. I advise you to read it, because it says:

Purpose

The Congress of the United States and the State of Hawaii declare that the policy of this Act is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and self-determination of Native Hawaiians in the administration of this Act, and the preservation of the values, traditions and culture of Native Hawaiians.

"In fact, it goes on and says that:

The principal purposes of this Act include but are not limited to: 1) Establishing a permanent land base for the benefit and use of native Hawaiians, upon which they may live, farm, ranch, and otherwise engage in commercial or industrial or any other activities authorized in this Act; ...

"Two years ago, Mr. Speaker, we passed S.B. No. 1102, and it was codified as Act 302. Act 302 ..."

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

Representative Kahikina continued, stating:

"Thank you. Act 302 reaffirms the Hawaiian Homes Commission Act and also gave a delegation of power that the people on Hawaiian home lands could afford this American freedom to self-determination. Mr. Speaker, it goes on and it says:

Placing native Hawaiians on lands set aside under this Act in a prompt and efficient manner and assuring long-term tenancy to beneficiaries of this Act and their successors; ...

"Mr. Speaker, 17,000 waiting on the waiting list. Okay, it goes on and says that:

Preventing alienation of the fee title to the lands set aside under this Act so that these lands will always be held in trust for continued use by native Hawaiian in perpetuity.

"They didn't want us to sell the land, so we cannot encumber the land. So I have a land that only recently I can go into the bank and hopefully just get the value of my house, but I'm not afforded anything else beyond that."

The Chair interjected, stating:

"Representative Kahikina, could you get to the point?"

Representative Kahikina continued, stating:

"Yes, I'm getting to the point, Mr. Speaker, that we have a fiduciary responsibility to native Hawaiians. Also Mr. Speaker, in the State's responsibility defined in Section 4, of the Admissions Act, where it says that our agreement with the United States, with the federal government, is that we would manage and dispose of the Hawaiian Homes Commission Act.

"Mr. Speaker, I know you want to rush me, but I am going tell you Mr. Speaker, I've been here now nine years and I've been sitting quietly. And some of the policies that this leadership has taken, and quite frankly, I'm disappointed in some of those policies. One is the Individual Claims Act, because this says that we should not hinder the native Hawaiians to get on their land, and that individual claims would have made an adjustment, or at least some kind of reparation.

"Mr. Speaker, it goes on. I wanted to get more clarification on Section 1, Section 2, Section 3, and Section 4, of Article 12 of the State Constitution. And if you don't know what that is, in Section 1 it is the Hawaiian Home Commission Act. Section 2, it accepts the Compact which is in the Admissions Act. Section 3, is the Compact adoption, and interesting, Section 4 talks about the Public Land Trust which have been held by us. We legislate all the income from all of this Trust lands except, excluding Section 203, which is the Hawaiian Homes.

"You know it goes on in Section 4 of the Trust, it says these lands, the public trust, was held by the State as a public trust for native Hawaiians and the general public. But we went on when we talked about OHA's empowerment to go to five purposes in the Admissions Act and divided the pie by 5 ways. So that's where the 20% comes from. But the public trust said it was held in trust for only two populations, native Hawaiians and the general public.

"Mr. Speaker, I wanted to go on and also to investigate if we have the courage, if we have the courage to really put this thing on the side. We've been a lot of talk about native Hawaiians but policy wise we've been creating policies that keep us confused, keep us divided and this why I'm bringing up this issue ..."

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

Representative Kahikina continued, stating:

"Thank you, Representative. The self-determination of the impact of the intent of the Native American Housing Self Determination Act. You know NAHASDA gave us the empowerment to self-determination. By creating this Housing Authority it would at least give an opportunity to native

Hawaiians to make decisions, for the first time in their lives, and if we made a mistake it will be the native Hawaiians that made the mistake, not this Body. Not the federal government.

"You know Mr. Speaker, we're fighting a war in this world, and it really strikes me sometimes very negatively, that we belong to one of the greatest nations. I believe in democracy. I love America, and I am an American. But I am a native Hawaiian also. And I got elected into this Body and I said I would open my mouth and I would judge righteously, plead the cause of the poor and needy. You know, Mr. Speaker, when I look at the poor and needy, because you appointed me the Chair of Human Services and Housing, we deal with the poor and needy. And when we look at the poor and needy, and we look at the people that are poor, the native Hawaiians come out number one on the list.

"Mr. Speaker, I make this plea and use this vehicle to bring out these issues that I am talking about. If you really believe, if you really believe, and if this Body believes that we support, and we said, because we all raised the right hand and I remember the Chief Justice said, "Do you solemnly swear to uphold the Constitution of the United States and the Constitution of the State of Hawaii," we all said yes. And so I'm looking at the Constitution, the Admissions Act, and I'm saying that this vehicle will bring up this issue.

"I really believe and I hope and pray that we have the courage to really set this aside and to look at this vehicle and ask the question: What is the legal intent of the Hawaiian Homes Commission Act? What is the legal responsibility defined in Section 12 of the Admission Act? What is the legal intent of Sections 1, 2, 3, and 4 of the Article 12 of the State Constitution? This is a protected class. So this vehicle brings this issue up alive, and I ask all of you, and my colleagues to support this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1636, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOUSING FINANCE CORPORATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 204) recommending that H.B. No. 1272, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1272, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVOCACY FOR HUMAN SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 205) recommending that H.B. No. 674, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," passed Second Reading and was referred to the Committee on Economic Development and Business Concerns with Representatives Blundell, Hiraki and Morita being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 206) recommending that H.B. No. 529, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 529, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita 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. 207) recommending that H.B. No. 917, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 917, entitled: "A BILL FOR AN ACT RELATING TO PALLIATIVE CARE AND PAIN MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita 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. 208) recommending that H.B. No. 925, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 925, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDER ABUSE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita 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. 209) recommending that H.B. No. 1420, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1420, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COMMUNITY HEALTH CENTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita 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. 210) recommending that H.B. No. 68, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 68, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 211) recommending that H.B. No. 1192, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1192, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR ADULT SERVICES PROGRAMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 212) recommending that H.B. No. 1130, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 213) recommending that H.B. No. 313, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 313, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO ALLOW THE STUDENT MEMBER OF THE BOARD OF EDUCATION TO VOTE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

H.B. No. 313 passed Second Reading and was referred to the Committee on Judiciary in the following form:

H.B. No. 313:

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO ALLOW THE STUDENT MEMBER OF THE BOARD OF EDUCATION TO VOTE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article X, section 2, of the Constitution of the State of Hawaii to allow the student member of the board of education to vote.

Section 2. Article X, section 2, of the Constitution of the State of Hawaii is amended to read as follows:

"BOARD OF EDUCATION

Section 2. There shall be a board of education composed of members who shall be elected in a nonpartisan manner by qualified voters, as provided by law, from two at-large school board districts. The first school board district shall be comprised of the island of Oahu and all other islands not specifically enumerated. The second school board district shall be comprised of the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large school board district shall be divided into departmental school districts, as may be provided by law. There shall be at least one member

residing in each departmental school district. The Hawaii State Student Council shall select a public high school student to serve as a ~~[nonvoting]~~ voting member on the board of education[-]; provided that the student member shall not vote on any issue directly pertaining to either fiscal or personnel matters."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawaii be amended to allow the student member of the board of education to vote on all matters except on issues directly pertaining to either fiscal or personnel matters?"

SECTION 4. Constitutional material to be repealed is bracketed. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 214) recommending that H.B. No. 903, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 903, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," passed Second Reading and was referred to the Committee on Health with Representatives Blundell, Hiraki and Morita being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 215) recommending that H.B. No. 632, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 632, entitled: "A BILL FOR AN ACT RELATING TO TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 216) recommending that H.B. No. 1173, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1173, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 217) recommending that H.B. No. 1176, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 218) recommending that H.B. No. 1536, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1536, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CANOE PADDLING PROGRAMS IN PUBLIC HIGH SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 219) recommending that H.B. No. 1405, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1405, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 220) recommending that H.B. No. 1106, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1106, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representatives Kanoho and Chang, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 221) recommending that H.B. No. 886, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 886, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

Representatives Kanoho and Chang, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 222) recommending that H.B. No. 1285, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1285, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC SITES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 223) recommending that H.B. No. 581, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 581, entitled: "A BILL FOR AN ACT RELATING TO SHARK FEEDING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Hiraki and Morita being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 224) recommending that H.B. No. 1569, pass Second Reading and be referred to the Committee on Tourism and Culture.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1569, pass Second Reading and be referred to the Committee on Tourism and Culture, seconded by Representative Lee.

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

"Mr. Speaker, I'm rising to vote no on Standing Committee Report No. 224. Mr. Speaker, this is a very special interest bill. It will provide an investment tax credit for the Hawaii Motor Sports Company, a single entity that is going to have this beneficial tax credit. I know there are a large, large number of small businesses in our State, Mr. Speaker, that would line up to say, "Hey, give us a chance to have this favoritism given to our company so we can continue to survive."

"I know that the Chair of the Committee that heard the bill is stating that it will take speeders off the road. Well, I don't think our Auditor, Marion Higa, would find that much of a nexus between kids that go out and speed on the highways and the, I guess the construction of a motorway for drivers to go out there and participate in events.

"I think it's just incredibly bad form to do this. It's one of those bills that makes the Legislature look bad and it is very much a special interest bill. Thank you."

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

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

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

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

"I rise to speak with reservations on this measure. I believe it's a 100% tax credit which means if this facility should cost \$100 million, that's how much the developer would receive back. Perhaps in the next Committee they could pair it down to something reasonable like a 10% tax credit if they feel that this is justified. Thank you."

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

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

"Well it does seem that this may be a special interest bill and we applaud those who stand up in opposition or express concern because we should do that. We should scrutinize whatever we do. However, Mr. Speaker, the Legislature is empowered to exercise judgment on those activities which serve a public purpose and this is demonstrated very clearly in a special purpose revenue bond issue. There are categories such as processing, industrial, as well as manufacturing, and there are several more. And one could question all of that, but it is in the Legislature's purview to make that determination, and your Committee, other than those who have expressed to the contrary, do feel that this could serve the public purpose by keeping speeders off of our highways. And the opinion of your Committee Chair is that it does serve that purpose. Thank you very much."

The Chair then stated:

"Members, may we proceed on since this has two other referrals to go through in the process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1569, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Tourism and Culture with Representatives Leong, Meyer and Thielen voting no and with Representatives Blundell, Hiraki and Morita being excused.

Representatives Takumi and Arakaki, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No. 225) recommending that H.B. No. 248, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 248, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Lee.

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

"On this one, I'm standing to rise in strong support. House Bill 248 will ban smoking in public schools. I think that is an excellent policy decision by the Legislature.

Mr. Speaker, I do find one thing rather interesting. In the Committee Report, if you turn to that subsection C, it says that smoking will be banned at any event or function at any location sponsored by a public school. This means, Mr. Speaker, then those smoke-free students come down to the State Capitol on a public event sponsored by the school, they're going to walk into a building that still permits smoking within the building. I don't think that's a very good message to send out to our young people and I would hope that we, this Session, will take the step of not just banning smoking in public schools, but banning smoking in the State Capitol, which is the building for the public and for our students. Thank you."

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

"I rise with reservations. This measure is being referred to the Labor Committee but as this is our first time to look at this measure given the tardiness of this measure getting to the Committee, it is unlikely that the Labor Committee will have a chance to hold a public hearing on this during this first pass. But I did get several emails, Mr. Speaker, over the past several days regarding House Bill 248 and have communicated to those

proponents that should there be a vehicle similar to this in the Senate, we would entertain it.

"I would like to add Mr. Speaker, that the reason why it is going to Labor, although it's an Education and Health Committee issue, is that right now, the current practices of having smoking or non-smoking on a particular school campus is a result in collective bargaining. So, I would like to implore the Office of Collective Bargaining and managed competition, as they currently discuss the different bargaining positions with the different employee units, to discuss this particular measure, especially the matter of the federal requirement under the Pro-Children's Act of 1994. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 248, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC SCHOOLS BY PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Blundell, Hiraki and Morita being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 226) recommending that H.B. No. 288, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 288, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION INITIATIVES," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 227) recommending that H.B. No. 1328, pass Second Reading and be referred to the Committee on Energy and Environmental Protection.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1328, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," passed Second Reading and was referred to the Committee on Energy and Environmental Protection with Representatives Blundell, Hiraki and Morita being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 228) recommending that H.B. No. 1615, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 229) recommending that H.B. No. 1465, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1465, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed

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

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 230) recommending that H.B. No. 298, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 298, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"It interferes with the Governor's ability to site a prison where it is needed."

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

"I rise with reservations for different reasons. I believe this bill is premature. It does provide for the Governor to privatize the prisons, and we have a bill that was heard today in the Labor Committee for managed competition. So I would hope that the Chair of the next Committee, which I believe is Finance, would await and see what happens to managed competition. And if managed competition does go through, and if we repeal Act 90, then this would be moot here.

"The other consideration is that I've always been opposed to the privatization of prisons because I believe that anything that concerns human rehabilitation should not be require to be burdened by the cost factors as in privatization, where the bottom line, in privatization, is the consideration. Under government sponsorship, the consideration is social rehabilitation, and that I believe is a profound difference. Thank you very much."

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 rise with strong reservations on this measure as the Halawa Correctional Facility is within the 33rd district. While the "not-in-my-backyard" concerns will most always exist for any correctional facility in any community, I do not believe this bill has had sufficient comment and review from the affected community and more public participation is necessary to ensure proper education and ultimate acceptance by the residents.

"Based on previous discussions with the prior Director of Public Safety, I was advised of a previous proposal by a private developer to expand the Halawa Correctional Facility to relocate approximately 1,000 inmates currently housed at the Oahu Community Correctional Center ("OCCC"). I was further advised that a reason for this relocation is that OCCC has limited ability to properly contain inmates, making escapes more prevalent because it is located in an urban center of Kalihi, inconsistent with the surrounding community. Moreover, to avoid the potential of court action for overcrowding at OCCC, the administration is supporting this proposed expansion at Halawa, and anticipates that the Request for Proposal process will be completed by this summer.

"There are reasons why Halawa may be a good location – there has been a low rate of escapes since Halawa first opened

in 1998, as well as the fact that Halawa is one of the more remote areas within reasonable proximity to urban Honolulu, for transportation to the courts. However, I believe that there are many, many alternative locations that are just as viable, and these need to be explored.

"Halawa already has a prison, a quarry, a freeway, a quarantine station and a full military facility. I believe each area must bear its share of burdens in our modern-day society and it is not fair for my district to absorb so much more than others. It is not fair that this issue is not allowed more exploration merely because of the "not-in-my-back-yard" mentality.

"Consequently, I have severe reservations on this measure."

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

"My objections are not the cost of privatization. My objection is that the bill is so specific as to the location, what exactly will be torn down and what exactly will be built. And that leaves the Administration absolutely no leeway. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Meyer voting no and with Representatives Blundell, Hiraki and Morita being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 231) recommending that H.B. No. 331, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 232) recommending that H.B. No. 1216, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1216, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FOR PRISONERS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 233) recommending that H.B. No. 1590, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1590, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of Standing Committee Report No. 233, H.B. No. 1590 HD1 – Relating to Veterans' Rights and Benefits.

"The purpose of this bill is to require the Office of Veterans' Services, at the request of a veteran's survivor or interested party to provide payments directly to a mortuary or crematory when a contract for services and an itemized invoice is submitted.

"This bill also appropriates funds for fiscal year 2003-2004 and fiscal year 2004-2005 for this purpose.

"Mr. Speaker and colleagues, there are approximately 12,000 Filipino American veterans of World War II currently living in the U.S. ranging in age from 79-80 years old. Of that number, approximately 1500 live in Hawaii. And yes, our veterans are aging and they are becoming more and more fragile and most are going through severe health problems because of their age. In fact, the number of deaths among the veterans here in Hawaii is averaging 3 to 5 a month in the last few years. Last year, however, that number increased dramatically with the deaths of 9 veterans during the months of June and July 2002 alone.

"Mr. Speaker and colleagues, the saga of the Filipino American veterans of World War II continues. In Hawaii and across America, many of us for so many years have seen the pain and sufferings of the thousands of Filipino American veterans as they fight to regain veterans status and benefits. Many have died and for them it is too late, but for the surviving veterans, they continue fighting.

"Over the years, there has been a lot of movements in the U.S. Congress to help advance the cause of the Filipino veterans. In 1999, for example, the U.S. Congress passed Public Law 106-169, which gave Filipino American Veterans residing in the United States the right to return to the Philippines with 75% of their Supplemental Security Income (SSI). The Filipino Equity Bill, HR 491 of 2001 was deemed too expensive, however, costing an estimated \$350 million a year and it was killed. And last year, the Veterans Health Care and Procurement Improvement Act of 2002, HR 3645, was passed by the U.S. House of Representatives on July 22, 2002, but was later killed in the U.S. Senate. A provision in Section 5 of this Act included health care for Filipino veterans of World War II who are residing in the United States and their surviving spouses. Among the benefits the veterans would have received are nursing home care, medical supplies, medicines, and VA clinic and VA hospital services.

"Also, in 2002, the Hawaii Legislature adopted House Concurrent Resolution, H.C.R. No. 34, urging the U.S. Congress and the President of the United States to repeal the

Rescission Act of 1946 and to restore Filipino World War II veterans to full veterans' status and benefits.

"Mr. Speaker and colleagues, the veterans as citizens of the U.S. and as residents of Hawaii are entitled to receive burial assistance from the State. But in most cases, the survivors of these veterans do not have the resources to pay for the up-front cost of burial or the cost of transporting his remains back to the Philippines where he wished to be buried.

"I am sure you will agree that our veterans deserve as much honor and dignity in death as he did in life. This bill would ensure that they get both. It is a small gesture of our gratitude for the service they gave to our country. And it is time we acknowledge the injustice done to them by our government and do something about it.

"Mr. Speaker and colleagues, please join me in supporting passage of H.B. 1590 HD 1 for 2nd Reading— Thank you."

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

Representative Moses continued, stating:

"Yes, Mr. Speaker. I haven't seen my colleague's words yet, but I ask that they also be inserted for me in the Journal, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1590, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' RIGHTS AND BENEFITS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 234) recommending that H.B. No. 1630, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1630, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Hiraki and Morita being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 235) recommending that H.B. No. 1653, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1653, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"My daughter is a Board of Education member," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1653, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERS OF THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Finance

with Representatives Blundell, Hiraki and Morita being excused.

Representatives Takumi and M. Oshiro, for the Committee on Education and the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 236) recommending that H.B. No. 1505, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1505, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker. I registered a no vote in Committee, and I would like a no vote on 236, but the reason is that we specifically have, in the Education Committee, put a figure in there and I really believe that putting the figure in belongs in the Finance Committee, and that is the reason for my no vote."

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

"My reservation is that I believe this is a matter for collective bargaining."

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

"I rise to speak in opposition. As the good Representative from Kapolei points out, this bill is outside of collective bargaining. We also have another small problem in that in the financial plan that has been presented to the Finance Committee, there is no room for this. It is \$48 million dollars and so I'm against this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1505, entitled: "A BILL FOR AN ACT RELATING TO TEACHER SALARIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hale and Meyer voting no and with Representatives Blundell, Hiraki and Morita being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 237) recommending that H.B. No. 1260, as amended in HD 1, be recommitted to the Committee on Public Safety and Military Affairs.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1260, HD 1, be recommitted to the Committee on Public Safety and Military Affairs, seconded by Representative Lee.

The Chair addressed Representative Ito, stating:

"Chair Ito, would you like to explain to the Members of the House, the recommitment of the short form to a substantive matter?"

At 12:57 o'clock p.m., Representative Lee requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

At this time, the Chair stated:

"Prior to the recess, the Chair did recognize Chair Ito, the Chair of the Public Safety and Military Affairs Committee. Representative Ito, would you explain to the Members?"

Representative Ito rose, stating:

"This bill is basically a tax credit for law enforcement virtual reality type of training centers, and hopefully we can get this passed. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was recommitted to the Committee on Public Safety and Military Affairs, with Representatives Blundell, Fox, Hiraki and Morita being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 1261, as amended in HD 1, be recommitted to the Committee on Public Safety and Military Affairs.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1261, HD 1, be recommitted to the Committee on Public Safety and Military Affairs, seconded by Representative Lee.

The Chair then stated:

"Representative Ito, would you like to explain H.B. No. 1251, HD 1?"

Representative Ito rose and stated:

"Yes, Mr. Speaker. This is a bill that addresses the rock-falls like the one that killed my good friend's daughter up in Nuuanu, Pat Onishi. So hopefully we can listen to this bill and get something done. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was recommitted to the Committee on Public Safety and Military Affairs, with Representatives Blundell, Fox, Hiraki and Morita being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 467, as amended in HD 1, be recommitted to the Committee on Energy and Environmental Protection.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 467, HD 1, be recommitted to the Committee on Energy and Environmental Protection, seconded by Representative Lee.

The Chair stated:

"Representative Morita ... Representative Waters, would you explain."

At 12:59 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

At this time, the Chair stated:

"At this time the Chair recognizes the Vice Chair of the Energy and Environmental Protection Committee, Vice Chair Waters, to explain to the Members of this Chamber the intent of the recommittal of the short form bill to its substance."

Representative Waters rose and stated:

"Thank you, Mr. Speaker. The purpose of the bill is that it creates a litter prevention and control program, and creates a Litter Prevention and Control Advisory Board."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," was recommitted to the Committee on Energy and Environmental Protection, with Representatives Blundell, Fox, Hiraki and Morita being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 86, as amended in HD 1, be recommitted to the Committee on Water, Land Use, and Hawaiian Affairs.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 86, HD 1, be recommitted to the Committee on Water, Land Use and Hawaiian Affairs, seconded by Representative Lee.

The Chair then stated:

"Representative Kanoho. This is another short form measure on HCDA membership."

Representative Kanoho rose and stated:

"Thank you, Mr. Speaker, for the opportunity to explain this bill. This will enable the Speaker of the House and the President of the Senate to provide the Governor with a list of three names so that the Governor could appoint 2 of the 4 public members to the HCDA Board. This would allow the Governor to indeed make the final appointment, but to enable the Legislature to become involved in the appointment process. This is already an established precedent. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was recommitted to the Committee on Water, Land Use, and Hawaiian Affairs, with Representatives Blundell, Fox, Hiraki and Morita being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 89, as amended in HD 1, be recommitted to the Committee on Water, Land Use, and Hawaiian Affairs.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 89, HD 1, be recommitted to the Committee on Public Safety and Military Affairs, seconded by Representative Lee.

Representative Kanoho rose and stated:

"Thank you again, Mr. Speaker. This bill addresses for the Hawaiians, and perhaps for the people of Hawaii, the number one priority in proceeding with gaining federal recognition ..."

Representative Souki rose to a point of order, stating:

"Point of order, Mr. Speaker. Maybe the gentleman from Kauai can raise his voice a little bit. As a man of comparable age, I am having a hard time hearing you."

The Chair stated:

"Representative Souki, your point is well taken. Representative Kanoho, could you raise your voice a little for the Members of this Chamber."

Representative Kanoho continued, stating:

"Certainly, Mr. Speaker. This bill would enable, through efforts in the US Congress and in Washington, to promote passage of the Federal Recognition Bill. That bill is of the highest priority for the people of Hawaiian ancestry, and I would say also for the people of this State of Hawaii. This bill recognizes that the State and this Legislature has a responsibility to fulfill the mandates of the Constitution by providing funding and resources to ensure the passage of that bill, which would be coming up in Congress, and I understand it will be introduced later on this month. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 89, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," was recommitted to the Committee on Water, Land Use, and Hawaiian Affairs, with Representatives Blundell, Fox, Hiraki and Morita being excused.

The Chair then announced:

"To the Chairs and Vice Chairs, thank you very much for educating the Members of your respective Committees where these bills will be heard."

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 27) and concurrent resolution (H.C.R. No. 23) were referred to Printing and further action was deferred:

H.R. No. 27, entitled: "HOUSE RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN," was jointly offered by Representatives Lee, Kawakami, Hale, Evans, Luke, Thielen, Shimabukuro, Morita, Tamayo, Meyer, Ching, Leong, Finnegan and Marumoto.

H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN," was jointly offered by Representatives Lee, Kawakami, Hale, Evans, Luke, Thielen, Shimabukuro, Morita, Tamayo, Meyer, Ching, Finnegan, Leong and Marumoto.

ANNOUNCEMENTS

Representative Magaoay, for the Committee on Legislative Management requested a waiver of the 48-hour notice requirement to hear H.B. 705, Making An Appropriation for the Office of the Legislative Management, and the Chair "so ordered."

"This bill was heard on Friday but apparently there was no testimony, so it will be heard tomorrow at 3:30. Thank you."

Representative Arakaki: "Thank you, Mr. Speaker. Before I make my announcement, I just want to welcome back the Representative from Waianae. We always knew she was a tough *wahine* but we especially welcome her back to the Committees on Human Services and Housing, Health, and International Affairs. We do need her. We want to ask her to confine her dare-devil driving to maybe this racetrack that we are proposing."

Representative Arakaki: "Mr. Speaker your Committee on Health will be reconvening immediately following adjournment in room 329 to complete our agenda."

Representative Kanoho for the Committees on Agriculture and Water, Land Use, and Hawaiian Affairs, requested a waiver of the 48-hour notification requirement for the purpose of decision making only on HB 1558, Relating to Agricultural Land Use, and the Chair "so ordered."

"Mr. Speaker, this bill will become part of a joint hearing between Agriculture and Water Land at 11:00 a.m. tomorrow in room 325."

Representative Takai for the Committees on Higher Education and Education requested a waiver of the 48-hour notice requirement to hear HB 1021, which allows the UH Board of Regents to operate New Century Charter Schools that use Hawaiian languages as their primary medium, and the Chair "so ordered."

"Thank you. This bill will be heard tomorrow in conference room 309 at 3:00 p.m."

Representative Karamatsu for the Committee on Tourism and Culture requested a waiver of the 48-hour advance notice requirement for the purpose of conducting a hearing with decision making to follow on HB 1569, Relating to Taxation, and the Chair "so ordered."

"The bill will be heard Thursday February 13, 2003 at 2:00 p.m. in conference room 423."

Representative M. Oshiro: "Your Committee on Labor and Public Employment will be reconvening its hearing from this morning at 6:00 p.m. or thereabouts in room 309. Thank you."

ADJOURNMENT

At 1:07 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 12, 2003. (Representatives Blundell, Fox, Hiraki, and Morita were excused.)

NINETEENTH DAY

Wednesday, February 12, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Monsignor William F. Mattimore of St. George Church in Waimanalo, after which the Roll was called showing all members present with the exception of Representatives M. Oshiro and Tamayo, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 177 was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 177, transmitting copies of a report relating to the Office of Planning convening a food security task force to develop an action plan to enhance food security in Hawaii.

INTRODUCTIONS

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

Representative Fox introduced his ARC Legislative intern, Mr. Lorrin Hee, and ARC assistant Mr. Mark Miyashiro.

Representative Takamine, on behalf of the Big Island delegation, introduced high school students participating in the Youth Leadership Program, and their advisors, Mr. Al Ferreira, Mr. Nathan Morita of Hilo High School, and Ms. Cheryl Merk of Lapahoehoe High School.

Representative Ontai introduced his ARC Legislative intern, Ms. Lani Bartholomew, and his legislative office manager, Mr. Randy Prothro.

Representative Ontai also introduced 5th grade students from Kamehameha School; their teachers, Mrs. Tano, Miss Bacon, and Mrs. Kekuna; and parent Mrs. Gilkey.

Speaker Say then recognized his friend, Trey Paresa, a 5th grade student at Kamehameha School.

Representative Finnegan introduced her ARC Legislative intern, Ms. Jacqueline Sofare.

Representative Shimabukuro introduced her ARC Legislative intern, Mr. Michael Higashi, and ARC assistant, Mr. Kolomona Palakiko.

At 12:16 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 28 and 29) and concurrent resolutions (H.C.R. Nos. 24 and 25) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
28	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
29	Committee on Transportation, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
24	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
25	Committee on Transportation, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
712	Committee on Finance
731, HD 1	Committee on Health, then to the Committee on Consumer Protection and Commerce
1340	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
1627	Committee on Finance
1652	Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 230, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 230, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I just wanted to voice some reservations on this. I apologized I was not able to be at the decision making for the Committee on Health and the Committee on Human Services. But at face value the bill says it is to protect vulnerable children, which I am all for, but it

would require mandatory physical and medical, forensic examinations of all children placed in protective custody.

"I just have a fear that, that child's privacy and right could be violated for a reason that is not necessary, and I would ask that the Chairman of the Committee that it goes to would do all that its in his or her power to protect the rights of that child."

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

"Mr. Speaker, I am in support, but I share the Representative's concern about privacy of children. I have observed that sometimes, children placed in protective custody have their physical exams in the emergency room. An emergency room is a very poor place for a child to visit and to have a physical exam because it is very busy and there isn't a lot of privacy. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 230, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 234, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 234, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I know this is only Second Reading. I wanted to point out to my colleagues, and I am speaking in favor of this measure. This provides for the funding of a poison center. I know during these tough economic times, it is going to be hard to find monies to fund any of these programs.

"I do want to point out that, as I pointed out yesterday when we were talking about universal health, our hospitals are losing a great deal of money. I think I mentioned it was \$440 million. You know, part of the outcome is programs like these fall by the wayside. Most of the times it is not noticed. But in the case of a poison center, especially for children, when you don't have this safety net available, what happens? We could have children either dying or suffering permanent damage, especially brain damage.

"I think most of us may not realize how often these types of incidents do occur and how important it is to have an instantly available information, and guidance, and even care provided. So I just want to highlight this as one of the things we really should look at because, for our children, for many children, it may be a matter of life or death. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 234, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE POISON CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 123, as amended in HD 1, pass Second Reading

and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 123, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Fox and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 657, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 657, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 1098, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1098, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 1099, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1099, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 75, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 75, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 93, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 93, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTINUING EDUCATION OF DESIGN PROFESSIONALS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 664, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 664, HD 1, pass Second Reading and be referred to the Committee on Health, seconded by Representative Lee.

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

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of H.B. 664 HD 1 – Relating to Quarantine.

"There have been many changes in recent years to Hawaii's quarantine law. The subject of quarantine in Hawaii evokes one of emotion to many and certainly of great concern to all of us. To those whose pets have had to go through quarantine upon arrival to Hawaii and to others who are contemplating a move to Hawaii with their pets, we say to them we hear their voices. However, I believe that our job here is to protect the interest of all residents and visitors alike.

"Your Committee Chair, Mr. Speaker, recognizes the importance of the military community in Hawaii and their contributions to our economy. But, military personnel moving to Hawaii with pets have experienced great burdens because of the high cost of quarantine. As you all know, we have been sensitive to their needs and the Legislature had done some changes to address those needs, including rate reduction especially for personnel in the lower ranks.

"Today, we face another challenge. Of course, we recognize the value of modern science. House Bill 664, as amended, reflects the views and studies conducted by the Department of Agriculture, which by the way, is tasked with the responsibility of protecting our State and residents from the threat of rabies exposure. These changes based on scientific data are embodied in the Department's proposals approved by the Board and is now awaiting the Governor's approval for public hearing, as required by law.

"Hawaii as you know is one of few places in the world where rabies does not exist – New Zealand, Australia, and Great Britain are the others. In the United States, Hawaii is the only state that is rabies free.

"According to the Center for Disease Control, during 2001, over 7,400 cases of rabies were diagnosed in wildlife and domestic animals and up to 40,000 Americans are treated each year for rabies infection in the U.S.

"During 2002, there were 5,030 entries of cats and dogs to Hawaii, which amplifies the magnitude of this issue. It is estimated that without quarantine, that number could easily exceed 5,500.

"According to data, by the first day of quarantine, 43% of pet owners have provided all required information and by the 5th

day post arrival, verification of required documents has occurred for 82% of dog and cat entries.

"Taking all of these into consideration, your Chair of Agriculture, Mr. Speaker, amended this bill to mandate a 120-day pre-arrival requirement waiting period and up to a maximum of 5-day post arrival confinement.

"Your Chair believes that there is a potential danger of rabies exposure to Hawaii if we completely eliminate quarantine today as proposed in the original bill.

"Mr. Speaker, colleagues, your Chair is very sensitive to this issue. The advances in science certainly are a big consideration in passing the amendments. The fact that Hawaii does not have rabies is not proof that quarantine doesn't work. The opposite is true; we are free of rabies all these years because of our quarantine laws.

"I believe that the amendments are based on accurate scientific data and it is a fair measure in establishing procedures and requirements for entry of dogs and cats into Hawaii in such a way that balances the needs of new residents with those of the rest of Hawaii's population.

"For these reasons, Mr. Speaker and colleagues, I urge your support in passing HB 664, as amended. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 664, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE," passed Second Reading and was referred to the Committee on Health with Representatives Fox and Tamayo 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. 251) recommending that H.B. No. 844, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 844, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NURSING HOME WITHOUT WALLS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 252) recommending that H.B. No. 1235, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1235, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 253) recommending that H.B. No. 1566, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1566, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING OF AN ALTERNATE ACCESS ROAD FOR

THE NORTH SHORE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Kanohe, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 254) recommending that H.B. No. 545, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 545, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. On 254, I have to rise in opposition. I wasn't privileged to sit in on this Committee hearing as I am not a member of that Committee. But I note in the Committee Report that the purpose of the bill is to reduce the problems of agricultural theft, and I concur with that. Theft is illegal. I believe it also mentions poaching, or alludes to poaching, in the bill itself.

"That is illegal, but this says it wants to clarify that possession of a rifle or shotgun and ammunition is limited to lawful hunting or lawful target shooting. I believe that may be violation of the Second Amendment of the US Constitution. We should not be limited to the reasons why we possess firearms. We have the right to possess them. Thank you, Mr. Speaker."

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

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

The Chair then addressed Representative Moses, stating:

"Representative Moses, could you correct the Chair, that you stood up with reservations? Or was it a no vote?"

Representative Moses responded, stating:

"I am sorry, Mr. Speaker. I was in opposition."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 545, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Ching, Jernigan, Meyer and Moses voting no, and with Representatives Fox and Tamayo being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 255) recommending that H.B. No. 158, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 158, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF AXIS DEER IN MAUI COUNTY," was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 256) recommending that H.B. No. 161, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 161, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 257) recommending that H.B. No. 159, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 159, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of H.B. No. 159 HD – Relating to Establishing a Terminal Market Pilot Program on the Island of Hawaii.

"This program is designed to enable small and medium acreage farmers to participate in larger, more stable markets.

"Mr. Speaker, colleagues, there is a major market here in Hawaii that until now remains for the most part untapped. In Pearl Harbor alone, recent estimates show a \$42 million annual budget for purchase of fresh foods for use at their commissaries, ships and other food service requirements in the Pacific basin.

"Military buyers in Pearl Harbor studied 21 crops grown in Hawaii and its purchasing history for the month of May 2001. All of these 21 crops are already grown in quantity in Hawaii and known for its quality. The dollar value of their purchases of imported produce for that month was \$272,695, but what is significant is that the dollar value of produce purchased from Hawaii farmers was only \$68,173 dollars. This represents an annual total loss to Hawaii farmers of more than two and a half million dollars.

"Our statistics on the full value of shifting home grown crops to imported produce are probably not as complete or as accurate. But, best figures show that we import half the fresh fruit and nearly 60 percent of fresh vegetables. Virtually all of these are already grown by our local farmers who need help to get the crops they grow to markets on Oahu and beyond.

"Our major supplier of food is California. But the growing uncertainty of water supply and pricing to farmers in California's fertile Imperial Valley should be a concern because it is almost certain that food prices will go up.

"Terminal markets are very common on the mainland, where most often, they are sponsored by the state, city, and counties. It is there to serve as trading points where farmers, distributors and retailers meet. Here in Hawaii, however, our transportation capabilities are different. The concept of a terminal market will

definitely add to the ability of farmers to consolidate small loads into marketable quantities and into larger outlets, including the military.

"The proposed terminal market in Hilo will include a vacuum cooling plant, which is vital to increasing the shelf life of fresh produce before and after sale.

"Mr. Speaker and colleagues, we all know that the quality of food is vital to its marketability. But equally important is the availability of distribution channels to ensure a dependable delivery. The bottom line is the quality produce farmers grow in Hawaii is useful only if they are made available readily to as many markets and outlets as possible. This would also give farmers the incentive to grow more and better crops.

"This is the purpose of H.B. 159. To pass this bill is a must. This is an economic initiative, which is good for the farmers and Hawaii.

"Mr. Speaker, colleagues, I urge your support for this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo 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. 258) recommending that H.B. No. 265, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 265, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOL OPEN DOORS PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo 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. 259) recommending that H.B. No. 269, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 269, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 260) recommending that H.B. No. 1155, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 261) recommending that H.B. No. 286, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 286, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Mr. Speaker, if I can speak with some reservations on this issue. Again, I beg the indulgence of the Chairman. I know he and the Committee, have in good faith, passed this bill out. However I believe this might be an overreaction. As I've noticed through this Session thus far, there have been some bills where we are overreacting in some respect.

"There have been no complaints thus far on the gift disclosure on \$200. And in fact last night, the Ethics Commission Executive Director Mollway was speaking to the Labor Committee and made mention that the Disclosure Act and statute that we have that we passed some years ago is working very well. He said thus far he has not received any complaints, and he looked at this as kind of landmark legislation that we passed to provide for disclosure. Let the public then make the determination if in fact the gift that you got had any consideration in the way that you voted. That was for \$200. In this case here, you drop it down to \$100. I think that it just shows a trend that we have that continues to grow.

"Again I know it is done in good faith. I know it's done because the perception out there is that the community is very wary of legislators and some of the past misdeeds, possibly. But I also note that I don't see anybody testifying for the measure over here. I don't see where they had the Ethics Commission testifying for it, or the Campaign Commission, or anybody else. So I really question the necessity for a bill like this. I simply ask that the Committee that it has been referred to, to kind of review this really carefully, if it is really needed. That is all, Mr. Speaker. Thank you very much."

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

"Thank you, Mr. Speaker. Regarding HSCR 261, HB 286, in indulgence to the past previous speaker. I am standing in support of this bill.

"As far as the testimony that has been given to the Committee, we did have the Hawaii State Ethic Commission, Mr. Mollway, in his testimony, which he underlined that he strongly supports this bill. He was the only one who testified in favor of this bill. So I just want to make the record straight that we did receive some testimony. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 286, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 262) recommending that H.B. No. 978, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 978, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 263) recommending that H.B. No. 1276, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1276, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 264) recommending that H.B. No. 680, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 680, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 265) recommending that H.B. No. 1050, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1050, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 266) recommending that H.B. No. 659, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 659, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE JOURNALS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 267) recommending that H.B. No. 997, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 997, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE INFORMATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 268) recommending that H.B. No. 150, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 269) recommending that H.B. No. 1359, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1359, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise with some reservations on this particular measure. We would create a new pilot program with the idea of getting young people involved in the legislative process and tracking legislation. It is working with the Public Access Office. I mean, I think it is a good idea, but given the financial state of affairs right now I just don't think it is appropriate at this time. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1359, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 270) recommending that H.B. No. 1210, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1210, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 271) recommending that H.B. No. 1211, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1211, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 272) recommending that H.B. No. 1164, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 273) recommending that H.B. No. 795, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 795, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 274) recommending that H.B. No. 835, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 835, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in support with some reservations on Standing Committee Report 274. This has to do with the Segway, and basically we heard testimony from DOT that they are opposed, and from others that they are for it.

"It seems like there is no place to put these things. Maybe bike paths, but we don't always have bike paths. Some want it on the streets, some want it on the sidewalks, and it is not really clear where they should go. But I do want to just point out that Judiciary needs to carefully look at it.

"I think the Segway serves a good purpose. A few weeks ago when I couldn't walk, I could have used one. I just don't know how we are going to handle this. There were also calls in the bill that maybe to put on headlights and turn signals and things like that. I mean, then it is no longer a Segway. It is a mini scooter or something. I am just asking the next Committee to look at it carefully."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 835, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 275) recommending that H.B. No. 966, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 966, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I would like to rise in support of Standing Committee Report 275. Acknowledging that the beauty of our islands are not only important to our well-being, but also our economic well-being. There have been many requests to have utilities put underground. I think this is an investment, not only in our tourism industry, but in our communities as well. And I urge my colleagues to vote in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 966, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 276) recommending that H.B. No. 836, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 836, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, please register a with reservations vote on this particular bill. I think that it would be very nice for all businesses to have a 'force majeure' type of lease. We all need some guarantees in case business is bad, but I don't think it is good for the State to just grant one body of businesses this protection. Thank you."

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

"Thank you, Mr. Speaker. With reservations for the same reasons please."

Representative Halford 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 with reservations, stating:

"Thank you, Mr. Speaker. I had reservations on this bill in Committee, but I do want to point out the 'pro' aspects of the measure.

"These airport concessionaires are locked into a lease, which I know, all people know, if they sign something, they live up to it. The problem is now, because of the security measures, nobody is allowed to go in as a guest with the passengers, so they can't shop in these shops. The ticketed passengers have to move very quickly through security checks. Maybe quickly, but maybe they stand in line for a couple of hours while they are quickly moving. So they don't have much time to shop, so I can see it from both aspects.

"We can't have people in the shops, but these people did sign a lease. The problem is if they violate the lease, they could be barred for five years from bidding again, which means they are out of business. So we need to look at this one also in further Committees. Thank you, Mr. Speaker."

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 H.B. No. 836, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 277) recommending that H.B. No. 837, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 837, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, 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."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 837, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 278) recommending that H.B. No. 1230, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1230, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker I feel compelled to speak to this because I have been one of the people who has spoken out against the proliferation of special funds, and I have consistently voted against tax increases. I'd like to describe what this does.

"This measure would allow for a passenger facility charge and creation of a special fund where you put the money. Basically we need improvements, capital improvement projects to our airports. It's not a question of whether, but how much, and where we get that money from. We could go straight, and I guess, go to our general funds, or raise taxes generally. The problem with those things is that you are then levying a tax on people who don't necessarily use the airports.

"For example, my grandmother, because of her age, doesn't fly hardly at all. I think the last time she got on the plane was five years ago. But I get on the plane monthly, and sometimes every other week in the off-session. So it only makes sense for people who are high-end users of airports who benefit from using those capital improvement projects and the facilities, to bear that burden. This would allow us to be able to target people who use the airport to pick up those costs, as opposed to all of the general populous that may not use the facilities.

"Mr. Speaker, there are currently over 330 of about 429 commercial airports in the United States that have passenger facility charges. And of the top 100 airports in the country, only 15 do not collect the passenger facilities charge. Of that 15, one third of those are in Hawaii. So basically, it is our

jurisdiction that isn't collecting a passenger facility charge. I am not sure how we are financing the capital improvement projects but we are financing them some other way, and in a less targeted fashion. This measure would correct that to make sure that those who use take care of the payment.

"If you refer to the bill and/or the Standing Committee Report Mr. Speaker, we are talking about a charge of between \$3 to \$4.50. It is not much. I can tell you I am not going to alter my business travel because a plane ticket costs \$3 more, but it would result in millions of dollars which we can use to address the capital improvement project needs of our airport, many of which are related to security. We need an airport. We need one with good facilities. One that is safe. And for those reasons, Mr. Speaker, because this is superior to raising taxes across the board and taking money out of the general fund, that is why I support this measure."

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

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 H.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 279) recommending that H.B. No. 296, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 296, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, 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 Jernigan rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 296, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH ALLIANCE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Fox and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 280) recommending that H.B. No. 911, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 911, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"Just reservations on 280, and the previous two measures as well, with reservations."

The Chair addressed Representative Stonebraker, stating:

"Could you state that for the record?"

Representative Stonebraker: "279 and 278."

Speaker Say: "Madame Clerk, did you get that? Register for Representative Stonebraker for Standing Committee Reports 278, 279 and 280, all with reservations."

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

"Reservations registered please for 279 and 280."

The Chair then stated:

"Members, as we move along on the Standing Committee Reports, please address each of the Standing Committee Reports separately so it makes it easier for the Clerk to record your with reservations or your no votes, rather than trying to compile everything up at one time. It makes it easier for the staff of the Clerk's office. Thank you."

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

"I'd just like to add some brief remarks in support of Standing Committee Report 280, HB 911. I think it is really appropriate that we have HB 911, because it stands for emergency. And for many adults here in our State, it takes some dental emergency to get help at all.

"If you can imagine, we have over 300,000 of our adults who don't have access to dental insurance or dental health care. That is because we have a policy, especially with QUEST, our Medicaid program, that doesn't allow for adult dental health services. As a result the only way you can get access to oral health is you have to have an emergency, which means the only way you are going to have your teeth taken care of is to pull it out. What this measure does, it addresses our safety-net providers and these are our community health centers. They can still provide dental health at low cost or no cost. The only problem is we can't get dentists to serve in these health centers.

"So what this bill will do is target only the safety-net providers. Nowhere else. And this involves many places on the neighbor islands who don't have access to dentist. This provides an avenue where people can extend their temporary dental licenses and serve in these underserved areas. I ask for everyone's support on this. Thank you."

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

"I was going to let this one go, but I am reading the Committee Report, and I am standing with reservations. And the Committee Report indicates that the bill has been amended to require dentists holding a temporary license to be reimbursed

at the same rate as regular licensed dentist. If they are getting reimbursed at the same rate, I don't see how the previous speaker's comments would enter into play here, because the same people that don't have the money out in the remote areas still wouldn't have the money. It is still requiring the same rate of reimbursement. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 911, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Leong voting no, and with Representatives Fox and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 281) recommending that H.B. No. 1344, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1344, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 282) recommending that H.B. No. 549, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 549, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I rise in opposition. I am concerned about raising taxes, as well as raising taxes to curb behavior that we don't like. Will we raise tax on fast food or soda or any kind of food that we here at the Legislature deems unhealthy? And speaking with some smokers, they have also said that they have gone actually through military friends and family to get their cigarettes. So this is my concern. Thank you."

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

"Thank you, Mr. Speaker. I rise in support, and the reason why I rise in support is because my father-in-law has cut down on his smoking because the price keeps getting 'jacked up'. So as long as he keeps cutting down on his smoking, I will keep increasing the taxes. Thank you."

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

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

"Mr. Speaker, I rise in opposition to the measure. I want it clear for the record that I don't smoke, and I don't condone it, and I wish fewer people would. At the same time I've been consistently in opposition to increasing taxes, and so I want to remain consistent.

"I think what we should do in terms of smoking is focus on education. Make sure that the young people understand the

risks, make sure that we are enforcing those kinds of things. I really don't think kids should be smoking in school and if there is ways that we can try and curb that. I know whenever I visit Kailua High School, one of the things we do is do facilities check and almost always you find cigarette butts in the restroom. And if there was some way we could address that because those are the future customers that these tobacco companies go after. If you can create a wave of change up-front, early on. If they don't begin smoking before age 21 or 25, they almost never pick up smoking in later adult life. So that is something that we ought to work on instead of this. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am rising in opposition. I stopped smoking, personally, about 25 years ago. If I did smoke, I could buy it at the base because I am retired, so I wouldn't pay the tax. But I chose to stop smoking, and the taxes wouldn't have mattered to me. As for the fact that if taxes do cause people to give up a habit like smoking, then why is it that we tax food and medical services? Thank you, Mr. Speaker."

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

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

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

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

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

"Thank you, Mr. Speaker. I'm rising to speak in very strong support of this measure. Mr. Speaker, I would like to thank the introducer of this bill for his strong support as well.

"I think, this bill provides us with two bullets. And the first bullet is the fact that the studies have shown that increasing cigarette excise taxes is one of the most effective ways to reduce smoking among both young people and adults, but especially with young people. These studies show that every 10% increase in the price of cigarettes will reduce overall cigarette consumption by 3% to 5%, and reduce youth smoking by about 7%. Information from the Campaign for Tobacco-Free Kids, indicates that when Hawaii increased the tobacco tax by \$1 in 1998, Hawaii's cigarette consumption declined by 8.1%.

"A second important study reported that in the American Journal of Public Health, that cigarette tax increases are also effective in reducing smoking among pregnant women, which improves their health and the health of their infants, and reduces medical cost. This study found that tax increases of 10% reduce smoking among pregnant women by 7%. And a 55 cents per pack increase reduced smoking by 22%. Smoking during pregnancy doubles the chance of an infant being born with low birth weight, which often requires expensive healthcare and increases the risk of other birth complications and life-long illnesses. And this strategy has been effectively

used in other states like California, Massachusetts, and Arizona.

"And I'm glad one of the previous speakers, I believe it was the Minority Floor Leader, mentioned education, because education is an important component and your Health Chair agrees with that, and therefore we earmarked that one cent of the increase shall go towards education and tobacco cessation, as well as much-needed substance abuse prevention and rehabilitation. And there, there are correlations and there is a nexus between all these programs and the reason why we dedicated these funds. So I ask everyone to support this measure. Thank you, Mr. Speaker."

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

"I rise in support of the measure. We tend to underestimate the risks that we are most used to and overestimate those which are dramatic. The catastrophic effects of tobacco use are a prime example of this tendency. The attacks of September 11, 2001, radically altered our perceptions of the world we live in. But despite the horrible human toll those attacks caused, they pale by comparison to the carnage tobacco use causes every year.

"More people die from tobacco use in the United States every three days than died in the September 11 attacks. Approximately as many people died from second-hand smoke every year as died that day. Some may argue that a tax increase is not the way to reduce the terrible effects of tobacco use. And I would agree that it is not the only effective way, and that is why this bill also creates a special fund designed to combat addictions, not only to tobacco but to other harmful drugs as well.

"Tax increases do however affect purchasing behavior and that is well-known. Just as any item or service in particular, higher prices tend to discourage the young from purchasing tobacco because they generally have limited financial resources. The vast majority of smokers start before they turn 21. Every teenager who does not start smoking is a victory both for the teenager and for everyone around him or her. For these reasons, I encourage my colleagues to support this bill."

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

"Mr. Speaker, I rise in support of this legislation. Mr. Speaker, nationally we pay \$97 billion in healthcare costs and lost productivity for people who smoke and have health problems. In our State annually we incur \$400 million dollars. That's a high price to pay. Now this excise tax increase of 10 cents per cigarette is a small price to pay, and it is incurred by those who want to undertake a risky habit, and therefore we don't all have to bear the burden of paying those increased health care costs. I think it's a fair proposal and I support it. Thank you."

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

"I rise in opposition. This is what we would call a 'sin tax'. And so that's not 'syn'. That's 'sin tax'. We're going to legislate behavior here and I'm all for people quitting smoking. I don't smoke. And voting in favor of this 'sin tax', increasing it, not as the previous speaker has said by 10 cents, by 4 cents. So it's increasing it to \$2 a pack.

"At \$2 a pack there would be an economic downturn to this. By removing up to \$20 million from the economy every year, we will slow the economy down. So this bill will slow the

economy down and it will be an attempt to legislate behavior and it will create a 'slush fund.' This 'slush fund' is loose money that's floating around that will contribute to the reputation that we have for poor economic management. And so I believe that the tobacco settlement monies are designated and should be designated, and I voted in favor in the past of increasing the percentage of that money that goes toward tobacco prevention. I believe that all of the money that we receive from the tobacco settlement should be toward prevention, as well as the cessation of tobacco use, and so for those reasons, I'm voting no. Thank you."

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

"Yes, Mr. Speaker. I wish to speak with some reservations, but not for some of the reasons that have been given. Mr. Speaker, I believe that raising the tax and trying to curb the problem of tobacco smoking here is only systematic of a much larger problem. The problem that we have is that the Congress of the United States continues to subsidize tobacco farmers even though the medical personnel throughout the nation have said that it's dangerous to health. The Congress continues to subsidize these farmers, and in fact, all of the taxes that we raise here, it only provides for additional black market outlets.

"We know you can buy cigarettes from Indian Reservations. You can buy it through the web and don't pay any taxes at all. You can get your friends to go to the PXs and buy some cigarettes. Also it should be noted that the revenue from cigarette tax, because of the legislation we have been passing, has been going down.

"And another factor is I don't believe that raising the tax effectively stops young people from smoking. All it does Mr. Speaker and members, is it means that I need to pick up the tab for my son continuing his smoking. I'm going have to pay the additional \$200 a year for his smoking, or whatever it is. I think if we want to get to the root of this problem we should get to our Congress people and get them to stop subsidizing this very addictive cigarette smoking, Mr. Speaker. Thank you."

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

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

"Mr. Speaker, I would like to rise with some reservations. Mr. Speaker, I know that this bill is going to be coming to Finance, which I sit on, so I'm going to try and keep my comments brief. But after listening to some of the floor debate, my concerns are a little bit different. It doesn't have to do with the tax itself or the issue of raising the tax. My concerns are that we're trying to curb behavior and sometimes there are young adults who'd like to stop smoking but either can't, or maybe they don't want to either.

"My concern is if we're going to increase the cost of cigarettes, and you have a lot of young parents, young adults that are parents. My concern is that they may forgo buying the necessities for their children, like food, diapers, milk, the necessities that the young baby or young child might need in order to purchase cigarettes because it's a habit they can't kick or that they don't want to kick.

"So we always talk about unintended consequences and I think that this may be one of those unintended consequences that our young adults and their children may bear because of this increase in tax. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 549, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Fox and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 283) recommending that H.B. No. 1430, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1430, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 284) recommending that H.B. No. 735, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 735, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 285) recommending that H.B. No. 151, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 151, HD 1, pass Second Reading and be referred to the Committee on Finance, 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:

"Mr. Speaker, I rise in strong support of HB 151 that makes appropriation of a feasibility study establishing a community-based center in Waiialua town.

"Over the years, the economy of Hawaii has relied on just a few industries. In recent decades, tourism has been the main engine of economic growth, however economic diversity is essential for the sustained and healthy development in all communities as well as for the entire State of Hawaii. A number of separate entities have been established to promote economic growth within the Waiialua town such as Pioneer Hi-Bred International, Global Entertainment Technology Systems, Work Hawaii, University of Hawaii College of Tropical Agriculture and Poamoho Farms.

"These businesses have demonstrated varying levels of success, and a clear need exists for improvement in strategic planning, efficiency of operations, and coordination in the State's efforts on economic diversification. This search for more diversification would yield better use of the resources

available in the Waialua town and in the surrounding communities in the prospect of expanding to contiguous towns and communities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 151, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO STUDY THE FEASIBILITY OF ESTABLISHING A TECHNOLOGY-FOCUSED, COMMUNITY-BASED CENTER IN WAIALUA TOWN," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 286) recommending that H.B. No. 291, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 291, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Meyer rose in opposition to 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'd like to register a no vote on HB 291. This bill establishes a temporary job-creation income tax credit equal to 3% of an employee's salary. This measure, which sets the minimum annual salary at \$25,000 and the maximum tax credit at \$5,000 per employee, could potentially cost the State approximately \$4 million. In addition, the tax department would need additional resources to produce the reports required by this bill. The average payroll requirement is too high for many small businesses to take advantage of this bill. In our present economic climate we should limit any new tax credit legislation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 291, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB CREATION INCOME TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Fox and Tamayo being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 287) recommending that H.B. No. 704, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 288) recommending that H.B. No. 1394, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1394, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 289) recommending that H.B. No. 429, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 290) recommending that H.B. No. 1579, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1579, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC DIVERSIFICATION AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 291) recommending that H.B. No. 287, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 292) recommending that H.B. No. 58, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 58, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 293) recommending that H.B. No. 754, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 754, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 294) recommending

that H.B. No. 813, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 295) recommending that H.B. No. 1001, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1001, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UNIFORM LAWS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 296) recommending that H.B. No. 1011, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1011, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise to express some reservations. This is not a measure to permanently allow people to vote absentee, but it's actually for a four-year period, and I thought that was awfully long time because people tend to move in that period, or die, get married, change their names. The City and County suggested that the voting status should remain in effect as long as you vote every two years and they suggested that if you miss one or two cycles that your name be dropped. So I think the Finance Committee should look at this and consider having your status remain absentee and allowing you to vote by mail for only two-year period as long as you vote during that period. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1011, entitled: "A BILL FOR AN ACT RELATING TO PERMANENT ABSENTEE VOTING," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 297) recommending that H.B. No. 1029, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1029, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 298) recommending that H.B. No. 818, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 818, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 299) recommending that H.B. No. 1115, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 300) recommending that H.B. No. 1116, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo 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. 301) recommending that H.B. No. 122, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 122, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo 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. 302) recommending that H.B. No. 240, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 240, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BLUEPRINT FOR CHANGE PROJECT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo 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. 303) recommending that H.B. No. 254, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed

Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representatives Ito and Arakaki, for the Committee on Public Safety and Military Affairs and the Committee on Health presented a report (Stand. Com. Rep. No. 304) recommending that H.B. No. 898, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 898, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise in support of Standing Committee Report No. 304. Our veterans are such treasures of our islands. There are just very few states that do not have long-term facilities for the veterans, and we are one of them. And ironically we have some of the most heroic veterans coming from our islands. Of course what comes to mind is the 442nd. I believe that this is a long overdue acknowledgment of their sacrifices and all of the things that they have done for us, and I urge my colleagues to support. Thank you."

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

"I am rising in support. I also have to point out one small concern I have, it's a minor one. As the previous speaker said, those of us who are veterans are cherished. Thank you very much. I'm fully in support of the home. We definitely need it. And as you can see from the Committee Report that the Department of Veterans Affairs, the US Department, is going to provide the bulk of the money.

"My concern is minor and twofold. One is there was talk about the site at the old Hilo Hospital, and that part of the building can't be torn down because of asbestos and other things. We need to look at that because eventually it's going to have to come down, and we need to look carefully at what we're going to do with it. And the other concern is that we are, in this bill, putting a specific amount that we need appropriated and passing it on the Finance Committee, and normally we don't do that. Although it needs to be known to the Committee that we do need \$8 million, which is half of the money that they will need. The other half they have to raise, and then the bulk will come from the Department of Veterans Affairs. I just want to pass that along. So I'm fully in support of a long-term care facility for the veterans. I may need it some day. Thank you, Mr. Speaker."

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

"Yes I want to stand with reservations. When I looked at the bill, what I saw really raised concerns. So I had my staff call to find out and basically what it is saying is that the State has to take on the operation of the facility. What my concern was is that, when my staff called to find out, what was behind this, what I discovered was that they were asking for 200 beds though the need may not be for 200 beds. So what the local government, the people on the Big Island were saying was that those beds will be available for just the general public.

"So what concerned me, as a Legislature, we would be walking into the situation where we really want this to be a veteran home, but in reality it ends up being a facility taking care of long-term needs for the public. Which meant, are we going to get ourselves into subsidizing and get in trouble?

Where all of a sudden, we are in trouble already with a lot of our long-term care public facilities. So I was worried that maybe we are going to create a situation where in fact this facility isn't just for veterans.

"And so I just hope that the next Committee and as we continue along, that we really research this and know exactly what we are agreeing to. Because I want to support it being a veteran facility, only for veterans, and so that is why I am going to register with reservations so that we continue to look at and know what we are going to be agreeing to. Thank you."

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

"Thank you, Mr. Speaker. In support. Support for the State VA Home Project, represents our deepest respect and appreciation for all the citizens who served our country to through the United States Armed Forces.

"There are currently over 112,000 veterans residing in Hawaii today. The goal of the State VA home is to provide long-term health care for veterans and certain members of their immediate family. Although the cost of the project is \$45 million, through the efforts of the United States Senator Daniel K. Inouye, the VA Home Division has pledge 65% of the cost of construction, and thus the remaining balance will be coming from private donations as well as the CIP account for about 35%.

"In addition to providing much needed on-island accommodations for veterans, this project will provide a positive economic boost to the community at large by providing health care, ancillary services, employment and construction activity.

"And for our Representative from Kapolei whose concern about the old Hilo Hospital building, part of these funds for this project will be utilized to demolish that facility. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 898, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING APPROPRIATIONS FOR THE DEVELOPMENT OF A VETERANS AFFAIRS LONG-TERM CARE FACILITY," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 305) recommending that H.B. No. 53, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 53, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S MARITIME RELATED USES," was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 306) recommending that H.B. No. 1560, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1560, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES,"

passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 307) recommending that H.B. No. 1589, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1589, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR SMALL BOAT HARBOR IMPROVEMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 308) recommending that H.B. No. 1214, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1214, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Mr. Speaker, I rise with some strong reservations for Standing Committee Report No. 308. This bill tries to insulate the government from their duty to warn the public of dangerous conditions on unimproved public lands, and further provides a conclusive presumption of the government having fulfilled their duties as to dangerous conditions and improve public lands, if warnings are posted.

"Mr. Speaker the purpose of the bill seems to try to insulate the State from lawsuits. And although the intent is good and correct, I believe it has some unfortunate consequences. What the bill does is actually takes us out. It makes us not responsible for our own misgivings. In this case we are talking about protecting the public, yet we allow the members of our communities and tourists, people from other parts of the country, other parts of the world, who will use our unimproved lands. If we insulate ourselves from liability so we don't have to get into these lawsuits, I think that we are not going to have any incentives to protect these people.

"We are talking about dangerous conditions, Mr. Speaker. Dangerous conditions that only we, the people who are controlling these lands have control of. In other words, we ought to know what is dangerous. Or what are dangerous conditions. Those things that we have a better control of should be our responsibilities. Or else let's stop them from or inviting them from, coming to see these beautiful views of the ocean or other sites out there on our unimproved lands.

"I think that this bill will further erode the trust of the public to our government. The public trusts us to ensure that they are protected from dangerous conditions whatever it may be. So although the bill is well-intended I think this way effort of insulating ourselves has those unfortunate consequences.

"Forgive me, Mr. Speaker. I am not used to Chamber speaking. As you know I am a freshman, so I am not as eloquent as the rest of the Members here who are veterans.

"But I strongly support this because I think and I truly believe that the government has a duty to protect the public and especially those that who we invite from other countries, other states, onto our public lands. The second portion ..."

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

Representative Sonson continued, stating:

"Thank you very much. The second thing that it does is that it gives a conclusive presumption that the government's duty to warn the public of dangerous conditions on unimproved land is met, if warning signs are posted. That tends to make our government again, less trustworthy. You see what we are saying is, "Hey, I posted a sign. It doesn't matter that you didn't see it. It doesn't matter that I know of a dangerous condition that exists. I have a sign posted out there". If this is meant to curb litigation, I submit that it does not.

"Now we are going to have to litigate what is 'met'. What does 'met' mean? Have we met our duty to post signs? Are those signs sufficient? All these concerns. But again, just as I was concerned about the first portion, this conclusive presumption is too strong. Rebuttal presumption is much preferred. A rebuttable presumption at least will give those people who are injured, not because 'of their' fault, but because of the fault of those controlling those improved lands, the opportunity to show that the State or the county did not fulfill their burden. Thank you, Mr. Speaker. Thank you, Members."

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

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of the measure. Imagine a Hawaii where we would have to post signs on every inch of area or land that is our public lands. And imagine a Hawaii where we will continuously be faced with these kinds of challenges, if we allow the perception of not being properly informed of dangers.

"I believe this measure, Mr. Speaker, is to find some balance here. We cannot possibly inform every person whether, they are a resident of this island, or a visitor to this island, of every square inch of land that is part of these islands that are within our jurisdiction. Therefore, this measure is trying to find a balance in which we can inform them for dangers that we are aware of. And for those areas that we are not aware of, then we are.

"It would be impossible for us to direct the movements of people throughout our islands and expect it will be our liability and when a person, on their own accord, enters into areas that are not improved and finding themselves in dangerous situations. Some of that responsibility must be borne by those users of those areas that we are not aware of. I can honestly say that I don't believe all of us here have been on every inch of soil in the Hawaiian Islands to understand what the nature of danger that might exist, and therefore it would be impractical for us to be responsible for that.

"So while I agree with the concerns raised earlier by the Representative, I think that this is to strike a balance and therefore it is intended that we would come to some kind of agreement where those unimproved lands that we have no knowledge of impending danger, that we are not responsible for raising those issues if we are not informed. If we are informed of dangers on unimproved lands, then yes, it would be our responsibility to also inform the general public. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1214, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Tamayo being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 309) recommending that H.B. No. 718, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 718, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII DROUGHT PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo 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. 310) recommending that H.B. No. 907, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 907, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 311) recommending that H.B. No. 564, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 564, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Fox and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 312), recommending that H.R. No. 17, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 313), recommending that H.C.R. No. 17, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 17, HD 1, and H.C.R. No. 17, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I wish to declare a potential conflict. My grandmother is from the province of Ilocos Norte," and the Chair declared "no conflict."

Representative Pendleton continued, stating:

"I stand in strong support and would like to insert written comments into the Journal," and the Chair 'so ordered."

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, the State of Hawaii is actively seeking to expand its international ties. We are looking to enter into relationships which benefit our State, our economy, and our people. We have an abiding interest in developing goodwill, friendship, and economic relations between the people of Hawaii and the people of Asian and Pacific countries.

"As a Filipino, Mr. Speaker, I am proud that we are pursuing a sister-state agreement with various jurisdictions in the Pacific region. I am particularly delighted that we will follow up on our close historical relationship which the United States of America has had throughout the years with the Republic of the Philippines. It is important that we promote international friendship and understanding for the mutual benefit of both countries to achieve lasting peace and prosperity.

"Mr. Speaker, there is great aloha between the ethnic Filipinos of both the State of Hawaii and the Province of Ilocos Norte. Indeed, there is an existing relationship between the Province of Ilocos Norte and the State of Hawaii because several notable citizens in Hawaii can trace their roots to or have immigrated from the Province of Ilocos Norte.

"My grandmother, Maria Doloris Sales, immigrated from Ilocos Norte back in 1930. She came to find prosperity and freedom and opportunity. She is proud to be an American. Yet she continues to have a fondness for the land of her birth.

"This relationship that we are entering into should this Resolution pass, acknowledges that she is not alone in her feelings. There are many like her. And I am glad that this sister-state relationship will lead to better understanding and cooperation.

"Should this measure pass, I look forward to working with our State's Governor, the Honorable Linda Lingle to take all necessary actions to establish a sister-state affiliation with the Province of Ilocos Norte in the Republic of the Philippines.

"For these reasons, Mr. Speaker, I ask my colleagues to support this measure. Please join me in voting for House Resolution 17".

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:

"I am in strong support of H.R. No. 17: 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 Ilocos Norte of the Republic of the Philippines.

"There exists sisterhood relationship with countries, cities and provinces, however, one that I am in strong support of and stands out, is H.R. 17 and H.C.R. 17. I support these House Resolutions because of the great portion of the Filipino communities in the State of Hawaii. This resolution will bring forth meaning amongst the Ilocos Nortenian people who make up a great portion in Hawaii's Filipino community.

"A sisterhood relationship between the State of Hawaii and the Province of Ilocos Norte will enhance the mutual understanding and cooperative efforts between the two entities in developing several fields of endeavors such as agriculture, education, tourism, socio-economic endeavors, environment and energy, culture and the arts, all towards global competitiveness."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 17, HD 1, entitled: "HOUSE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF ILOCOS NORTE OF THE REPUBLIC OF THE PHILIPPINES," was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

and

H.C.R. No. 17, HD 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 ILOCOS NORTE OF THE REPUBLIC OF THE PHILIPPINES," was referred to the Committee on Finance with Representatives Fox and Tamayo being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 28 through 30) and concurrent resolutions (H.C.R. Nos. 24 through 26) were referred to Printing and further action was deferred:

H.R. No. 28, entitled: "HOUSE RESOLUTION URGING HAWAII RESIDENTS TO BECOME MEMBERS OF CAREENTREE'S PRESCRIPTION DRUG PROGRAM," was offered by Representative Kahikina.

H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF THE HIGHWAYS IN THE SKY PROGRAM," was jointly offered by Representatives Pendleton, Ching, Leong, Ontai, Stonebraker, Fox, Finnegan, Moses, Marumoto, Lee, Souki, Ito, M. Oshiro, Caldwell, Jernigan and Magaoay.

H.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO REVIEW THE FITNESS OF CONGRESSMAN HOWARD COBLE TO CONTINUE AS THE CHAIRMAN OF THE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY," was jointly offered by Representatives Say, Saiki, Luke, Schatz, Lee, Herkes, Kawakami, B. Oshiro, M. Oshiro, Nakasone, Abinsay and Ito.

H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII RESIDENTS TO BECOME MEMBERS OF CAREENTREE'S PRESCRIPTION DRUG PROGRAM," was offered by Representative Kahikina.

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY OF THE HIGHWAYS IN THE SKY PROGRAM," was jointly offered by Representatives Pendleton, Ching, Leong, Ontai, Stonebraker, Fox, Finnegan, Moses, Marumoto, Lee,

Souki, Ito, M. Oshiro, Caldwell, Jernigan and Magaoay.

H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO REVIEW THE FITNESS OF CONGRESSMAN HOWARD COBLE TO CONTINUE AS THE CHAIRMAN OF THE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY," was jointly offered by Representatives Say, Saiki, Luke, Schatz, Lee, Herkes, Kawakami, B. Oshiro, M. Oshiro and Abinsay.

At 1:11 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

ANNOUNCEMENTS

Representative Morita for the Committee on Energy and Environmental Protection requested a waiver of the 48-hour notification requirement to hear H.B. 1328, Relating to the Consumer Advocate, and the Chair "so ordered."

"Thank you, Mr. Speaker. The hearing will be scheduled for tomorrow morning at 9:00 in room 312. Actually, your Chair had scheduled this hearing yesterday. We heard the bill, passed it out, but this Chair made a mistake by acting too quickly before the House took formal action on this bill. Thank you."

Representative Takai for the Committee on Higher Education requested a waiver of the 48-hour hearing notice requirement to hear H.B. 1466 which appropriates money from the Hurricane Relief Fund to provide faculty of the University of Hawaii with one-time cash bonuses, and the Chair "so ordered."

"Thank you. This hearing will be tomorrow Thursday, 4:00 pm in conference room 309. As a matter of fact, we have a 2:00 scheduled, but we are also going to move that bill to 4:00 as well. Thank you."

Representative Kahikina: "Thank you, Mr. Speaker. Your Committee on Human Services and Housing, and your Committee on Health, would like to resume its Committee hearing to complete its morning agenda for the both Committees in room 329."

ADJOURNMENT

Representative Lee moved that the House of Representatives adjourn until 12:00 o'clock noon tomorrow, Thursday, February 13, 2003, seconded by Representative Meyer

Speaker Say: "All those in favor say aye. Please sit down. Please sit down. Proper decorum. All those in favor say aye. All opposed, no. The motion is carried. The House stands adjourned until 12 noon tomorrow."

The motion was put to vote by the Chair and carried, and at 1:47 o'clock p.m., the Chair rapped his gavel and the House of Representatives stood adjourned until 12:00 noon tomorrow, Thursday, February 13, 2003. (Representatives Halford, Souki, Takamine, Tamayo and Thielen were excused.)

TWENTIETH DAY

Thursday, February 13, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:11 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Corinne W.L. Ching, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Takamine, and Thielen who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 178 and 179) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 178, dated February 10, 2003, requesting immediate passage of the following House Bill authorizing emergency appropriations:

H.B. No. 1307 will appropriate \$9,552,974 from the general fund and from the various special funds into which funds derived from the public land trust lands that otherwise would have been transferred to the Office of Hawaiian Affairs since the Supreme Court's decision in OHA v. State, 96 Haw. 388 (2001), were deposited.

Gov. Msg. No. 179, dated February 12, 2003, proposing changes to H.B. No. 200, the State Budget:

Included in this message are operating budget adjustments to reflect updated requirements for the Department of Education's Autism program and Department of Health's Child and Adolescent Mental Health and Adult Mental Health programs. Also included are adjustments to: 1) convert funding in the Office of the Governor and increase the revolving fund ceiling of the Department of the Attorney general for four neighbor island State Identification temporary positions; and 2) correct inadvertent omissions of temporary position counts in the Office of the Governor (Special Technology Advisor) and Department of Public Safety (Registered Professional Nurse IV). The Governor is further retracting debt service adjustments to the Departments of Budget and Finance and Education and the University of Hawaii that were transmitted in the February 7th message. The debt service adjustments were inadvertently included in both the January 31st and February 7th messages. Revised provisos for debt service are being proposed in this message.

INTRODUCTIONS

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

Representative Hale introduced Mr. Spencer Law, CEO, and Mr. Michael Yao, Vice President of CSTV of China; Ms. Kaleo Kanae-Gillian, President, and Ms. Puanani Raymond of Highlights & Associates; and her Committee Clerk, Ms. Jessie Lomongo.

Representative Pendleton introduced his ARC Legislative intern, Ms. Julie Suehiro; ARC assistant, Ms. Lorna Togle-Mcneary; and his legislative aide, Ms. Stephanie Vigil.

Representative Fox introduced participants of the East-West Center Mentoring Program: Mr. Jose Ximenes of East Timor and Ms. Myat Thanda Tun of Myanmar; and Mr. Paul Ah Yat and Ms. Lori Gorospe Wingard of his office.

Representative Arakaki introduced members of the Long Term Care Coalition and the Kokua Council, as well as Dr. Setsu Furuno and Ms. Kimi Matsuda.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolution (H.R. No. 30) and concurrent resolution (H.C.R. No. 26) were referred to committee by the Speaker:

H.R.
No.**Referred to:**

30 Committee on Judiciary

H.C.R.
No.**Referred to:**

26 Committee on Judiciary

COMMITTEE REASSIGNMENT

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

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

1643, Committee on Public Safety and Military Affairs,
HD 1 then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 31 and 32) were announced by the Clerk and the following action taken:

H.R. No. 31, entitled: "HOUSE RESOLUTION CONGRATULATING TAU MOE ON HIS LONG AND GLORIOUS CAREER AS HAWAIIAN MUSIC'S AMBASSADOR TO THE WORLD," was jointly offered by Representatives Meyer and Magaoay.

Representative Meyer, moved that H.R. No. 31 be adopted, seconded by Representative Magaoay.

Representative Meyer introduced the honoree, his family and friends, who were seated on the floor of the House:

Mr. Tau Moe, a Hawaiian treasure;

Ms. Dorian Moe Vineula, Mr. Moe's daughter;

Mr. Josiah Vineula, Mr. Moe's son-in-law;

Mr. Cy Bridges, Director Over Theater, Polynesian Culture Center; and

Dr. Ishmael Stagner, cousin, and Hawaiian Curriculum Specialist at Alu Like, who is producing a documentary on Mr. Moe's life.

At this time, Representative Meyer introduced Mr. Moe's niece, Ms. Vailima Watson, who was seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 31 was adopted with Representatives Nakasone, M. Oshiro, Stonebraker and Thielen being excused.

H.R. No. 32, entitled: "HOUSE RESOLUTION CONGRATULATING MOYA DAVENPORT GRAY ON HER OUTSTANDING ACCOMPLISHMENTS AND ACHIEVEMENTS AS DIRECTOR OF THE OFFICE OF INFORMATION PRACTICES," was offered by Representative Kaho'ohalahala.

Representative Kaho'ohalahala moved that H.R. No. 32 be adopted, seconded by Representative Kahikina.

Representative Kaho'ohalahala introduced the honoree, Ms. Moya Davenport Gray who was seated on the floor of the House.

At this time, Representative Kaho'ohalahala introduced Ms. Gray's family members who were seated in the Gallery:

Mr. David Gray, husband;

Master Michael Gray, son;

Miss Tiare Gray, daughter; and

Ms. Alita Arkin, mother.

Representative Kaho'ohalahala also recognized members of Ms. Gray's staff at the Office of Information Practices, who were seated in the Gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 32 was adopted with Representatives Arakaki, Caldwell, Nakasone, M. Oshiro, and Thielen being excused.

At 12:41 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:31 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 314) recommending that H.B. No. 282, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 282, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I would like to speak in support with reservations on Standing Committee Report No. 314, H.B.

282. Mr. Speaker, I believe this is the the most important bill that is in our Legislature this year. My reservations have to do with how the current language of the bill, how it is implemented. As the bill moves through the Legislature perhaps that would change and I would not have reservations in the future.

"Mr. Speaker, I do believe this is the most important bill being considered by the Legislature this year. This bill proposes to finally fund the Legislative Auditor to regularly audit all State finances as required by our State Constitution -- as required by our State Constitution. Mr. Speaker, for forty years this Legislative Auditor function has not been fully fulfilled.

"We've had in the last forty years, we've had a Democrat Governor and a Democrat controlled Legislature. This combination was not successful in funding and implementing the Legislative Auditor to audit all State finances as it is the Legislative Branch's purview and authority and responsibility to hold the purse strings, to keep track, and, to this one function, to audit all State finances. Finally we may achieve this by the end of this year. Now that the leadership of the Legislature is a different party than the leadership of the Executive, perhaps we will finally get this good, reasonable, ENRON-preventing policy finally passed.

"As you know Mr. Speaker, I never voted for our State budget. Eight times and I never voted for it, partly because I knew that the numbers were likely 'hocus pocus'. There is no authority upon which for us, for the Legislature, or the Executive to claim that the numbers in the budget were real. This is our opportunity to be able to believe in the numbers, and that the people could believe in the numbers, and to open up the opportunities for efficiencies in our government. To find flaws in how our departments are run, for example the storeroom in the Department of Education. That 'boondoggle' went on for years and years and years until the Legislative Auditor finally flagged that through a management audit. We were all amazed and said, "Okay, let's get rid of that thing right now."

"I am sure Mr. Speaker, that there are many 'boondoggles' like that in our State government. This is the most efficient, prudent, responsible way to bring efficiency to our state government. Since it is only Second Reading, I will belabor this more on Third Reading.

"Let me point out the flaws in the bill, Mr. Speaker. Mr. Speaker, this is a legislative function and actually should be funded through the legislative budget. The way the bill is written, it is suggesting that we would go to the Executive budget and take piece-meal from departments, the necessary money to assemble this. And correctly in my view, it should have been funded in H.B. 1. But nevertheless, we can still achieve the same result by turning this bill into funding for the legislative budget. That is clean. It is what's intended.

"Another flaw in this bill. There is a minor number flaw which is all ready flagged and I know that Finance is going to get it, it is just that the number is mistaken. But that is a minor flaw.

"The other philosophical flaw is that part of what this bill is trying to do is take money from the Executive that they want to scrutinize within themselves. Mr. Speaker, especially after forty years of not keeping track in a responsible way, we should allow the Executive to do whatever internal controls that they want to do and that we should not be looking at ways to chisel them or prevent the Executive from implementing their own efficiency measures, on their own. So while we want to fully

fund the Legislative Auditor, I believe we also want to give the Executive ..."

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

Representative Halford continued, stating:

"I believe it is very constructive to allow the Executive to monitor itself in anyway that it sees constructive. We are relying on the Executive to be as good a manager as possible, and for us to take away from them a tool that they see valuable is a mistake.

"So two points: let's fully fund the Legislative Auditor through the legislative budget, that is most important; and secondarily, let's let the Executive do what they know to do. Thank you, Mr. Speaker."

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

"I rise in support of this measure with brief comments in support of this bill. The Legislature had attempted, over the past two to three years, to pass this kind of measure. We succeeded in doing in so last year, in a narrower form, but unfortunately the Governor vetoed that measure in the summer.

"The purpose of this bill is to bring independence to the Auditor, but it is also to promote the legal concept of the separation of powers. The situation that exists now is the departments audit themselves. The departments are given millions of dollars to retain private auditing companies, which then go out and conduct audits on behalf of the departments. We want to avoid any inherent conflict of interest that exists in this kind of relationship.

"As I just mentioned, millions of dollars are spent on these audits. This bill would not preclude the departments from conducting their own internal audits, their own in-house audits. This bill would only affect or limit their ability to hire private consultants using these millions of dollars to conduct their own audits.

"There was, I think, one point raised on the floor as far as the transfer of the costs of the audits. This bill would set up a revolving fund within the Auditor's Office to capture the dollars that are already spent on audits. These dollars would basically just be transferred to the Auditor's Office for the purpose of bringing in consultants.

"I just wanted to emphasize that this measure is really intended to promote the independence of the three separate branches of government. It is promoted to increase the separation of powers and to avoid any conflicts of interest that may exist in the use of taxpayer dollars. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 282, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 315) recommending that H.B. No. 1510, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce and the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 1510, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce and the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 316) recommending that H.B. No. 1198, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD LABOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 317) recommending that H.B. No. 294, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 294, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 318) recommending that H.B. No. 725, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 725, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 319) recommending that H.B. No. 130, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 130, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 320) recommending that H.B. No. 1157, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1157, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No.

321) recommending that H.B. No. 1159, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1159, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 322) recommending that H.B. No. 553, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 553, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 323) recommending that H.B. No. 317, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 317, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Finance.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 324) recommending that H.B. No. 1000, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1000, entitled: "A BILL FOR AN ACT RELATING TO PANAWEA RAINFOREST ZOO," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 325) recommending that H.B. No. 662, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 662, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, 325. It sets up a special fund to finance the Hawaii Sports Hall of Fame. I don't think we should be moving in the direction of more special funds. That is my no vote."

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

"No vote for the same reason. I just wanted to mention that we continue to pass these 'slush funds' which hinder our ability to be accountable to the people of Hawaii. We should go with our general fund. We have hundreds and hundreds of special funds. These 'slush funds' are loose cash floating around and they lend to the opinion of the public that the Hawaii State government doesn't know how to manage its money. I don't think we should continue in this direction. Thank you."

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

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

"I'm rising in opposition to this bill. I just want to point out that there is no clear nexus between the benefits sought, and charges made upon the users or beneficiaries. It is questionable as to whether or not the proposed fund can be self-supporting. Thank you, Mr. Speaker."

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

Representative Jernigan 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.B. No. 662, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SPORTS HALL OF FAME," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Fox, Jernigan, Meyer, Ontai and Stonebraker voting no and with Representatives Kahikina, Takumi and Thielen being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 326) recommending that H.B. No. 1532, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1532, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CELEBRATION OF MARTIN LUTHER KING, JR. DAY," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 327) recommending that H.B. No. 697, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 697, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 328) recommending that H.B. No. 962, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 962, HD 1, entitled: "A BILL FOR

AN ACT MAKING A MATCHING FUNDS APPROPRIATION TO SUPPORT A PUBLIC-PRIVATE PARTNERSHIP TO MARKET AND PROMOTE INCENTIVES PROVIDED BY ACT 221, SESSION LAWS OF HAWAII 2001, FOR INVESTORS TO INVEST IN HIGH TECHNOLOGY IN HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 329) recommending that H.B. No. 1601, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 330) recommending that H.B. No. 807, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 807, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 331) recommending that H.B. No. 993, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 993, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you Mr. Speaker. I just have some slight reservations. I am rising in support. I just want to point out to the next Committee that the City and County of Honolulu is the only county that adheres to these rules. The Department of Transportation and the City and County testified in opposition to the measure so we should look at it. It should be a matter of homerule."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 993, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 332) recommending that H.B. No. 1108, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1108, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS

DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 333) recommending that H.B. No. 1401, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1401, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 334) recommending that H.B. No. 155, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 155, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representatives Kanoho and Chang, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 335) recommending that H.B. No. 221, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 221, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIKIKI BEACH RESTORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 336) recommending that H.B. No. 1492, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1492, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Kahikina, Takumi and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 337) recommending that H.B. No. 520, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 520, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I just want to disclose that I am an uncompensated advisory Board member of Honolulu Neighborhood Housing Services," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 520, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 338) recommending that H.B. No. 914, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 914, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise in support with very strong reservations. It just appears that there's no way to estimate how much an initiative like this will cost taxpayers, and we're trying to balance our budget. I just think that we have to look at this very closely. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 914, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representatives M. Oshiro and Takumi, for the Committee on Labor and Public Employment and the Committee on Education presented a report (Stand. Com. Rep. No. 339) recommending that H.B. No. 1088, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1088, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representatives M. Oshiro and Takumi, for the Committee on Labor and Public Employment and the Committee on Education presented a report (Stand. Com. Rep. No. 340) recommending that H.B. No. 959, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 959, entitled: "A BILL FOR AN ACT RELATING TO THE RETIREMENT ALLOWANCE FOR PRINCIPALS AND VICE PRINCIPALS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representatives M. Oshiro and Takumi, for the Committee on Labor and Public Employment and the Committee on Education presented a report (Stand. Com. Rep. No. 341) recommending that H.B. No. 1174, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1174, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHER PER DIEM RATE IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representatives M. Oshiro and Takumi, for the Committee on Labor and Public Employment and the Committee on Education presented a report (Stand. Com. Rep. No. 342) recommending that H.B. No. 1360, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1360, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise with very strong reservations on the bill. Mr. Speaker, we've given the schools autonomy, to a certain extent, with SCBM, and here we go again micromanaging the system. I feel that the calendar should be up to the local school complexes rather than being dictated by our over-inflated centralized system. So it's this reason that I would vote with very strong reservations on this one. Thank you."

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

"In opposition. It's very interesting to me that the fact that the schools have different calendars has been used as a defense of the current system when people argue that we're over-centralized. The line that comes back is, "Oh yeah, maybe over-centralized, but hey, all the schools are under different calendars." So, to come along and pass a bill that puts us all under the same calendar when, you know, the charge is already that we're way too over-centralized, just strikes me as highly ironic. Thank you, Mr. Speaker."

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

"Once again, I've got some reservations but I'm rising in support. The HGEA supported the bill, and HSTA opposed it. So if we can't even get those two people together, how can we come up with a single calendar?"

"Also in some of the testimony, they talked about how they want to do some of their training during the summer, but I said that the bill you're looking at has only a couple of weeks, and things just aren't in place yet. There needs to be a lot of discussion. Thank you."

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

"Mr. Speaker, with strong reservations."

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

"I rise in opposition to the bill. By the schools having the option to go year-round, it created more flexibility and the parents could weigh-in because it wasn't like the principal just made this decision by herself. It was the SCBMs, and also meetings with the parents. This is good. It creates a buy-in.

But if we're going to go back to this 'one size fits all', I think we're moving in the wrong direction.

"I realize that it's more difficult having schools on different schedules. There's a lot more juggling that has to go on just for school transportation. It creates some real challenges. But it creates for more individuality, and as I say, more buy-in by the parents and the students. Thank you, Mr. Speaker."

Representative Blundell rose and asked that the Clerk record a no vote for him, instead of an aye vote with reservations, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1360, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Fox and Meyer voting no, and with Representatives Kahikina, Takumi and Thielen being excused.

Representatives M. Oshiro and Takumi, for the Committee on Labor and Public Employment and the Committee on Education presented a report (Stand. Com. Rep. No. 343) recommending that H.B. No. 1638, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1638, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"On this one, I have to rise in opposition. I think this is a matter for collective bargaining and, once again, we have a split of opinion here. The DOE says they support it, and HSTA opposes it. I don't think, until we all get on the same sheet of music, that it's going to work. But I honestly believe they ought to sit down and talk about it and bargain it."

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

"Briefly, in opposition. You know basically we're just going absolutely the wrong way in having the Legislature determine how the schools should be run in detail. This is a job that ought to be left to the schools. Thank you."

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

Representative Blundell 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.B. No. 1638, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Fox, Halford and Moses voting no, and with Representatives Kahikina, Takumi and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 344) recommending that H.B. No. 43, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 43, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 345) recommending that H.B. No. 548, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 548, HD 2, be referred to the Committee on Judiciary, seconded by Representative Lee.

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

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of Standing Committee Report No. 345, H.B. 548 HD 2 – Relating to Anatomical Gifts.

"The purpose of this bill is to extend, to June 30, 2006, the sunset date on the organ and tissue education fee and the Hawaii organ and tissue education special fund, as enacted in Act 88, SLH 1999.

"Mr. Speaker, and colleagues, as you know I have been actively involved in the organ donor education program in Hawaii for a number of years now. I have served on the Advisory Board of the Minority Organ Tissue Training and Education Program or MOTTEP, which has had a tremendous impact on the increase of organ and tissue donation awareness especially among ethnic minorities in Hawaii whose cultural and religious beliefs prevent them from making this commitment.

"Four years ago Act 88 was enacted. This was a very significant legislation, supported by a broad sector of Hawaii's communities. We believed then, as we do now, that education is the key to increased donation. We believed that the \$1 donation would go a long way in promoting training and education on organ and tissue donation. And in the four years that this program has been implemented, donations have indeed increased, not just among Filipinos but also in other ethnic groups as well.

"Since the implementation of Act 88 in 1999, the percentage of Hawaii drivers with "organ donor" on their drivers' licenses has risen to 8.5%, and statistics show that over 49,000 new drivers have the same indication on their licenses. In year 2002, Hawaii had a record number of organ, tissue and eye donors.

"According to the recent survey by the Department of Health, 93% of families would honor the expressed wishes of a family member if they know what those wishes were. In the case of organ donation, most families decline to donate because they do not know the wishes of their loved ones.

"All that was changed by the passage of Act 88 because the law allows emergency rooms access to drivers license information. This helps families make sound decisions in honoring their loved one's wishes regarding organ donation.

"This program works and further efforts in increasing organ and tissue donation through education must continue. Today organ transplants are no longer experimental procedures.

These procedures are being done here in Hawaii with great success.

"For these reasons Mr. Speaker and colleagues, I strongly support passage of H.B. 548 and I urge your support. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 548, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 346) recommending that H.B. No. 259, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 259, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 347) recommending that H.B. No. 1506, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1506, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

"I rise with very strong reservations on this bill. I know that the bill is calling for the hiring of 313 clerks to apparently, input the Integrated Special Education information that teachers are now doing themselves. I don't know if this is necessary. I think we have to look at the computer program that they're working with, it just doesn't seem to have any capacity. Teachers just talk about they're unable to get into the system. It seems like in this age of high technology, rather than bodies, we should be looking for improved technology. Right now, the teachers are being told that if you wait until midnight, there's not so much traffic there and you can get through, which is not a viable option. But there definitely seems to be a problem with that system. Thank you, Mr. Speaker."

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

"I rise in support of the measure. I normally don't speak on Second Reading bills because all these bills have a long way to go. But on this particular issue, I would urge any one of my colleagues to talk to the special education teachers that they have in their individual schools, and they will find out, no matter how high-tech, cutting-edge, 'pushing the envelope'

system you have, the fact of the matter here is these special ed teachers are spending hours, literally hours, everyday, key-punching in information on the basis of their evaluations that they are making of the special ed students.

"Now if you have a 'whiz-bang' system, it's not going to take you 30 seconds. I don't care what you do. I don't even care if you have voice recognition software. The fact of the matter is these people need the support to help our special education kids, and to help the very professionals that are ending up doing this key-punching operation. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1506, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ISPED CLERK TYPISTS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Jernigan voting no, and with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 348) recommending that H.B. No. 314, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 314, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL SECURITY GUARDS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 349) recommending that H.B. No. 620, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 350) recommending that H.B. No. 638, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 351) recommending that H.B. No. 1177, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1177, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 352) recommending that H.B. No. 244, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 353) recommending that H.B. No. 631, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 631, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAIIAN IMMERSION PROGRAM," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 354) recommending that H.B. No. 633, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 633, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 355) recommending that H.B. No. 1220, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1220, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 356) recommending that H.B. No. 509, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 357) recommending that H.B. No. 800, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 800, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPENDENT ADULTS," passed

Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 358) recommending that H.B. No. 90, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 90, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 359) recommending that H.B. No. 1616, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1616, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I'm rising in opposition to this. Standing Committee Report No. 359, H.B. No. 1616. This is the long-term care bill and I commend the intent of the author of the bill to provide long-term care. However I have a number of difficulties with the bill itself.

"The bill calls for a special fund to be established, which I have a difficulty with, to start with. Also, it charges \$10 a month beginning in the year 2005, increasing to \$12 a month, then \$14 a month, and so on. And it increases and increases. It doubles the tax. The special fund would be overseen by a Board of Trustees, but on page 13 of the bill, it says that the Board of Trustees would be temporary so we're not sure what kind of Board would oversee this money.

"After three years this special fund would be over \$4 billion. That's \$4 billion with a "b". That's larger than our general fund. That \$4 billion is larger than our general fund. This would be a special fund which would be overseen by a Board that is not specified in this bill. So I have a great difficulties with that.

"We wouldn't be able to give out any benefits for three years. There's no mention of any vesting period in the bill. I think last year our bill called for a vesting period of ten years. After ten years, you would receive \$70 a day. And that would increase incrementally over the next ten years up to, I think in this bill it says, \$83 per day. So while the tax increase is over double, the benefits increase by 15%. So I'm not sure what the reasoning is behind that.

"We also read in the bill, if the Members would take a moment just to look at the bill, we read on page 6 that, if a tax payer is delinquent in paying their tax imposed in this chapter, the long-term care income tax, the payments can be made for that delinquent tax.

"We read on page 7 that, on the bottom of the page there, letter (c), "For any individual who is subject to the long-term care income tax and who: (1) Is or has been delinquent in paying the tax; and (2) Begins to pay the overdue back taxes

within three years of the initial delinquency, any such delinquent long-term care income tax payments may be credited to the individual's vesting record and restore any benefit loss up to that point."

"Now we don't know what the vesting period is, if it's ten years, they would be able to make up. And this is my question. I'm not too sure about this, but if somebody came to the State in 2008, would it be possible for them to pay the \$120 from 2005? The \$144 from 2006? And then the \$192 from 2007? And make up that delinquent tax and immediately begin to receive benefits from that? I could foresee that this could be very bad for the State. Aside from this, to take \$4 billion out of the economy in three years, this is beginning to get up to actually the first year of about \$1.2 billion.

"I used to play pop-warner football, Mr. Speaker, and I confess I was never very fast. I wish I was, but I just wasn't. That's why I took up wrestling later on. I just didn't have the speed. But after the one of the games, a friend of the family came up and said, "Bud, you know you'd run faster if you took that piano off of your back." And I wasn't very pleased about it at the time, but I think of our economy that way. If we wouldn't keep laying on these kinds of burdens on the economy, it would speed up a lot. And if we make the mistake, any member that votes yes for this bill, is voting to slow down the economy. The first year, it's \$1.2 billion extracted, sucked out of the economy, slows it down. The next year it's \$1.5 billion. The next year it's \$1.7 billion. All the way up to \$2 billion dollars a year that we're going to drag out of the economy in order to see this. I just don't think this is a good idea.

"Now what about the people that already have long-term care? Will they be taxed? What about the people who leave the State of Hawaii after paying in many years?"

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

Representative Stonebraker continued, stating:

"What if they die suddenly and they don't need long-term care? What about the people who just leave the State or what about those who don't want it? By forcing this tax on them, I don't think it's fair. I think it slows the economy down and I would urge the Members of this Body to vote against this measure."

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

"In opposition. Yes, Mr. Speaker. I want to elaborate on my colleague's comments regarding on the efficiency and mathematics of government services. If you note that the taxes do start at \$10 per month, but then increase \$2 per month every year, or about a 20% increase the first year, culminating in a little more than doubling, I calculate 130% in six years. That's kind of a rather healthy, healthy increase in the amount of tax.

"The problem I see, fundamentally, up front, is that if you look at the benefits, it starts at \$70 a month, and they increase at about a rate, it looks like someone was trying to calculate it, at 3% per year. So that the end of 6 years, Mr. Speaker, this increase is a total of only 19%.

"Now compared to the increase of the tax, Mr. Speaker, I think this is little bit of a crime. Because increasing the rate that you're paying the taxes and the services that you're going to get commensurately or comparatively will be decreasing, I think, will bring much discredit to us as a Body.

"Now, I think fundamentally, even though the problem I believe with healthcare is the lack of equilibrium. We have a system right now, and this is one indicator, this type of program would be one of those systems that would not really have a reason for the taxpayers to not use this service. It's the equilibrium, or there's no equilibrium. In other words, the incentive is for them instead of paying it already, they're going to have to use it. And we know that if it's not going to increase commensurately. It's just going to continue to grow and grow and grow. So we have no incentive or drag to prevent the people from using yet, and thereby we have no equilibrium. And for these reasons, matters for these reasons, Mr. Speaker, I oppose it."

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

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

"In opposition. The federal government undertook to secure the health of the elderly in this country and with the passage of Medicare in 1965 it's essentially a bargain between the federal government and the elderly in this country and similar to Social Security in terms of its importance and its coverage. The two big missing elements from this coverage are prescription drugs and long-term care. Prescription drugs is being addressed at the national level this year. We're not sure how it's going to come out but it is on the agenda. Long-term care then is the big missing piece.

"Now fortunately, with your assistance Mr. Speaker, I was able to attend a conference last December on Maui. They discussed some of the issues that states face and we got the advice from a former U.S. Senator from Oregon telling us, those assembled state legislators, it was very important that the states get together and go after the federal government to do something about long-term care. It's something that has to be done jointly. The states have to pull together. They have to pursue this goal with vigor and intensity because a lot of money is involved. But he said we should do it. He said the federal government is vulnerable on this question and understands it, and that's what we should be doing.

"If we in Hawaii do something completely different, at 180 degrees the other way, and go out and set up our own long-term care program, we're going to be the darling of the Bush Administration. The Bush Administration's going to point to Hawaii and say this is how you solve your problem. You do it at the state level. You inflict the penalty on your state taxpayers and you don't bother the federal government. If we could only shift the amount of money that this State pays for long-term care in Medicaid, just that amount of money, Medicaid to Medicare, we would have \$150 million more a year in our budget to spend on programs like this.

"Let's not make the serious mistake of letting the federal government off the hook by setting up a program that's going to become a model for the country and how states can take care of their own problems and go away from the federal obligation to take care of our long-term care needs. Thank you, Mr. Speaker."

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

"I'm going to rise with reservations on this measure. I do not know what department would be handling this particular bill and most of my reservations have to do with lack of information on this bill. I'm sure a lot of the information could

be provided by the end of Session, but the department is not enumerated in this particular measure, nor is the cost of any administration of this program, or the number of personnel required. I think it would be quite substantial because there are a lot of disbursement records to be handled. After all you're covering hundreds of thousands of people in the State.

"To determine the payment status of each individual, to keep track of them on a monthly basis is a horrendous record keeping chore and if people don't pay, then they become delinquent and people will be delinquent every month. You'll have to deduct that amount from the credit that they do have and it's just a very onerous procedure, so I'm wondering whether the cost would out-weigh the benefit.

"Also, I notice that the tax starts in the calendar year after December 31, 2005. And the disbursements start after the end of the third year of collection. So, the first year of collection would be 2006, so the disbursement will not start till January 2009. The schedule on the bill shows that the first year of disbursements is 2008. So I think that you might need a little tweaking in this particular measure.

"As mentioned by the Minority Leader, the federal government should be working on this particular project. I would hope that we would have a federal long-term care program. I think if we establish this in Hawaii many people would want to come here to retire after they've worked many years and retire, they might look around for some place that offers long-term care. They might come here and work a few more years and we would be a very attractive place to retire. So for these reasons, I do have reservations, Mr. Speaker, and I look forward to some answers. Thank you."

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

"In opposition. I just saw in the paper the other day, an editorial about people out there really willing to pay more in taxes. And it enumerated some of the items like fixing the schools, fixing business, fixing toilets, and I can't remember. There was a list of about eight things. But I'm asking my colleagues now to go back to their constituents and say, "Okay, the year after next, we want you to pay an additional tax for long-term care, on top of all these other taxes we've asked you about." Again I'm looking at \$144 in 2005, and in just eight years from now we're up to \$276. That's a big increase.

"You heard about the pay-outs. They're not commensurate with the amounts. But this is for long-term care, and again we've already discussed the fact that some people have long-term care insurance. What are we going to do for them? Do we tell them to cancel their policies and come along with the State because we'll always have money to take care of it. I'm just not sure that this system is going to be beneficial for the population.

"I think maybe we need to educate the population that they should get involved and try to take care of their own needs. Like paying. Again I see some here if you don't make above the poverty level you don't have to pay the tax. Well what happens if after you pay the tax you're below the poverty level do you now come off the rolls? That's not addressed either. It just seems there's a lot of problems with the bill and it needs a lot of further discussion. Thank you."

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

"I rise with very strong reservations on this bill. Last year when we were looking at this, I did send out letters to about half of my Representative district and asked if they would be in

favor of a new payroll tax to cover long-term care. And I have people in every socio-economic level, and only about 15% of the people said they would.

"This sort of one-size-fits-all bothers me. The fact that this bill actually establishes a premium, like an insurance premium that's not risk adjusted. Everyone pays the same amount regardless of risk. This ends up rewarding unhealthy lifestyles as they end up being subsidized by those who choose healthy lifestyles. In a normal kind of insurance, those things should be considered. But here it is just everybody pays. There is no portability. The young person who pays in for ten years and leaves just simply loses that. Had they put that money in a savings account they would at least have it and they could do something with it. But this way they're forced to just put it into this big pool and leave it behind them. I am not really comfortable with that. Thank you, Mr. Speaker."

At this time the Chair stated:

"Members, we have had a lot of discussion. Would you like to just record your vote either with reservations or no, because it will be referred to the Committee on Finance where I believe the Chair has acknowledged it will have a public hearing to address the concerns that have been voiced this afternoon."

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

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

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

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

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

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

Representative Arakaki then rose and stated:

"Mr. Speaker, I was wondering as your Chair on Health if I could just briefly explain why we are putting forth this measure?"

The Chair responded, stating:

"At this time, would you like to just insert it into the journal? Or would you like to ...?"

Representative Arakaki "I think you allowed a lot of discussion in opposition, so we need to have some balance."

Speaker Say: "The Chair will allow you to defend the measure at this time, so please proceed."

Representative Arakaki stood in support of the measure, stating:

"Thank you, Mr. Speaker. I would like to speak in strong support of this measure. As I mentioned earlier, this is an issue that I have been pursuing almost all of my 17 years as a legislator. I started off as a young person and pretty soon I am going to start using this, whatever benefits come about.

"All that put aside, there are some people up there who have been pursuing it for a long time too. It requires you to look beyond the ends of your noses to see what this is all about. And all you need to do is to look at the trends in what is happening in Hawaii.

"Look at our elderly population. We have the fastest growing population of those who are over 65, and those who are over 85. That is a fact of life, and we are blessed with the fact that people do live longer here. Maybe it is the air or the environment or the fact that we do take care of our people. We have to face up to the fact that we have a problem and I think that goes far beyond other states.

"On top of that we don't like to put people in nursing homes. And that is why we have one of the lowest numbers of ratios of nursing home beds here in Hawaii. But the other fact is that it costs right now \$68,000 to put people in nursing homes. By the year 2020 it is going to cost \$200,000 and I want to know who is going to be here at that time to deal with it? Who is going to argue against people being thrown out on the streets without any care at all?

"The other fact is that we do take care of our own. We have 85% of our frail and elderly are being cared for at home, many of them without any kind of compensation. A lot of it is out-of-pocket. People are quitting jobs to take care of their elderly family members. I don't know if any of you are in that situation. I know that I am. I know that many people at my age are. So the question is, you know it is easy to criticize. Nobody wants to pay increased costs. I am sure the same thing happened when they proposed Social Security and Medicaid. But you look at those programs now and they are saying it is not enough. We need more. So sometimes we have to make the tough decisions for the public good, especially when we know that there is a trend and that trend is going to create more and more problems.

"And who wants to wait for the federal government? That is not going to happen because of our President does believe that the states should be able to handle it because each state has their own kind of population and their own problems. And as long as they're willing to help provide some of the resources, then we should take advantage of it.

"You look at the cost, \$10 a month. The cost of two *bentos*, maybe 5 packs of cigarettes, maybe 2 movie tickets a month. You think it is worth it to make sure that our elderly don't get tossed out into the street? Just have some foresight and have some compassion for what is going to happen if we don't do something now.

"If you want to wait for a crisis that is fine, but as your Health Chair, Mr. Speaker, I want to take bold action. I want to challenge all of us to come up with answers. Not excuses. Not potshots. Let's come up with answers. Because we've got a growing population of elderly and we got to answer them. We got to tell them how we are going to care for them.

"I just want to quote from the *Advertiser* editorial, because I think it really hits home.

"We continue to believe that we'll get a lot more mileage from a plan called CarePlus. The key element in Care Plus is a mandatory \$10-a-month payroll tax into a fund that would provide cash care payments to qualified recipients. The plan will be presumably generate around \$70 a day (in today's dollars) that could be spent in for home care or to offset the costs of institutional payments.

"This is a choice that people want. The plan won't put people in comfortable nursing homes. It will provide a minimum floor or support for people so that they can afford to stay at home. We think the greater public purpose comes from helping those who need it and reducing public expenditures by keeping people out of expensive acute care facilities."

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

Representative Arakaki continued, stating:

"Again the main thing is keeping people out of expensive acute care facilities because they couldn't afford less expensive preventive measures. Governor Lingle is right that whatever plan the Legislature can afford to produce this year is just a start. But her plan, and they're talking about the tax credits, diverts limited funds away from those who truly need it.

"Just a closing comment. I know that people are saying that this plan is very sketchy, but I just want to let you know that this was not meant to be a government program. This is meant to have some autonomy and that is why we have a temporary Board of Directors. They are the ones that are going to help develop the direction of this plan, the details of this plan, but we need to start now. We can't wait and it is up to the citizens to help determine the kinds of services that they want and they need. So Mr. Speaker, let's all swallow hard. But let's think about the future and let's think about our elderly and our disabled and those who need the care. Thank you."

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I speak in support of this measure.

"According to testimony of David M. Walker, Comptroller General of the United States, before the Special Committee on Aging of the U.S. Senate, any consideration of long term care financing must keep in mind that long term care is not just about health care—it also comprises a variety of services that an elderly or disabled person needs to maintain the quality of life such as housing, transportation, nutrition and social support.

"According to Walker, there are several considerations, which need to be made when shaping proposals.

1. Determining societal responsibilities.
2. Considering the role of social insurance.
3. Encouraging personal responsibility.
4. Recognizing the benefits, burdens, and costs of informal caregiving.
5. Assessing the balance of State and Federal responsibilities.
6. Adopting an effective implementation system.
7. Developing a financially sustainable public commitment.

"In coming years, the sheer number of aging 'baby boomers' will swell the numbers of elderly with disabilities and the need for services in our State. In addition, as I have stated many times on this floor, the change that is apparent in Hawaii is the swelling ranks of those over 80—or the elderly elderly. We cannot continue to deny that we have a problem. There is no doubt in my mind that in addition to private sources of long-term care insurance, we must decide whether society should supplement those services.

"There is no doubt in my mind that government will have to take a role beyond encouraging people to buy insurance. A recent GAO report suggests it may soon be necessary to institute voluntary or mandatory social insurance to assist broad groups in our society.

"In many ways, we here in Hawaii are on the cutting edge. This bill is a start to addressing our growing long-term care costs.

"In the words of Terry Morton, New Hampshire Health and Human Services Commission, "if we don't find some alternatives for financing long term care, it is going to bust the bank, not just for New Hampshire, but for the country. This is bigger than Social Security and Medicare."

"The aim of the bill before you is to help people stay at home as long as possible; something everyone wishes. A \$70 daily benefit for 365 days will go far in paying for in-home services.

"A care advocate would provide initial assistance to help families make choices.

"This plan is a comprehensive one because the benefits can be used by the recipient for any service the patient requires, including helping to pay a caregiver, nursing home or prescription drugs.

"Since the benefit can also go to a caregiver, it will help the 75% of the caregivers who are women—they are the people who lose time from work, give up jobs, lose health insurance and ultimately lose their careers.

"We are already all paying for long term care either directly or through our State and federal taxes, which are spent for Medicaid and other government programs.

"The Medicaid program is incurring huge cost over-runs and draining money from other state programs. 1/3 of Medicaid goes to long term care and this is increasing every year as costs rise and our population ages.

"Tax credits for long term care are something that may be complimentary to the CarePlus program, but why concentrate on those who are already able financially to purchase long term care insurance. To take tax revenues to help a small percentage of people does not seem to be good public policy.

"We need a plan that will benefit as many people as possible and—a plan that allows the patient or caregiver to choose the service they need, placing the control of their care in their hands. We have the makings of such a plan before us.

"I urge my colleagues to support this bill."

Editorial

Long-term care: Some don't need state help

We're surprised to hear that those people who can afford private, long-term-care insurance, but have neglected to purchase it, are part of what Gov. Linda Lingle calls a "gap group that we're trying to help."

That's because we're used to hearing the term 'gap group' applied to people who are in some way too rich to be eligible for public help but not rich enough to totally take care of themselves.

People in the market for long-term-care insurance who can afford it are, by and large, comparatively well-to-do.

We'll concede that rates for long-term-care insurance are much lower for young people, but young people believe they are immortal; we take our hat off to anyone who can sell them such a product.

Most people who have aged enough to realize the importance of long-term-care insurance would buy it if they could, obviating the need for an incentive. We question the public purpose in giving a 30 percent tax credit to people who are comfortable enough to have already purchased long-term-care insurance.

The real 'gap group' comprises families that fall short of Medicare eligibility and do not have enough day-to-day income to pay for insurance premiums.

We continue to believe that we'll get a lot more mileage from a plan called CarePlus. The key element in CarePlus is a mandatory \$10-a-month payroll tax into a fund that would provide cash care payments to qualified recipients. The plan would presumably generate around \$70 a day (in today's dollars) that could be spent for home care or to offset the cost of institutional payments.

This plan won't put people in comfortable nursing homes. It will provide a minimal "floor" of support for people so they can afford to stay at home.

We think the greater public purpose comes from helping those who need it, and reducing public expenditure by keeping people out of expensive acute care facilities because they couldn't afford less expensive preventive measures.

Lingle is right that whatever plan the Legislature can afford to produce this year, it's just a start. But her plan diverts limited funds away from those who truly need it.

The Honolulu Advertiser
February 12, 2003

Editorial

CarePlus plan needs to be kept moving

While there is strong agreement across the political spectrum that Hawai'i faces a long-term care crunch, there is little agreement on the best way to deal with it.

A panel set up by former Gov. Ben Cayetano has endorsed a version of CarePlus, the program advocated by former First Lady Vicky Cayetano.

The key element in CarePlus is a mandatory \$10-a-month payroll tax into a fund that would provide cash care payments to qualified recipients. The plan would presumably generate around \$70 a day (in today's dollars) that could be spent for home care or to offset the cost of institutional payments.

During the campaign, Linda Lingle was skeptical of the CarePlus program. She suggested she would prefer a tax credit against the cost of private long-term care insurance.

Now surely more people should buy their own long-term care insurance. But long-term care insurance does not come cheap, particularly to those who have aged enough to realize its importance.

Tax credits would be a benefit to those who can afford insurance, but could mean little to lower-income families that fall short of Medicare eligibility and do not have enough day-to-day income to pay for insurance premiums.

The CarePlus program is not designed as the absolute answer for long-term care. What it is designed to do is provide a minimal "floor" of support for people so they can afford to stay at home.

This keeps them out of more expensive full-time long-term care facilities, nursing homes or – as happens all too often – acute care hospital facilities.

The pattern all too often is those who could remain at home with some help go into a long-term care facility, competing for beds with others in greater need

Critics of CarePlus, including recent visitor Stephen Moses of the Center for Long Term Care Financing in Seattle, contend the program won't work. It will create false sense of security, slow down the development of a robust private long-term care insurance market and create false incentives for irresponsible health and lifestyle behaviors, he says.

Surely, a comprehensive private insurance system that all could afford would be an ideal solution. But that doesn't exist in others areas (think of the many who do not buy automobile insurance) and may be a long time coming.

The CarePlus program offers an innovative, modest ray of hope for our rapidly aging population, particularly those of modest means. It must not be rejected out of hand.

The Honolulu Advertiser
August 12, 2002

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1616, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Jernigan, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Kahikina, Takumi and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 360) recommending that H.B. No. 910, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 910, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I am sorry. I wanted to stand on Standing Committee Report No. 360. This is the G.O. Bonds for the Kulamalu Long-term Care Facility. With reservations.

"This is a private/public consortium to build a new long-term care facility of a 102 long-term care beds. It seems to me it would be more appropriate if this were being funded with revenue bonds rather than G.O. bonds."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 910, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE KULAMALU LONG-TERM CARE FACILITY IN KULA, MAUI," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 361) recommending that H.B. No. 944, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 944, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 362) recommending that H.B. No. 1431, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1431, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I just have some reservations on the bill since I am not on the Committee that heard it.

"My reservations are, what I understood is this was to make it easier for temporary dentists to go into areas that are not served enough by licensed dentists, and that would serve the children more. But then I see the amendment that says that they are going to be eligible for the same level of government reimbursement as the regular dentists. So, if they are getting the same amount of money, I don't see how it benefits or changes anything."

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

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

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

"I rise in support, and I challenge any of you to try and get a dentist into my area, for any price. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1431, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL LICENSING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Jernigan and Leong, voting no, and with Representatives Kahikina, Takumi and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 363) recommending that H.B. No. 706, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 706, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," passed Second Reading and was referred to the Committee on

Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 364) recommending that H.B. No. 474, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 474, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 365) recommending that H.B. No. 196, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 196, entitled: "A BILL FOR AN ACT RELATING TO A GEOTHERMAL-TO-HYDROGEN TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 366) recommending that H.B. No. 1212, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 367) recommending that H.B. No. 104, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST RESERVES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 368) recommending that H.B. No. 1327, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1327, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 369) recommending that H.B. No. 192, as amended in

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

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 370) recommending that H.B. No. 1454, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1454, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES' EMINENT DOMAIN POWERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 371) recommending that H.B. No. 1677, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1677, entitled: "A BILL FOR AN ACT RELATING TO KULEANA LAND," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 372) recommending that H.B. No. 1683, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1683, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIAMOND HEAD STATE MONUMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 373) recommending that H.B. No. 1128, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1128, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 374) recommending that H.B. No. 1075, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1075, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO IMPLEMENTATION OF A FIXED RAIL TRANSIT SYSTEM," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 375) recommending that H.B. No. 1509, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 376) recommending that H.B. No. 171, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 171, entitled: "A BILL FOR AN ACT RELATING TO NOISE VIOLATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 377) recommending that H.B. No. 1053, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1053, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 378) recommending that H.B. No. 1277, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1277, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 16, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO PROVIDE THE LEGISLATURE WITH THE POWER TO RECALL A BILL PRESENTED TO THE GOVERNOR," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

H.B. No. 1277 was referred to the Committee on Finance in the following form:

H.B. No. 1277:

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 16, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO PROVIDE THE LEGISLATURE WITH THE POWER TO RECALL A BILL PRESENTED TO THE GOVERNOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose a constitutional amendment to article III, section 16, of the

Constitution of the State of Hawaii to allow the legislature to recall a bill that passed the legislature and was presented to the governor. This will provide the legislature with some recourse if a bill is inadvertently presented to the governor with either a substantive or procedural error.

SECTION 2. Article III, section 16, of the Constitution of the State of Hawaii is amended to read as follows:

"APPROVAL OR VETO

Section 16. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If the governor approves it, the governor shall sign it and it shall become law. If the governor does not approve such bill, the governor may return it, with the governor's objections to the legislature. Except for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but the governor shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to the governor ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if the governor had signed it.

RECONSIDERATION AFTER ADJOURNMENT

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to the governor less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that the governor plans to return such bill with the governor's objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if the governor shall sign it within ten days after presentation.

RECALL

A bill under consideration by the governor may be recalled to the legislature by concurrent resolution. Before the recalled bill is presented again to the governor, it shall pass one additional reading in each house during the session in which it was recalled.

COMPUTATION OF TIME

In computing the number of days designated in this section, the following days shall be excluded: Saturdays, Sundays, holidays and any days in which the legislature is in recess prior to its adjournment as provided in section 10 of this article."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the State Constitution be amended to allow the legislature to recall a bill for further consideration if the Governor has not yet either vetoed or approved the bill?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 379) recommending that H.B. No. 554, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 554, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 380) recommending that H.B. No. 969, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 969, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 381) recommending that H.B. No. 1564, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1564, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Takumi and Thielen being excused.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Kahikina, Takumi and Thielen were excused.)

THIRD READING

H.B. No. 564:

Representative Saiki moved that H.B. No. 564, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I am not going to vote no on this but I do have some serious reservations."

The Chair responded, stating:

"All you have to do is give me the vote count, but you can proceed on with reservations."

Representative Meyer continued, stating:

"Well, I am not voting no. And I don't have any pink slips so I am just making a with reservations comment on this bill.

"This bill, has added public parks to the section of the law which previously dealt with the promotion of controlled substances in, on, or near schools or school vehicles. This bill creates enhanced penalties in that you don't have to be selling it or dealing it. You just have it and somebody determines you have the intent to sell. Promoting a controlled substance near schools, school vehicles, public parks, is a class C felony. This seems to be contradictory to a bill that we passed last year which I did not vote for which made it less of a crime if you had a certain amount of ice, which is a very serious problem we have here in the State. And I think it was one ounce, which some people didn't think it was a lot, but many of us felt that if you had that much ice, you were dealing. It wasn't for your personal use, and yet we sort of liberalized the penalty for that."

Representative Luke rose to a point of order, stating:

"Point of order. The speaker is not speaking to the merits of this bill."

Representative Meyer continued, stating:

"Thank you, Mr. Speaker. I will try to contain my comments. It is because of the sort of conflicting ... It is not that I am for people selling or using illegal substances, but I have worries that this says somebody who is smoking marijuana and a sharing marijuana cigarette in the park could end up in prison for five years, when if he was found with an ounce of ice in his pocket, would probably get a 'pass'. Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 564, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES," passed Third Reading by a vote of 48 ayes, with Representatives Ito, Kahikina and Thielen being excused.

The Chair directed the Clerk to note that H.B. No. 564 passed Third Reading at 2:22 o'clock p.m.

ANNOUNCEMENTS

Representative Hamakawa for the Committee on Judiciary, requested a waiver of the 48-hour notification requirement for H.B. 925, "Relating to Criminal Record Checks," and the Chair "so ordered."

"This, Mr. Speaker, was heard and decided upon by your Committee of Judiciary two days ago, and we did move the measure out. However, on subsequent review, there are some other amendments that we have to make to the bill, and we would like to bring it back to the Committee to have the discussion, and then bring it back to the floor."

Representative Chang: "Mr. Speaker, your Committee on Tourism and Culture will be having a hearing in room 423 following this session."

Speaker Say: "Members, on behalf of all of us, I would like to share very much, a thank you and mahalo from all of us to Representative Ching who has given you the roses and the chocolates. Representative Ching, thank you very much."

ADJOURNMENT

On motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 14, 2003. (Representatives Ito, Kahikina, and Thielen were excused.)

Speaker Say: "Thank you very much for staying in your seats."

At 2:24 o'clock p.m., the Chair rapped his gavel and the House of Representatives stood adjourned until 12:00 o'clock noon tomorrow, Friday, February 14, 2003.

TWENTY-FIRST DAY

Friday, February 14, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:15 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Representative Cindy Evans, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Hiraki, and Thielen, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 180) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 180, transmitting copies of the "University of Hawaii Tuition and Fees Special Fund Expenditures For The Purpose of Generating Private Donations FY 2001-2002".

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 9 through 11) were received and announced by the Clerk:

Sen. Com. No. 9, transmitting S.B. No. 1038, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER SUPPLY," which passed Third Reading in the Senate on February 13, 2003.

Sen. Com. No. 10, transmitting S.B. No. 1163, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," which passed Third Reading in the Senate on February 13, 2003.

Sen. Com. No. 11, transmitting S.B. No. 1462, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on February 13, 2003.

Sen. Com. No. 12, transmitting S.B. No. 1547, entitled: "A BILL FOR AN ACT RELATING TO MARINE ACTIVITIES," which passed Third Reading in the Senate on February 13, 2003.

On motion by Representative Lee, seconded by Representative Meyer and carried, S.B. Nos.: 1038, S.D. 1; 1163; 1462; and 1547, passed First Reading by title and further action was deferred, with Representatives Abinsay, Hiraki, and Thielen being excused.

INTRODUCTIONS

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

Representative Ching introduced 3rd grade students from Kauluwela Elementary School; and their teachers Mrs. Laura Ahn, Ms. Gayle Oura, and Ms. Mona Soo; and parents and grandparents.

Representative Takamine introduced the 2002-03 Honoka'a Dragons Boy's Soccer Team; Head Coach Mr. Maurice Miranda; Assistant Coaches Mr. David Cypriano, Mr. Bill Beach, Mr. Addison Bowman, and Mr. Dean Jacobs; and team supporters who were here to participate in the State tournament.

Representatives Herkes and Jernigan also welcomed and offered their support to the Honoka'a Boy's Soccer Team.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

- | | |
|-----|-------------------------------------------------------------------------------------------------------------------------|
| 248 | Jointly to the Committee on Education and the Committee on Health, then to the Committee on Labor and Public Employment |
| 530 | Committee on Economic Development and Business Concerns, then to the Committee on Finance |

At 12:26 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:04 o'clock p.m.

STANDING COMMITTEE REPORTS

At this time, the Chair addressed the Members, stating:

"Before we run through the discussion, we will quickly run through pages 1 to 15. If it is at all possible, because this is Second Reading, and some people have planes to catch tonight, if I can ask your indulgence to submit your written comments when possible. If you feel you do need to talk, I won't preclude you from doing so, but I would encourage Members to submit written comments so we can get out of here in three hours."

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 382) recommending that H.B. No. 756, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 383) recommending that H.B. No. 859, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES FOR APPOINTED COUNSEL," passed Second Reading and was

referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 384) recommending that H.B. No. 189, HD 1, as amended in HD 2, be referred to the Committee on Finance.

At 1:05 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:06 o'clock p.m.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 189, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

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

"I am rising in opposition. This is not a question of pro-life or pro-choice. This is a question of good public policy and fairness. This measure applies to hospitals that provide emergency care to sexual assault survivors. The penalties to hospitals for violating this bill are severe: \$5,000 for each patient who did not receive emergency contraception, and after two such violations, loss of the hospital certification. Faced with such penalties with non-compliance on one hand, and firmly held religious beliefs on the other, a religious hospital's only option would be to cease providing emergency care to sexual assault survivors and I don't think that was the intent of the bill.

"If this is passed as is in H.D. 2, St. Francis feels that they will have no option but to litigate. Actually, St. Francis was okay with H.D. 1 which made them provide the emergency contraceptive information, as well as refer them to a hospital. I feel that, that's a better way to go and in our efforts to make sure that sexually abused victims get emergency care and access to emergency contraceptives, I urge the next Committee to look into an amendment that is supported by both St. Francis and Planned Parenthood. And that's my reasons for opposition. Thank you."

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

"On the same measure, for the same reasons as the previous speaker, I would have to vote no. If this can be amended in Committee, then I can reevaluate my position."

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

"I'd like to register a vote with reservations due to the current form that the bill is in. Thank you."

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 opposition to SCR 384 and in opposition to HB 189, HD2. This measure has a noble goal. We want to get help to people who have undergone such serious circumstances.

"We must be tough on rape and compassionate to rape victims and survivors. We must do all we can. But this

measure is problematic because there is no exception for hospitals which may find abortion morally problematic. There was previously a weak exception. Then in the most recent draft it was altogether eliminated.

"I vote no not because I don't want to help people but because we can help people without forcing others to act against conscience. I think of St. Francis hospital. What will happen next? Will we eventually say that all hospitals have to provide abortion services? That is the concern. This may be a slippery slope. We need a conscience clause for those institutions which have concerns about providing such services.

"For this reason, I oppose HB 189, HD 2."

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

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

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

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

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of HB 189, HD 1 entitled: Relating to Emergency Contraceptives for Sexual Assault Victims in the Emergency Room.

"Mr. Speaker, every year, 300,000 women are raped and more than one in ten—about 32,000, become pregnant as a result of a sexual assault.

"Emergency contraception provides women with a safe and effective method of preventing unintended pregnancies. Many hospitals do not provide emergency contraception here in Hawaii, as documented by a survey done by Healthy Mothers Healthy Babies.

"Professional medical standards mandate providing emergency contraception to sexual assault survivors, and the American Medical Association standards of emergency care require that rape survivors be counseled about the risk of pregnancy and be offered emergency contraception. In fact, a California court ruled that a hospital could be held liable for failing to give a sexual assault victim information about and access to emergency contraception.

"The public supports increased availability of emergency contraception, according to a national survey. A January 2000 Peter Hart Research poll of New Jersey and Oregon voters found strong support for access to emergency contraception--62% in New Jersey and 64% in Oregon. In addition, voters overwhelmingly opposed "conscience clauses" that permit pharmacists to refuse to fill prescriptions on "moral" grounds—79% in New Jersey and 69% in Oregon.

"In 2002, California and Washington enacted legislation and New York implemented regulations to require hospital emergency rooms to provide sexual assault victims with medically accurate information about emergency contraception and to dispense emergency contraception to those who request it.

"Emergency rooms in Hawaii are staffed by a group of physicians who belong to the Hawaii Emergency Physicians Group. They are not employees of the specific hospital and are professionals who would no doubt follow the standard of care set forth by the AMA to care for the victims of sexual assault.

"This is a good bill. To not provide this service would be to deny appropriate treatment, and to cause further trauma to the victim.

"I urge the members to support this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 189, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS," was referred to the Committee on Finance with Representatives Finnegan, Jernigan, Meyer, Moses, Ontai, Pendleton voting no, and with Representatives Abinsay and Thielen excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 385) recommending that H.B. No. 320, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 320, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RISK MANAGEMENT," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 386) recommending that H.B. No. 411, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 411, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES AGAINST INDIVIDUALS WITH DISABILITIES," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 387) recommending that H.B. No. 1572, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1572, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 388) recommending that H.B. No. 456, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 456, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"Thank you, Madame Speaker. In opposition. This is a part of a continuing series of bills that are bolstering the tow truck industry at the expense of the rest of us. It enables fees to be clicked off at a punch of \$25 every 15 minutes. I would oppose this. If we pass a bill like this is, it ought to be to allow people to pay their towing fees with credit cards. Thank you."

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

"In opposition of the same measure. Madame Speaker, there's no restrictions. There's no outline. There's no guidance on how long it should take to hook-up for these certain tows. If you don't pay it right there on the spot, they take your car. And there is no licensing requirement for tow trucks. So I can go buy a tow truck and I'm now in business. I can charge any way I want. I just need to be very slow in my hook-ups and you have to pay it."

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 oppose SCR 388 and HB 456. There is one primary reason. This bill would allow for additional towing fees for additional time even though the length of time it takes for one to set up the tow is all in the hands of the tow truck operator.

"In other words, the tow truck operator could "take his sweet time" and then charge the auto owner more for the extra time.

"I ask my colleagues to vote no on HB 456."

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

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I stand in opposition to House Bill 456. This bill will substantially increase the present cost of towing. It increases the towing fee by 10%, increases the mileage cost from \$6.50 to \$7.00 per mile, storage fee for the first five days is increased by 65% (from \$15. to \$25), and creates a brand new \$25 fee for more difficult hookups that take more than 15 minutes, which would be solely within the control of the towing company.

"If I had my car towed tonight and couldn't pick it up from the storage lot, four miles away from where the car was illegally parked, until the next day, it would cost \$106. If we passed this bill in its present form, it would cost \$148 --that represents a whopping 40% increase to any poor soul involved in a nonconsensual tow. These are unreasonable increases in towing fees that people can ill afford in our present economy. For these reasons I am voting no on this bill."

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

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

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

"Madame Speaker. I am in support with reservations. Essentially, I think that this is a bill that was supported by the tow truck industry and I just learned, Madame Speaker, it's comprised right now of about 5,000 members. Most of the tow truck companies are small, independent businessmen with about two to three folks working this industry. It is unregulated at this point and time. They are unlicensed, and I'm surprised to hear some of the concerns of the previous speakers because of that.

"These are small, independent business people, two or three in a company. This is the vehicle, right now, to increase the fees that they can charge. Perhaps one day we can get this to the DCCA and take it out of our hands, and have it be as a regulatory function. Thank you."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 456, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Fox, Halford, Marumoto, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Abinsay and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 389) recommending that H.B. No. 1234, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1234, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 390) recommending that H.B. No. 1496, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1496, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 391) recommending that H.B. No. 1313, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1313, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Meyer rose, stating:

"I'm rising on 391 and would like to register a no vote. This bill is going to increase the mooring fees for recreational boat owners by 50% on July 1, I believe. Oh, I'm sorry. I'm speaking on the wrong bill. Excuse me."

The Chair then stated:

"Representative Meyer, which bill did you want to speak on?"

Representative Meyer: "It is further along on the O.D. This is not it."

Vice Speaker Luke: "Representative Meyer, so on 391, are you taking back your no vote? Okay, register a no vote on 391, but her comments will be on something else."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1313, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Abinsay and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 392) recommending that H.B. No. 897, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRLINES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 604, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 604, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was referred to the Committee on Consumer Protection and Commerce with Representatives Abinsay and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 394) recommending that H.B. No. 544, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 544, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

Representative Jernigan 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 Jernigan's written remarks are as follows:

"We need to look at how this affects the small farmer. I do not want to create a level of reporting, and requirements that are too cumbersome and expensive that the small truck farmer is not going to be able to comply. Our goals should be to protect the consumer and encourage organic agriculture production at the same time."

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

"Could I register a no vote on 394? I'd like a no vote on that bill dealing with organically produced agricultural products.

"My reason for voting no is that the standards are already administered by the USDA on a national level, which includes Hawaii, and makes this bill redundant. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 544, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIC LABELING," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Meyer voting no, and with Representatives Abinsay and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 395) recommending that H.B. No. 1110, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1110, be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise in support of the bill, however, I would like to register my reservations. H.B. 1110 further relaxes the rules governing the importation of microorganisms exempting the State Department of Health, Tripler Medical Center for their labs, any laboratory certified under the Clinical Laboratories Improvement Amendments of 1988, 42 U.S.C. 263. Some compliance with HRS 150A-6, except as regards to notification, labeling and inspection. Under this statute before us, they will further be allowed to transfer any such imported microorganisms between the respective laboratories without Department approval or to other entities of the State.

"Madame Speaker, while I am sensitive to the threat of bio-terrorism, I am also concerned about the potential danger to our State posed by unregulated movement of dangerous biological and microbiological organism. I would propose that amendments to the bill should include limitations to importation without the proper permitting process under the Department of Agriculture, truly to only microorganisms that deal with bio-terrorism and to microorganisms needed by the Department of Health to combat public health emergencies.

"The way that the bill is right now, it gives the Department of Health, the CLIA labs, and the Tripler Army Medical Center, a way to circumvent the process through the Department of Agriculture, which is designed to protect, not only human health, but also the plants, animals in the State. Thank you very much."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1110, entitled: "A BILL FOR AN ACT RELATING TO MICROORGANISM IMPORT," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 396) recommending that H.B. No. 660, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 397) recommending that H.B. No. 1434, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1434, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representatives Hamakawa and Ito, for the Committee on Judiciary and the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 398) recommending that H.B. No. 176, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 176, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Kahikina's written remarks are as follows:

"This bill would expand the Weed & Seed Program by authorizing the Department of Public Safety to contract with a nonprofit corporation to implement the program through collaboration and direction from the community.

"This program showed much success in the Chinatown district that cleaned out all the drug dealers and prostitutes off the streets, and in many cases restricted them from returning into the area. This program can assist the communities to take back their community and rid themselves of crime and deviant behaviors.

"I ask for your support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

WEED AND SEED PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 399) recommending that H.B. No. 1221, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF COMMITTED PERSONS' MONEYS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 400) recommending that H.B. No. 413, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 413, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

"A no vote. Briefly, this is an administrative function. It's a mistake for us to both fund and administer a function. Thank you."

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 413, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ELECTIONS," was referred to the Committee on Finance with Representatives Ching, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 401) recommending that H.B. No. 470, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 470, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 470, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 402) recommending that H.B. No. 297, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 297, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Herkes' written remarks are as follows:

"Mr. Speaker, I rise in support of the bill.

"Mr. Speaker, a physician at Queens Hospital told me a few days ago that he considered the economy and the crystal meth, or ice, epidemic to be Hawaii's most pressing problems.

"Mr. Speaker this bill has four parts. It deals with funding, which I will not deal with today because it is a Finance Committee matter. This bill deals with enforcement, it deals with rehabilitation and it deals with education. One cannot work without all the elements coming together.

"This is not a partisan issue and this epidemic crosses all racial, economic and geographic areas of our state.

"This bill provides funding for the Attorney General's Office to hire retired law enforcement officers to act as a special "Drug Strike Force" that will focus its entire efforts on the drug epidemic. These officers, already trained in law enforcement, will assist other law enforcement efforts in the State or, where appropriate, act on their own. The AG's Office is already set to do this, and in fact they already have special task forces to work on issues such as unsolved murders. Moneys from forfeitures from their efforts will be used to help fund the program, provide money for rural rehab centers and education about ice. We would also urge the creation of a "hot line" so that citizens can call in for information about drug houses.

"Why do we need this? Why not just fund more police officers? Most police departments in the State are understaffed now, and the cost and time of recruitment and training is much too long a wait to provide some remedies for today's problems. There are already a substantial number of retired police officers ready fill in for positions within a task force like the Drug Busters.

"For those of you that think that this is just a Ka'u issue, I urge you to look around you.

"Senator Inouye, and the head of the DEA, sponsored an "Ice Summit" on the Big Island. 350 people came to the day long event and another 350 were on the waiting list.

"The Judiciary Committee heard this bill and three people from the Big Island came to testify. John Santangelo, a former Hawaii County Council member talked about how his son, a Navy veteran, got hooked on ice. According to John, his son "walked" about \$10,000 worth of family property to fund his habit. Working as a family they overcame this tragedy, and his son is now in rehab.

"We heard from young Pono Javar, 14 years old. Through his tears he described how the ice problem in his town of Pahala has impacted him, his brother, his family, his school and his community. He invited us to come see for ourselves.

"He said he would show us an "ice" house. Right behind this location lives a police officer and according to Pono, the police say that they have no evidence. Use the officer's house as a stake-out said this young man. Do something. His mother Debby, a nurse, told of how another son got hooked on ice. He went from an honor roll student to a 21 year-old that has the capacity of a 5 year-old.

"One day at Waiohinu Park I talked with a Hawaiian lady with two youngsters in the car. During the conversation I asked her about drugs. Her eyes welled up with tears and she said that the two youngsters in the back were her grandchildren. She said, "My daughter's on ice and my son's on ice." She continued, "I don't know where I went wrong, I have to take care of the children, I have lost everything including my house and I do not know what to do".

"Here in Honolulu I have a friend who works for the City and County. She is a widow. She told me that her daughter and her son-in-law stole all of her late husband's jewelry and every piece of jewelry that she did not have on herself to fund their habit. She had to lock the door to her room in her own house. The house finally burned down.

"Another friend here, a professional woman, confided to my wife and I that her brother is on ice and they do not know what to do. It seems that their only alternative is to have him arrested.

"It is reported that Honolulu has the highest per capita use of ice in the country.

"Mr. Speaker, I am committed to work, under your direction, to find a compromise solution to this problem to satisfy the concerns of the Administration and others that have been expressed about this bill.

"Mr. Speaker, one thing is certain, the status quo is not acceptable. I do not want to go back to Pahala and tell Pono and Debby Javar, and others in the community, or others in this state that we just are not equipped to deal with this problem.

"Mr. Speaker, I ask the members to support this bill."

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

"Thank you, Madame Speaker. Standing Committee Report 402 deals with establishments of a program in the Department of Attorney General called 'Drug Busters'. I am actually standing in opposition to this bill.

"During the Committee hearing I registered a with reservations, however on the floor today, I am going to oppose this bill. The reason for that Madame Speaker, is that we are trying to put another program into the Department of Attorney General's Office, who actually came to testify and said they oppose it. The people who are in support of this program are those people who believe that they need that program because

the police are supposedly not doing their job. However, I asked Mr. Kaneshiro, who was a strong proponent in this program, whether or not the police were doing a good job. He pointedly said, "Yes, they are doing a good job. I really respect the work that they do. And actually all they need is more money." If the problem is that they need more money, what this bill will do is take away the money that they already have. Because it will take away the money that they get or they receive from forfeitures, and some of the other programs out there that gives them back some of the money for law enforcement. That is the reason.

"So, in summary, the people who we are asking to administer this program don't want it. The people in law enforcement don't want it, obviously for the reason that they need all the funding that they have now to administer the current programs that they have in fighting the drug methamphetamine. I am sensitive to the fact, and everyone I believe who testified in opposition to the bill is not opposing it because they don't understand what a problem crystal meth is. They are only opposing it, as I do, as we ought to really fund the programs that already exist instead of creating a new one, especially trying to put a program in a Department who doesn't want it. Thank you very much."

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

"Madame Speaker, in support. Number one. The police departments in this State are short of officers. They can't recruit them. If we do recruit them for this specific project, then we have to find them, train them, and it would be a year or more before we can be effective.

"As far as your Attorney General's Office, this was placed in there because they already do this. They already hire experienced law enforcement officers to deal with unsolved murders. We have said to the Lt. Governor and to the Attorney General's Office, don't just say no. If you don't want it in your Department, tell us where you would like to have it. Because the status quo is not acceptable.

"Let me just read from a publication here briefly. The US Attorney, Ed Kubo says, "that 44% of Hawaii's homicides are connected to ice use, and drugs are involved in 90% of the State's 2,300 confirmed cases of child abuse. The 2000 Hawaii Students Alcohol and Tobacco and Other Drug Use Study conducted by the State of Hawaii Department of Health, Alcohol and Drug Abuse Division, found that Hawaii has the highest use of ice by twelfth graders in the nation. According to the US Department of Justice, 40% people arrested in Honolulu tested positive for ice." So all we can say is that the status quo is not acceptable.

"We need to step forward. We need to do something firm. And we have said if you don't like this bill, tell us what you are going to do. We have not received from the law enforcement community any suggestions as to how we are going to deal with this epidemic in the State of Hawaii. And I say to you, if you don't like this bill, then tell us what you think we should do. Don't give it to the existing police department. The Police Chief on the Big Island says he wants this bill. So it is not a universal condemnation by the police of this bill. Maybe their problem is that they are a little concerned about their turf. Thank you."

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

"I rise with reservations on this bill. Due to the compelling testimony of the Vice Chair of the Agriculture Committee, I see that this Majority Package bill is possibly flawed in many

ways. And in response to the Representative from Ka'u, there are numerous, numerous, I state, numerous proposals from the Administration on this issue.

"The drug issue is an issue that we are all concerned about. Crystal methamphetamines are something that we well recognize the need to address. And there are numerous bills that have been introduced, resolutions as well, to address this problem in our State. Yet some of the arguments that have been brought forward against this Majority Package bill by the Vice Chair of the Agriculture Committee are quite compelling, and for that reason, though I would have voted yes, I am going to take a closer look at this, and so I would like my reservations noted in the Journal. Thank you."

Representative Sonson rose to respond, stating:

"Madame Chair, the solution to the problem is money. If we really care about the children out there who are in our families who are involved with this very evil drug, then we ought to really commit ourselves to eradicating it by providing the money. The money, if we set it as the number one priority, as we all feel it maybe then, let's get it out of the general fund. Thank you."

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

"I stand in strong in support of this bill, Madame Speaker. I just want to clarify. I think the prior speaker is right. It is all about money, and what we are trying to do here is find a creative solution and find the funds that we need to address this problem. What it does do is take some of the money from the cigarette tax fund and take some money from the forfeiture fund. Because what we really recognized, when you look at this problem out there, is that there is the federal government doing all they can through the DEA. There are the counties on the ground level doing all they can. And what is the State doing? Really that is the question. What is the State doing?"

"What the State AG testified is that their role is as a facilitator, and that's it. They really have no enforcement out there. They are not doing anything in terms of actually trying to solve this problem. So that is what this bill is. It's a vehicle. We really want to take a look at how we can achieve this."

"There are many bills, as was previously mentioned by some of the other speakers, that try to address this problem. We think that this is one of the overall best approaches that we can take, and fold in some additional considerations. Later on today we will be addressing HB 1603, and 1604 which talk about treatment. Maybe we can take a look at that and fold that in. Really what we are trying to do is take a look at how can the State be more active and involved in this really severe problem."

"I really commend the Representative from Ka'u because he came up with an idea to try and find enforcement officers that right now, are not available, and that is a severe problem. That is why we cannot bust these drug houses, because we don't have enough people on the county level out there on the ground. So that is what we need to do. It is put them out there. He is really taking a look at where else are we going to find these funds. I really commend him for coming up with the concept. Thank you."

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

"Madame Speaker, I rise with reservations on 402. I don't understand how we can't take the proposals in this bill into our existing program, and that is the reason for my reservations."

Our existing State program testified that they had a slow start and that they were having some trouble in the beginning because of the jurisdictions, and all that kind of stuff. I am just wondering if we may end up going through those 'growing pains' all over again by starting something new. So I am in support, but I do have some reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 297, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was referred to the Committee on Finance with Representative Sonson voting no, and with Representatives Abinsay and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 403) recommending that H.B. No. 948, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 948, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARNED INCOME DEDUCTION FOR PUBLIC HOUSING RENT CALCULATION," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 404) recommending that H.B. No. 78, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 78, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I'm rising in opposition. I fear this is another case of the special funds. For the new Members, maybe you don't know. Our budget last year was \$7.4 billion, half of that was special funds. This kind of budgeting is a patchwork budgeting and it lends to the opinion of the people of the public that we don't know how to manage our money. So every time we see these special funds come up, I want the new Members to realize that it's the same direction that we've been going to."

"It's a good idea to vote no on these because the public perception is that we don't know how to manage our money and by passing these special funds we continue in that same direction. So I'm voting no, not because I disagree with some of the things that the special funds would go to, but I think it's just bad budgeting. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 78, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Abinsay and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 405) recommending that H.B. No. 127, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 406) recommending that H.B. No. 271, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 271, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I stand in support of this measure. This measure is to address the Na Keiki Law Center appropriations. They, and other similar organizations provide legal representation and advocacy for children whose legal rights are not being protected. My Members of our Committee heard very emotional testimony from a 12 year-old named Rex. On behalf of Rex, I ask all of you to protect the rights of children because he submitted a compelling testimony in front of us that was so compelling, that this Chair had to call a recess. For those reasons, and I am hoping that we can appeal to everyone's heart, because there are questions on Chapter 42 and the process of getting such a grant. But because of the purpose, and because of this young man representing children that are being abandoned by their parents, we need to support programs such as this. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I also want to speak in strong support of HSCR 406 and HB 271. Like the Chair of Human Services and Housing said, very seldom is there such compelling testimony that really tears at your heart. And very seldom do we hear from the young people; the children who are affected by the laws and the services and the programs that we help to create.

"But in the case of Rex, he told us about because of his negligent mother, and how he ended up having to baby-sit his younger siblings, and missed many, many days of school. He wanted to go to school but he was forced to watch them. But with the help of his Auntie Mary and Na Keiki Law Center, he was able to get out of that neglectful situation. He is now happy and healthy, and doing well in school, and trying to catch up. On behalf of the Chair of Human Services and the Members of the Human Services Committee, I want to ask that his testimony be inserted into the Journal, in support of this measure," and the Chair "so ordered."

Representative Arakaki submitted the following testimony:

**"TESTIMONY TO THE HOUSE HUMAN SERVICES
AND HOUSING COMMITTEE
Conference Room 329, State Capitol
Wednesday, February 12, 2003, 8:30 am**

**RE: House Bill 271 MAKING AN APPROPRIATION
FOR THE NEEDS AND RIGHTS OF CHILDREN**

Chair Representative Kahikina and Members of the Committee:

My name is Mary Scott Lau and I wish to testify in support of House Bill 271 to fund Na Keiki Law Center. I was the foster mom of Rex for nearly four years. During that time, reunification with the mom was attempted on three different occasions, and that CPS case was closed after the last time.

Shortly after the case was closed, I got a phone call from Rex begging me to pick him up, telling me he was left at home alone to watch his younger siblings, a brother who was 8 months old, and a sister who was 3. Rex was 11 at the time. I asked mom to let me have guardianship of Rex as he was not going to school but mom was reluctant to cooperate, and I was powerless. I could not pick him up at school and take him with me. I told him to go to the counselor's office where I met him that morning. The school was not able to report mom to CPS because there were no bruises. They suspected mom of being back on drugs but there was not obvious physical harm being done. He was not well nourished, he had been regularly truant from school and would need to be in court for truancy, and yet a CPS report could not be made.

And I could not protect him, take him home with me or do anything.

I called Na Keiki Law Center and Annabel Murray, the project Coordinator met with me immediately. Later that afternoon I went to Family Court with staff attorney Toshi Takata and got temporary guardianship of Rex. I was able to take him home with me that afternoon. Although the process of finalizing guardianship was long, it was ultimately successful.

I do not know what I would have done without the assistance of Na Keiki Law Center. Rex is a happy well-adjusted member of my family now, and we are all grateful. Na Keiki Law Center helped me rescue a child. I urge you to continue to fund this center so that the many other children in similar circumstance, or even worse circumstances can be helped too.

Thank you."

**"TESTIMONY TO THE HOUSE HUMAN SERVICES
AND HOUSING COMMITTEE
Conference Room 329, State Capitol
Wednesday, February 12, 2003, 8:30 am.**

**RE: House Bill 271 MAKING AN APPROPRIATION
FOR THE NEEDS AND RIGHTS OF CHILDREN**

Chair Representative Kahikina and Members of the Committee:

My name is Rex and I am 12 years old. I was the boy Mary rescued, and I too am testifying in support of House Bill No. 271 to fund Na Keiki Law Center.

I do not know what my life would have been like if I had been forced to continue living with my mother. I had to miss school so that I could take care of my brother and sister. My mother would go out and party. Sometimes in the night the baby would wake up and I would find mom gone. I missed so much school that even now I am behind in the fundamentals. But I am catching up.

When my mother was trying to avoid the law, she and my younger brother and sister lived in her car for six months. My brother and sister are now in foster care themselves after mom abandoned them too. I do not resent her, but I am

grateful that Na Keiki Law Center was able to help Aunt Mary and me.

Now, I am able to play sports. I enjoy soccer and basketball. I'm a junior leader at the YMCA. I'm learning to play the piano, and the other day I attended my first opera. Now my obligations are to my homework and music practice and to my other interest. I do not have to take on the adult responsibilities of my younger siblings. I do not have to be anything but myself. There are people in my life now that care about me and my well-being.

I know that there are other children out there who are in similar situations, and many that are worse off than I was. Please continue to fund Na Keiki Law Center so that the work they do can continue. So that other children can be helped; can be rescued. Children like me rarely have say in how their lives turn out. Na Keiki Law Center is one place that puts children first, that speaks for children, that helps adults that want to help children. We need a voice, and Na Keiki Law Center speaks loud and clear for children."

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

"Thank you, Madame Speaker. I rise with some reservations on this measure. It seems like the kind of thing that should be covered in a grant-in-aid. In looking at the testimony, the Legal Aide Society of Hawaii testified against this provision.

"There is also some concern as to whether \$300,000 per year would really be enough to support the intent of the proposal. Those were my concerns. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 271, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NEEDS AND RIGHTS OF CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 407) recommending that H.B. No. 1429, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1429, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I stand in support of the measure. Madame Speaker, the purpose of this bill is to establish the Commission on Fatherhood to implement programs, services, and contracts that promote healthy family relationships between parents and children that are 'father-friendly'.

"Madame Speaker, we are talking about all this ice epidemic and all of those problems. Here within lies the core of the problems. Madame Speaker, some people may have objections, reservations, to this measure. It is a sad time that we talk about legislation to talk about 'daddy-hood', to talk about family. But that is the core essence of an American dream, to have a family that can direct their children.

"Madame Speaker, there are a lot of 'dead beat' daddies out there. I am quite sure that we have good daddies, fathers and

grandfathers in this Chamber. A lot of the families are dependent on good women like you, and other women in this Chamber, to take over the 'daddy-hood'. And I think this should send a loud message to those fathers who are out there that are making children and not being responsible, and using their assets only for their drugs, alcohol, and for their tobacco, and not looking at the responsibility of being a father.

"So Madame Speaker, I rise to make the point that these are the kinds of initiatives that we need to support also, while we go along entangling and addressing the problems that we face right now. I hope that all of the Members in this Chamber would support this legislation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 408) recommending that H.B. No. 1409, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1409, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Madame Speaker, I rise in opposition to Standing Committee Report No. 408. This would make it a crime to not rent to people that have Section 8 housing and it calls it discrimination. I hope that the next Committee that hears this bill will look very closely at it, and hold it or defer it. The reason is many people that have properties that would rent them don't discriminate against Section 8 recipients. They just find that it is very cumbersome.

"The time, the lease, that Section 8 dictates and mandates is oftentimes not in the best interest of the landlords. As well as, the Section 8 checks takes sometimes up to 45 days to be received by the landlords. So many times the inefficiencies of the government system that we have now, though albeit the intent and the help that is provided for people that need it is excellent. By blanketing all property owners with a mandate that says that anybody who applies for your apartment or house to rent it, who is a recipient of Section 8, should then be moved to the front. If they don't rent to those Section 8 recipients, then they could be nailed with a lawsuit saying that they practice discrimination and so forth. I just don't think it is fair for the property owners and especially right now with our real estate market doing well, it is one of our only markets in the State that continues to thrive.

"So I think this would throw a wrench in the wheel and really be something onerous for many of those who, in your Standing Committee Report, testified in opposition to this bill. So my no is no to the hilt."

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

"On 408, very briefly in support. I think it is discrimination to not rent to somebody based on where their money comes from. That is why I think this bill is pretty commonsensible."

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

"Madame Speaker I want to divulge that I may have a conflict. I am an landlord," and the Chair declared, "no conflict."

Representative Meyer continued in opposition, stating:

"I am rising in opposition to this bill because it really does put an onerous standard on the landlord. I have rented to people with Section 8. I have been in a position where I had to financially take a big hit. I don't say that all people on Section 8 are not good tenants. I have had good ones and I have had bad ones, whether they are on Section 8 or not. But just the way this is, it reads just because they are on Section 8 and you don't take them, I mean ...

"You may have been interviewing various possible tenants and these people come and you are waiting for a credit report on somebody and you don't rent to these people. This would leave it wide open for them to make a claim that you discriminated against them because they were on Section 8. Thank you."

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

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

"Madame Speaker, I am for this measure and introduced this measure because I am also a landlord, and over the years we have found, and the tenants have always told me that they have a very difficult time in getting any kind of rental when they go with their vouchers.

"Now we are trying to make this not a discrimination issue. I know one of the realtors said it is preferential treatment that you are giving these people. I don't think so. I think they should have every right, as every other citizen, in getting an abode over their head.

"This measure will move on to Finance. But the Committee on Human Services and Housing did look at it, and we change the effective date to July 1, 2004. What happened was we asked HSDCH, who should be the lead agency in all the housing measures? And they sent out a survey to all the realtors and all the people who testified. And there were 8 of them that said, "We will come together with you. Give us year to work on this and we will work the problem out." Because they felt too, that this was discriminating against some of the people with vouchers, who wanted to have housing.

"And I'd like to say that we did check the states on the mainland. They are moving in this direction for Section 8. Those that are having problems have filed suit and let me tell you, the litigation has been high and they have been winning it. So this bill is to protect the people of Hawaii. It is not to cause any other kind of problem. Thank you."

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

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

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

Representative Shimabukuro's written remarks are as follows:

"Madam Speaker: I rise in support of HB 1409 HD 1 a bill which will ban discrimination in housing based on source of income.

"As we are all aware the cost of housing in Hawaii is very high. Because of that many lower income people would be forced into homelessness without assistance. Many housing owners have minimum income requirements to ensure that their renters can afford the housing they are applying for. However, some of these housing owners either do not accept certain types of housing assistance (commonly federal Section 8 assistance) or do not count housing assistance as part of income.

"These practices result in the exclusion of many people who (with help) can afford the housing units for which they are applying. HB 1409 HD 1 would prohibit owners from refusing to accept a renter based on the fact that the renter received state or federal housing assistance. HB 1409 HD 1 would also prohibit owners from using an income standard based on rent that was going to be paid for by someone else (usually the state or federal government). Thus, if the owner requires income three times greater than the rent, under this bill income would only have to be three times greater than the amount actually paid by the renter not the amount covered by the state or federal assistance.

"I understand owners' reluctance to rent to renters receiving housing assistance. Testimony received indicates that the paperwork and red tape associated with housing assistance can be time consuming and expensive. I think, both for the sake of renters and owners, that we should do what we can to streamline the process. However, I agree with HB 1409 HD 1's statement of purpose that rejections of rental applications should be based on the actual behavior of the tenants as reflected in rental and credit histories and not on the source of their income. To paint everyone who receives housing assistance as a problem renter before they have even started renting is just not right.

"I hope my colleagues will support HB 1409 and move it forward to the Judiciary Committee. Mahalo for the time to speak on this important bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING PRACTICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Finnegan, Jernigan, Meyer and Stonebraker voting no, and with Representatives Abinsay and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 409) recommending that H.B. No. 647, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION BOARD," passed Second Reading and was referred to the Committee on Economic Development and Business Concerns with Representatives Abinsay and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 410) recommending

that H.B. No. 157, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 157, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 411) recommending that H.B. No. 1321, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1321, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 412) recommending that H.B. No. 285, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representatives Chang and Ito, for the Committee on Tourism and Culture and the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 413) recommending that H.B. No. 1479, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1479, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am rising in support and will make it brief. I just wanted to point out that we had 6 million people involved in the Korean War. Some people call it the 'Korean police action'. Those who were there know differently. This bill originally called for \$20,000 from the general fund to build a Korean War Museum. It is now changed to \$1, as it goes on to Finance.

"In the bill it says basically that no money will be expended unless \$2 is matched for every dollar that the State gives. So I think there are safeguards in there for this and I want to point out that this museum is designed to be built by the 50th year of the end of the Korean War. And it is also the 100th year that we have Koreans here in Hawaii. So I think that it is time that we do this, and it is something that we owe to the people that were involved."

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

"Thank you, Madame Speaker. I rise in support. Madame Speaker, as a patriot and veteran of the United States Air Force from 1968 to 1972, I stand in agreement with the former speaker. I would also like to support all of those patriots, especially our *kupuna* that went before us and were the role models for people like myself, that they would not hesitate to put their life on the line to defend this great country and democracy. Thank you."

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

"I also urge support, and I rise in support and I would like to add that we can never thank our veterans enough for their sacrifice."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1479, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM IN HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representatives Kanohe and Morita, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 414) recommending that H.B. No. 579, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 579, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise in opposition to this. I have been to several meetings at the harbor in my district in regards to raising fees for the harbor. The DLNR does not know how much money the harbors take in. They do not know how much money or what they spend the money on. Their accountability is highly lacking. I think before we give them the ability to tax the boaters more, we need to make sure that the accountability is there. The harbors do need help. They need to be utilized better, and this is one way to do it, but not until they get their accountability."

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

"Thank you, Madame Speaker. I would like to rise with reservations. Even though I am, on paper, as being the introducer of HB 579, I would just like to let you know that the contents of the bill has changed 100% from the time when I introduced it.

"The original intent of my bill was to provide emissions and exhaust standards for marine vessels. Unfortunately, I am not a member of the Water, Land Use, and Hawaiian Affairs Committee or the Environmental Protection Committee. I wasn't able to attend the hearing personally when this bill was being heard, so I haven't done the research, and I don't know the history behind the bill in its current form where the increase of moorage fees is by 50%. So I can't throw my support behind the bill in its current form. Thank you."

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

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

"I rise with a no vote. I breathe a sigh of relief that the author, on paper, did not write this bill as it is, being that she worked in my office a couple of years ago. I would hope that nothing like this would come out.

"This is an increase of, I believe, 35% in moorage fees. Considering that DLNR has not been accountable up to this point. What we are going to do is increase our liability by giving them more money with which they can again be further not accountable to. So let's get them accountable first, and then we will give them more money if the need to have it."

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

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

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

"Thank you, Madame Speaker. I will be voting no on this bill too. I am a little confused because the Committee Report says 35%, but the HD 1 says 50%.

"There was also a question when I first read the Committee Report, it said 'non-residents'. Could I ask the Chairman of Water, Land ... I don't need to take the time now. 'Non-residents' is the thing that we were questioning in Caucus when we discussed this bill. I was not aware that non-residents are treated differently than people that live, you know, our residents that have recreational boats. So that is a question.

"DLNR has the ability to set rates and for, at least that I know, for the residential boat owners here in Hawaii. There were public hearings, extensive public hearings, held this summer and they are intending to raise fees. But again the question in my mind is, the non-residents. But 50% is a big increase up and then it's 5% every year until 2007. So that is why I am voting no. Thank you."

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

"I rise in opposition to this bill. I think until we can hold DLNR accountable. I don't think we should give them the money to squander as they have done in the past. Thank you."

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

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

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

"Thank you, Madame Speaker. In strong support. I appreciate the opportunity to clarify some of the issues, especially answering some of the questions which have been expressed here.

"This bill is necessary, absolutely necessary, under the present circumstances. There are several reasons. First, as indicated in the Committee Report, there is a tremendous need to improve our harbors, and the boating division did present a bill to support general obligation bonds. However those general obligation bonds were to have been financed by general funds which is totally inappropriate. And they do not have

monies in the special boating fund to provide to finance these general obligation bonds.

"The second reason is it has been approximately nine years since the boating fees were last increased. If we look at comparables rates, at Ala Wai, it is \$4.10 per foot. Nearby at Waikiki Yacht Club it is \$10. It is almost \$10 at Keehi. It is \$10 at Ko Olina. So when you look at the comparables, Ala Wai with its premiere location, and comparing with the other areas, these other areas are two and half times more.

"We would all rather prefer that moorage fees increases be administratively levied. They have been attempting to do this for at least eight years and have been unsuccessful in doing so. Members will recall that we did pass out of this House a measure to increase moorage fees by 35%. Unfortunately the Senate declined to do so. The reason why, when we looked at 35% last year, is that we had a feeling that if we were to administratively increase it, it would be at least 185%, which was the figure that the Administration had been considering. And your Committee, and your Chair felt that it was a little exorbitant. So we imposed at that time, a 35% increase.

"The HD 1 indicated that we were considering 35% because that is what we thought was necessary to provide adequate financing for the needed general obligation bond issue. But at the time of the hearing, it was determined through questioning that a 35% increase would only provide \$1.2 million, which would enable financing for approximately \$12 million less than half of the priority projects, as indicated in the Committee Report, of \$25 million. So your Chair, and your Committee, felt that it needed to be raised to 50% so we could realize an increase of \$1.6 million. Therefore being able to finance the \$15 million to \$16 million bond obligation.

"Now, insofar as the accountability of the Department, your Chair and your Committee spent much time since last year until now to look at what they have, and what they have not been doing. Your Committee and Chair are satisfied that they are accountable.

"Also as indicated in this Committee Report, and as publicly announced at the hearing, if the Administration can demonstrate that they will proceed with the implementation of these moorage fees increases, this bill will be withheld. Thank you."

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

"Thank you, Madame Speaker. In opposition. I appreciate the remarks of the Representative from Kauai and the Chair of the Committee. I think we have both in the Committee Report and his remarks a great deal of sensitivity and defensiveness to what is going on here.

"It is not the business of the Legislature to set fees in law. If there is anything that NCSL and all the people we go to for guidance, they would tell us it is the wrong thing to do. We should be allowing that to be done by the departments, and we have enough business here to do without getting into the business of setting, through legislation, fees that should be set by public hearing and administrative action. Thank you, Madame Speaker."

Representative Kanohe rose to respond, stating:

"Thank you, Madame Speaker. As I have indicated, we would much prefer that these moorage fee increases be levied through Administrative Rules. It is clear that the Administration had not been able to, or perhaps even unwilling,

to do so. And this is the measure for us to do that which is absolutely necessary.

"Approximately half of your fees are statutorily imposed. So this is not in any way creating some unknown new precedent. Even in this area we have already established, statutorily, that the live-aboard fees, established statutorily. We would like to have that changed. We would like to have the Administration do it and perhaps with this incentive and this push, that they would do so. And again, we would gladly withhold this bill so that it could be administratively levied. Thank you."

Representative Fox rose to respond, stating:

"Very brief. If the previous Administration had not tried something as outrageous as the 200% increase, we might have an administrative fee that had been accepted and be in place by now."

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Madame Speaker, I am rising in support of the bill. I'd just like to point out that in the Committee Report, please note that this bill was also supported by the Ocean Tourism Coalition, which consists of many boaters. It was also supported by Octopus Reef, Captain Beans' Cruises, Sailing Shipp's Ltd., Gemini Charters, Maui-Molokai Sea Cruises, Lahaina Dive and Surf, and Windjammer, most of whom are housed in the busiest small harbor in Hawaii and that is Lahaina."

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

"Thank you, Madame Speaker. I would like to register my no vote and add my comments that Ko Olina is also a prime location for many boaters. Thank you."

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

"Madame Speaker, I am in strong support and just would like to add that we should be optimistic with this new Administration with a new beginning. I met with the Director of DLNR, Mr. Peter Young. He seems like a very capable administrator. He will do that right thing, collect the monies, and expend them for the public benefit. So I think we should be a little more optimistic and give him the opportunity to correct the inefficiencies of the past, and move forward. This is a new day. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Madame Speaker. I am rising for the second time. I agree with the good Representative from Wahiawa. I think we should let the new Director of DLNR take care of this and just hold this bill. That would be the way to go.

"The Representative from Lanai brought up the fact that there were a lot of Ocean Tourism Coalition people that testified in favor, but none of them are non-resident boat owners that are going to have their fees increased by 50%.

"There is another section of this bill which deals with commercial operators, and these figures of .05% at 25%, .025% increases that they pay on gross revenues. These are very close to figures that we discussed last year and they had no problem with them. So it is sort of like apples and oranges. The commercial guys are happy with this bill, and the non-resident boat owners weren't there. So we really don't know how they feel. Thank you."

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

"Yes, Madame Speaker. I wish to speak in favor of this bill. I just want to make a comment. I just don't understand why my friends on the other side of the aisle are so opposed to an increase in fees when we just recently passed the passenger fare increase for boating. Thank you very much."

Representative Halford rose and stated:

"I voted as an individual. I did not vote as a member of this side of the aisle. I voted as an individual."

Representative Kaho'ohalahala rose to respond, stating:

"Thank you, Madame Speaker. Just a point of clarification. I am the Representative from the island of Lana'i.

"Just a correction here. The percentages were starting out at a 185%, they went down to 100%, so that was just to clarify the previous statement made earlier."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 579, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Pendleton and Stonebraker voting no, and with Representatives Abinsay and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 415) recommending that H.B. No. 295, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 295, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 416) recommending that H.B. No. 1300, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1300, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 417) recommending that H.B. No. 1613, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 418) recommending that H.B. No. 967, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 967, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"You were going a little fast Madame Speaker. On Stand Comm Report 418, I have reservations. Thank you, Madame Speaker. This is an obstruction of an ingress in egress, and I guess this is so that picketers don't get arrested; that they only have to pay a fine.

"But I am looking at the instance of, let's say, my wife is seriously ill and I've got to move her right away to an emergency room, and it happens to be obstructing my driveway. The police cannot remove them any longer. They can only give them a little citation. I'd like the police to come over and move the people out of the way so I can get my wife to the hospital. So I am looking at the larger ramifications of a law like this."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 967, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF AN INGRESS OR EGRESS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 419) recommending that H.B. No. 385, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 385, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF WORKPLACE VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 420) recommending that H.B. No. 865, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 865, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFLICTS OF INTERESTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 421) recommending that H.B. No. 1373, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 1373, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 422) recommending that H.B. No. 290, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 423) recommending that H.B. No. 986, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 986, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS OF SURVIVING CHILDREN OF PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 424) recommending that H.B. No. 1303, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1303, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 425) recommending that H.B. No. 21, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 21, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"I have some reservations on 425. The bill requires the Department of Taxation to report the tax benefits for the Development Assistance Programs and other things. I think this is going to make it very difficult for the departments to really move ahead with any of these things. The disclosure of development assistance, and the counties have to disclose their property tax reductions and abatements. It is just another reporting requirement and I think it is going to be very burdensome, and that is why I have reservations. I would like the next Committee to look at it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 21, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATE DISCLOSURE," was referred to the Committee

on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 426) recommending that H.B. No. 319, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 319, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I have reservations on 426. I will be very brief. It says that it deletes restrictive language that made it impossible to implement an optional retirement plan. I just want to remind all the members what happened last year when we discussed VEBA. If we want people to be pulling out of the retirement system, we ought to carefully look at it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 427) recommending that H.B. No. 322, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 322, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"On 427, I will be voting no. I just want to point out as it goes on to the next Committee that the Department of Budget and Finance, UH and the UH Professional Assembly all oppose this measure, so I don't know why we are passing this measure."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 322, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Abinsay and Thielen 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. 428) recommending that H.B. No. 668, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 668, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen 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. 429) recommending that H.B. No. 670, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 670, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen 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. 430) recommending that H.B. No. 671, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 671, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen 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. 431) recommending that H.B. No. 711, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 711, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE AND ELDER WELLNESS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen 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. 432) recommending that H.B. No. 1382, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1382, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Madame Speaker, I would like to vote with serious reservations on Standing Committee Report No. 432, HB 1382, HD1. This bill will probably help certain areas on my island, although in the district of Puna, we do have a practicing dentist in Pahoia itself which is an underserved area that is referred to.

"What bothers me about this bill is we are giving tax credits of \$1,000 per month for 60 days, which is \$60,000 to people who will set up an office or a practice in an enterprise zone. But anybody that is going to do that is probably already practicing in some area and they might put a branch office in that section. There is nothing in this bill to say that they have to practice so many hours or so many days in that section. And if this \$1,000 is against their total income, I think this bill needs a lot of working, so therefore I am going to vote with very serious reservations."

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

"Thank you, Madame Speaker. I thank the good Representative from Puna for bringing this to our attention and I would like to register a reservations on this bill."

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

"I just wanted to rise in support of this measure. In Committee we did discuss that and it was supposed to be on the Committee Report to address that concern, and we do have some language in regards to addressing that concern so I hope the next Committee looks at that."

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

"Yes, Madame Speaker. We did make the changes to the bill, and I speak in favor of the bill. The bill will certainly help the Neighbor Islands because we have the large population of uninsured and the insured are also in Medicaid and QUEST programs. The dentist and the doctors have been telling us that they need some kind of incentive so they kind of worked with us and came up with some kind of tax credit. Now we can look at the type of tax credit whether we are going to go a \$1,000 or less and so forth and this measure is still moving. So we would like to encourage you to vote for this measure because we feel it will certainly help our communities."

"I think the other thing that Representative Finnegan said is correct. We did change and made stipulation on the tax credit so that they have to be new businesses or practices in the area. We just didn't want them to have two or three different locations and call it a new practice. So that is what it is; a new practice. Thank you."

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

Representative Kahikina's written remarks are as follows:

"This measure would give incentive to these professionals to serve areas that are less fortunate to have these professionals to serve these people in remote and economically disadvantaged areas."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1382, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDIT INCENTIVES FOR HEALTH CARE PROVIDERS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 433) recommending that H.B. No. 1402, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 434) recommending

that H.B. No. 1111, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1111, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 435) recommending that H.B. No. 625, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 625, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Madame Speaker, may I have permission to go back to SCR 435. I was a bit slow. Madame Speaker, I wish just to register a with reservations vote."

"I strongly support alternative programs to incarceration. Strongly support the goal of making sure that those who need treatment whether, they have a drug problem or the like, get that. However in testimony to the Committee, we learned that there is no discretion given with respect to this particular measure. So what happens is you could administratively have people be entitled to certain programs or required to go into certain programs, but not have the capacity to meet that. So I think it would be prudent for us to look at to trying to afford the Executive Branch some discretion."

"Yes we want to have these programs. We want people to go that way. But I think the bill needs to have some discretion in it. So I suggest that the Judiciary Committee take a look at perhaps the amending of that bill. Thank you, Madame Speaker."

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

"Madame Speaker, I have the same reservations as the previous speaker."

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

"I have the same reservations as well. Just looking at the way it is worded. In the event of a sentence of incarceration, the alternative program shall supersede the decision of the Director of Public Safety. It just seems like it's pretty heavy handed so I have pretty strong reservations."

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

"Madame Speaker, on the same measure with reservations. And I had reservations in Committee about this too. The program that they were talking about is only on two islands. It is not even available elsewhere. This says that basically, Public Safety has no discretion. I thought we make the laws in this Body and if the law says for instance, you have 1 year incarceration, this is taking it out of the law's hands and giving it to the Judiciary. They're suppose to decide if the person is

innocent or guilty in the first place. Now they are going to decide what program they go into, whether it is incarceration or not. So I have those objections."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 625, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE PROGRAMS TO INCARCERATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 436) recommending that H.B. No. 132, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 132, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 132, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 437) recommending that H.B. No. 391, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 391, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 438) recommending that H.B. No. 260, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 439) recommending that H.B. No. 1135, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1135, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"On Standing Committee Report 439, with reservations. My reservation is that the bill still repeals Chapter 225M, which are the duties and functions of the Office and State Planning."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 440) recommending that H.B. No. 403, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 403, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 441) recommending that H.B. No. 1304, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1304, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 442) recommending that H.B. No. 1639, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1639, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"On 442, thank you, I have reservations. This makes it illegal even for the people peripherally involved in the procedure. This is the organ donor, and basically anybody involved that doesn't make sure that the organs are harvested, they could be guilty. And I don't think it is up to the janitor's discretion, so I am not sure who this supposed to cover."

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

"I have the same reservations as the good Representative from Makakilo. This in fact creates a \$10,000 fine for failure to perform the employee's duties. These are the procurement employees who takes the organs, and I am not comfortable with it."

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

"In strong support, and just to point of clarification. One, a janitor would not be involved in an organ transplant operation. Probably a doctor, medical technician, anesthesiologist, and probably licensed practical nurse. But a janitor would not definitely be involved here.

"The purpose of this bill, Madame Chair, is basically to facilitate your legal rights. When you fill out a medical directive or donor organ form, it is basically your will and intention that when you are deceased that that particular organ would be transferred and given renewed life in another person. And that is what this bill does. Under current law, there is no enforcement mechanism to honor my request to be an organ donor, and that is what this law does here. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1639, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL LAW," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 443) recommending that H.B. No. 1570, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1570, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 444) recommending that H.B. No. 938, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 938, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY FACILITIES," was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 445) recommending that H.B. No. 495, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 495, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 526, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 526, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME OCCUPATIONS WITHIN AGRICULTURAL DISTRICTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 447) recommending that H.B. No. 228, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 228, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY INTERVENTION SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 645, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 645, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 667, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 667, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE PROVIDERS SERVING THE MEDICALLY UNDERSERVED," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 418, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 418, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representatives Takumi and Takai, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 420, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 420, entitled: "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 452) recommending

that H.B. No. 32, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 32, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Yes Madame Speaker, in opposition. Madame Speaker, this has good intentions, BOE community meetings in school complexes. I believe the last amendment moved it to a requirement to make at least two a year or something like that, or two a quarter. It is irrelevant how many meetings it is. The point is that here we are as a legislative body kind of directing the BOE to do things like have meetings in communities. I mean, on face value it seems like an important concept. But from a policy making standpoint, it seems ludicrous that we have to tell the BOE how many meetings they have in the local communities.

"We have a way to solve that Madame Speaker, but we are choosing to try and do that from here, and that is where my objections come from."

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

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

"Thank you, Madame Speaker. I rise in opposition to this bill. I think that the time has come for this Body to stop micromanaging the BOE. Thank you, Madame Speaker."

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

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

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

"Thank you, Madame Speaker. I rise in opposition to this measure. I see that if we really want the Board to meet in the complex districts or the community, we could do that by passing a bill that would create the district boards right in the various communities. It would be much easier for lots of people to come to those meetings. Thank you."

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

"Thank you, Madame Speaker. I am rising in opposition. First of all, I'd like to incorporate the words of the Representative from Mililani and I'd like to point out that the bill doesn't really require the Board to meet in these districts. It says that the Board shall conduct a community meeting at least twice a year and at least one member of the Board shall be present. And to the extent possible, it could be the member representing the district.

"So it is not the Board, it is a member of the Board and I don't think that suffices. I think that if it was a local school board, the residents could address their concerns directly."

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

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

"Thank you, Madame Speaker. A no vote on this measure and brief comments. Number one, this legislation is really unnecessary because if we look at the pattern and practice of the Board of Education, they do circulate through and meet in communities. My wife was on a Neighbor Island every month with the rest of the Board, and regularly met around the islands. So this legislation is really not necessary. I would much prefer us to just have locally elected district boards. So, for those reasons I oppose this measure."

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

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

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

"Thank you, Madame Speaker. I guess I will be the lone one to stand up in support of the measure to respond to some of the comments made.

"Yes, I do agree with my colleague from Mililani that it is a well-intentioned bill. I don't know about the ludicrous part, but it seems to me that the Board of Education, their main image that they have in the community is that they are distant. And the bill is intended to have them have these town meetings in every school complex. For example, there are three school complexes on the Big Island, so it would be a total of six meetings in which the Board, or at least one member, any number are welcome to attend, but at least one Board member will have a community meeting whereby people in the community in a very open manner can have a dialogue with the Board about their concerns.

"Now, as for having an actual Board of Education meeting, and I wonder how many of you in here have actually gone to Board of Education meetings, the very format of the Board meeting is not conducive to open dialogue with the community. This is a business meeting that they conduct around different parts of the State on a regular basis.

"So, this would allow themselves, as many of us do Madame Speaker, to have town meetings where they can actually meet the very people who are most concerned about the educational system in their given area complex. So I think this is a good step forward. Thank you Madame Speaker."

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

Representative Moses rose to respond, stating:

"Thank you, Madame Speaker. I am rising for my second time. I have been to many Board of Education meetings, including one to try to get them to consider opening the Kapolei Library. And I find, as the speaker across the aisle indicated, that yes, it is a business meeting and they are so rushed, they don't really care to hear or they don't have time to

hear from all the constituents that drive all the way from the other end of the island to the Board of Education meetings here to try to discuss a library when it's so many miles away. It's out of their sight and out of their mind. That is why we need local boards, because we have to talk about local problems at the board meetings. It should not be a business meeting for the entire State of Hawaii. It's for the local area. Thank you, Madame Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 32, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Meyer, Moses, Ontai and Pendleton voting no, and with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 289, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 289, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I'd like to register reservations on 453, HB 289, HD 1. The basic reason is I think advisory boards are a waste of time. They're appointed by the Administration and they're going to be their friends. I feel that any such board that is going to advise should be elected. Thank you."

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

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

"Yes Madame Speaker, in opposition. In Committee, I voted with the Chair and supported the intent. My problem is, I guess after thinking about it, is that the gesture is in the right direction, trying to decentralize and trying to get some advice from the community and more people involved. However, because it is advisory, as the Representative from the Big Island said, because it is advisory, there is a danger that it will be *pro forma*. And my problem is that it is only a little, itty bitty, *manini* step in the right direction, and it's just not enough. And for those reasons, I am opposed to this measure now."

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

"Brief comments in support. My general take on making sure that there's adequate community input into the schools is this. I think we need to make a distinction between what kinds of issues a local board should be dealing with, and what kinds of issues a state-wide or island-wide should be dealing with.

"I think the issues that a local board can be dealing with are things like scheduling, having input on repair and maintenance, any kind of community-generated concerns. But things like federal compliance with No Child Left Behind, federal compliance with *Felix*, curriculum, standards, ensuring equitable funding, all those things are properly the jurisdiction of a Statewide school board and that's why a nationwide trend

is actually towards consolidating local school boards into larger school boards. It's been done in New York and it's been done elsewhere. That is a nationwide trend.

"Nevertheless, I think that this Legislature recognizes that there is a need to provide the community with additional input with respect to how the education system is run and how their schools are run. But we need to make a distinction between what issues a community should be deciding upon, and what issues are properly dealt with by education professionals. And as we start to sort this issue out, I think that we need to be very careful about what kinds of responsibilities and powers we give to the community and what kinds of responsibilities and powers we give to the Statewide Board of Education. Thank you."

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

Representative Moses continued, stating:

"I'd like to agree with the Representative from Makiki. He is absolutely correct. There are certain things that the statewide school board must do. Federal compliance, distribution of funds, etc., and then there are decisions that must be made at the local school board, and that's why I think we need those also. But I do not wish to abolish a statewide school board that would do certain things, like set standards for instance. Thank you, Madame Speaker."

Representative Fox rose to respond, stating:

"Briefly, in rebuttal. I spoke in favor with reservations. The Representative from Makiki talked about some trend toward consolidation. The average school board in the United States has 3,000 students. The average school board in the state with the second largest average school board is Florida with 34,000. Our board is 184,000, so we have an awful long way to go. The rest of the country has an awful long way to go before its average size reaches Hawaii's and I don't think they'll every get there. Thank you."

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

Representative Takumi rose to respond, stating:

"I think we're getting to a semantical battle ground here. You know when we talk about school boards, or county boards, the unified union boards, and K to 12 boards, and regional boards, educational union boards ..."

The Chair interjected, stating:

"Representative Takumi, are you speaking in favor?"

Representative Takumi responded, stating:

"I'll save that to the end and surprise everybody. I'm speaking in favor of the bill, Madame Speaker. I just wanted to keep you guessing, actually.

"So on this bill. This is an attempt again, and let me address the whole question about advisory boards. This is more like a regional board, and in the 50 states in our country, 20 states do not have regional boards. It is true that 48 states have local school boards, but when you talk about this bill and whatever bills that we've been seeing on governance, we're really talking about regional school boards. Not local school boards.

"Again, the least number of school boards in the country is Delaware with 16. The most is Texas with 1,043. Now if we're talking about creating 1000, or 500, or 300 school boards here, I think that's a whole other issue here. But on average, no matter what the population of the State, on average, states have between 100 and 300 school boards, and no one has broached that number in the discussion on governance.

"So we're really talking about regional school boards, so let's talk about that. Of the 50 states, 20 do not have a regional structure. Of the remaining 30, the majority of those are appointed regional boards, not elected. And the research has shown there is no nexus, no connection, no relationship, between the excellence of a given state school system, and whether they are elected or appointed. And I should point out, 35 of the nation's statewide school boards are appointed, not elected.

"So that said, that begs the question, whether or not an appointed, elected, or whatever configuration, is the best way to go about it. This is the approach for now. That doesn't preclude us from putting something on the ballot next year, something that will have any number of school boards on the ballot. But as I said, there is not going to be an election this year. We're going to put something on the ballot for next year. But this is an attempt, and again, this is a work in progress of trying to address the problem of local school governance. Because what I've been hearing is that people want control of their community schools now. Not 4, 5, 6 years down the road.

"And lastly Madame Speaker, about the point about appointed boards. The fact of the matter is in our State, we have appointed boards making decisions on utilities, on land use, on water use, on the policies governing the University of Hawaii System, and those Boards in my opinion seem to be working. Thank you, Madame Speaker."

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

"I'd like to register a reservation. I think we need to have real local school boards, not a façade. I'd like to incorporate the words of the speaker from Puna as my own please," and the Chair "so ordered." (By reference only.)

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

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

"I'm rising with reservations. I just want to remind the people in this Chamber that the people of Hawaii have, on three different occasions, come out very loud and clear. They want elected school boards.

"I think I have a problem with the Board of Education appointing these advisory boards. I would rather see the Governor appoint them if we're going to do it at all. Thank you."

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

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

Thank you, Madame Speaker. I rise with reservations on this. For many years the State did have advisory boards and the Board of Education really didn't listen to them so, they disbanded them back in the middle 90s. So I just can't see how

advisory boards would help at all. Thank you, Madame Speaker."

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

"Madame Speaker, I rise in support of this bill. As the Representative from Makiki said, the trend is, in our Nation, to go back a centralized school board. The most recent example being that New York City and the recently elected Mayor, Michael Bloomberg, who is now looking at reconsolidating from the borough system back to a central school system.

"I think our bill is a fair, balanced proposal where you're giving the communities some decision-making and input, but keeping a centralized system that probably is going to work as well as any system. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 289, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Ontai voting no, and with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 454) recommending that H.B. No. 335, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 335, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I'd like to register reservation. I've already spoken to the Chair about my concerns. But basically although we do have a lot of time according to the changes that were made, until the year 2007, the concern I would have is that we utilize the savings that should be realized from this move to continue to pursue a vision of access to all 4 year-olds for early childhood education. And that we find a way to take care of those children who will be left out or left behind when we implement these new dates. Thank you, Madame Speaker."

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

"I'm just rising to register a no vote. I went to kindergarten when I was four, and I noticed in the beginning of the bill it says that it was shown, and I'm quoting now: "disproportionate number of those born in the latter half of the calendar year July through December," that would include me, "were classified as learning disabled. Students at a greater risk are boys born between July and December. They account for a disproportionate number of the students who ... have school adjustment problems or are learning disabled."

"I don't know. This may explain a lot to me. That fits. I fit in that category. But I don't think this holds a lot of water.

"The other problems that I have with the bill is that it's a little confusing. Maybe I'm learning disabled. I don't know. But the Standing Committee Report says, one, if the members would notice, that October 1 of the school year beginning with the 2006-07 school year the child must be 5 years old. However, on page two of the bill, it says, on the bottom section two, letter

A, that no child shall attend kindergarten unless the child would be at least five years of age on or before December 31. So the Standing Committee Report reads October 1, and the bill reads December 31.

"It also says in the Standing Committee Report in the year 2007-08, July 1 is the date. The last page of the bill says, beginning with the 2007-08 a child should be at least 5 years of age on or before September 1.

"And so I don't know if this is a Standing Committee Report for the same bill or if there are just some big flaws, so I'm voting no. Thank you."

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

"Thank you, Madame Speaker. I didn't realize I had to do this, but let me explain for our Members what a Standing Committee Report does. I'm speaking in support ...

"The first part of the Standing Committee Report explains what the bill originally stated. And as the introducer of the original bill, there were certain provisions. The first provision, October 1, beginning 2006-2007 school year. Second provision, July 1, 2007-2008 school year.

"The bill now as it stands, is amended. So if you take a look at page two of the Standing Committee Report, it goes through the rationale of what the Committee thought through and has decided, and as a matter of fact, what the Committee has decided is now HD 1. Beginning with the school year 2007-2008, the child must be at least 5 years of age before September 1. It makes perfect sense to me. Thank you."

Representative Stonebraker rose to respond, stating:

"That was very helpful. I thank the Representative. The bill still states that it doesn't make any notes on the amendments. If there are any amendments to make a child at least five years of age on page two on before December 31. So the Standing Committee Report still states that October 1 is the date, where the bill states that December 31 is the date. And there's no notation of any amendment toward that.

"I did fail to mention that I also have concerns for the bill because it does make amendments to require kindergarten attendance. I don't know if this would affect home-school children or not. But those are my further concerns. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 335, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 934, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 934, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL BOARD CERTIFICATION FOR DEPARTMENT OF EDUCATION TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

LATE INTRODUCTION

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

Representative Luke introduced Senator Steve Rauschenberger of Illinois, Co-chair of the NCSL Executive Committee Task Force on State and Local Taxation of Telecommunications and Electronic Commerce.

STANDING COMMITTEE REPORT

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 1091, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1091, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 1175, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1175, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 136, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 136, be referred to the Committee on Finance, seconded by Representative Lee.

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

"I just wanted to register a reservations on Standing Committee Report 458. I think this bill would threaten programs from federal funding eligibility if they did indeed choose to teach abstinence-only education. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 136, entitled: "A BILL FOR AN ACT RELATING TO MEDICALLY ACCURATE SEX EDUCATION," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 459) recommending that H.B. No. 252, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 252, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," was referred

to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 805, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 805, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 461) recommending that H.B. No. 1446, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1446, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 462) recommending that H.B. No. 1455, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1455, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 463) recommending that H.B. No. 1350, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 464) recommending that H.B. No. 1358, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1358, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS WITHIN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 167, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 167, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 129, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 318, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 318, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN RESOURCES," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Abinsay and Thielen being excused.

Representatives Takai and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 468) recommending that H.B. No. 1021, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1021, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representatives Takai and Arakaki, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 422, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 422, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I would like to register reservations on Standing Committee Report 469, H.B. No. 422, HD 1. My reservations are that this may be a very good idea, but it appears to me to be a very costly thing. I think we have more different things that we could put our money on right now. Thank you."

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

"Sorry Madame Speaker. I didn't catch how fast we were going. I wanted to register a no vote for this 'slush fund'. By passing these 'slush funds', though a Center for Nursing is a superb idea, I think we should be serious about it and fund it out of the general fund. But passing a 'slush fund' gives the

impression of the people of Hawaii that we have loose cash floating around here. That we have absolutely no accountability for. So by voting for this, I couldn't possibly agree with that kind of unaccountability and 'slush fund' management. Though it's creative and it hides a lot of the extra money that we have, and we can have an inflated budget, double the amount of our general fund. I still think it's a bad idea. It's not responsible. So, I vote no. Thank you."

Representative Lee rose to declare a potential conflict of interest, stating:

"Madame Chair I'd like to speak in favor of the measure but first, I would like to declare a potential conflict. I am a registered nurse," and the Chair ruled, "no conflict."

Representative Lee continued, stating:

"I strongly support this bill to establish a Center for Nursing in Hawaii. Such a Center is necessary to address the current undersupply of registered nurses, especially since there is an indication that the situation is getting worse, very much worse, not only in Hawaii and across the Nation, but also in other parts of the world. And one of the reasons why it's getting worse in other parts of world is actually we are taking registered nurses from very needy countries and bringing them here.

"Supply and demand data on the nursing workforce that the Center would collect and analyze on an ongoing basis is vital to assure the quality of healthcare for the people of Hawaii. Input from the major stakeholders identified in the language of the bill and other significant partners will assure that the issues addressed and the reports generated by the Center will help to assure sufficient numbers and levels of nurses for quality health care for our citizens.

"I think that this is a bill that really needs to go forward and I think it is addressing the real problem that our State faces today."

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

Representative Takai continued, stating:

"I don't want to spend too much more time talking about the importance of this thing, I think she did a very good job. What I'd like to address are the comments that have been made many times on the floor this Session regarding the creating of special funds. If you take a look at this bill, there is no other way to create this Center because there are no general funds available to do this. And frankly, if people realize what has happened as a result of this bill, they'll understand that this is truly a worthwhile cause.

"As a matter of fact, all of the testifiers on this bill have now come forward with compromise language because they all realize how important this Center is going to be. But the only way we can fund a Center like this is to do it in this way, unless there's cash around, and there's no general funds available for this.

"So if you take a look at the bill, you recognize that the nurses have come forward and said that 10% of their licensing fees will go to the creation of this Center. Now if you take a look at how much they have right now, or they receive, each year it's a \$170,000 plus. That's only \$17,000 for this Center. But more importantly, there are provisions in this bill that allows the Center to leverage the \$17,000 and the abilities of

bringing people together to work on grants and to get extramural funding in hopes of increasing their support.

"Your Committee on Higher Education has looked at many issues this year. The Center on Nursing is one of them. The other one is the Risk Management Special Fund. The other one creating a special fund is for the Hawaii Educator Incentive Loan Program. The other one is creating a special fund for Nursing Education. And the truth is unless we create special funds for these types of purposes, it will never happen.

"For example, U.H., in risk management, we need to do what we have to do in order for them to create an incentive for the University, incentive for the U.H. Administrative units to do a better job in risk management. So what the University is going to do is require their units to set aside some of their money and they're going to put it into this Risk Management Fund. Now if we don't do that, the flip side is that we can pay for all of their lawsuits, and all of their settlements. But we have told the University they need to deal with this themselves. Well they need to do this and they need the ability to create this special fund and we need to do it. So I don't understand ..."

Representative Meyer rose and stated:

"Madame Speaker, is the Representative speaking to this bill or some other bill?"

The Chair responded, stating:

"I think he is addressing this bill. Representative Takai, if you want to wrap up."

Representative Takai responded, stating:

"I am addressing comments made on the floor many times regarding the creation of special funds, and I've sat here and said nothing. But I'll tell you something that if people understand why we're doing this, there's no other way to do this.

"So going back to this bill, the Center on Nursing. Suggest to me how we're going to fund this worthwhile program, this Center, short of using general funds. The nurses and the proponents of this Center have come forward and said they want to use 10% of their licensing fees and I think this is totally appropriate and I think this is the way to go. Thank you."

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

"I rise with reservations on this bill. I sit on the Higher Education Committee and have had the opportunity to hear the testimony and ask some questions. I want to share the first page of the bill identifying what the Center is going to do. To provide a means to examine, monitor trends in nursing, identify shortage areas, analyze data relating to nurse retention, recruitment, and the use of nurses in the workforce. My question to many of the testifiers: What do you do for recruitment and retention? Don't you know why you're having trouble getting nurses? And I felt they really did.

"So I really feel like spending this money is not going to get to the root of the problem. The main thing that I heard from them is the problem with getting nurses in Hawaii is the work place and the conditions of the work place. Thank you."

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

"Thank you. With reservations. Basically the way you get away from using special funds is you take in the revenue from

your source, you put it in the general fund, and then it is allocated out through the general fund. There is certainly no requirement that because you collect a certain kind of fee that it can't go to the general fund. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker in support. But some comments about this idea that we can only do it with a special fund. I disagree completely. I know, at least from examples from the federal government, that if we look at our budget, we have HED 100, 200 ..."

Representative Lee rose on a point of order, stating:

"I believe the speaker should address the contents of the bill."

The Chair responded, stating:

"Representative Ontai, you can proceed. I allowed Representative Takai to also address the special fund issue, but both Representative Takai and Representative Ontai, please confine your remarks. But I will let you proceed, Representative Ontai."

Representative Ontai continued, stating:

"Thank you, Madame Speaker. I'm getting to the point on how we can fund this Center for Nursing. And the idea being is because we have these various lines. We can create a new line. If this is such an important thing that the Legislature thinks it is, instead of creating a 'slush fund', we create a line-item where we budget for it. We allocate money for it every year, and rather than setting up this fund that kind of grows, and maybe we can do something, maybe we can't, with the money in it. And that's why I think that we need to allocate it, specify a line for it. If it is worthy, it needs a special line item, and fund it every year from the general fund. Thank you, Madame Speaker."

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

"I rise with some strong reservations and ask that the remarks of the Representatives from Mililani and Puna be entered in the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Lee rose to a point of order, stating:

"Just a point of order. I am also a Representative from Mililani, so I think the record should reflect that my comments were strongly in favor and did not criticize the special fund."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 422, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CENTER FOR NURSING," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Abinsay and Thielen being excused.

Representatives Hiraki and Morita, for the Committee on Consumer Protection and Commerce and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 470) recommending that H.B. No. 475, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 475, entitled: "A BILL FOR AN

ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 471) recommending that H.B. No. 18, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 18, entitled: "A BILL FOR AN ACT RELATING TO PHARMACEUTICAL BENEFIT MANAGEMENT COMPANIES," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 471, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 471, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 473) recommending that H.B. No. 13, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 13, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUG COST CONTROL," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 474) recommending that H.B. No. 1013, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1013, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 1412, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1412, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 1631, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 1182, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 478) recommending that H.B. No. 373, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 373, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"I'm voting no on Standing Committee Report 478 dealing with tenant's political speech. The laws in this State are very much slanted towards the tenant in my estimation. As far as this idea that the tenant rents the ... We're putting it in statute that the tenant can put up any kind of sign that they want, but they're renting the property and they have the right to put up signs of any kind they want. I don't think we need to put that in statute. I think that's something that should be left to the landlord and the tenant. And they can work that out. Thank you."

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

"Just briefly on 478. I am in opposition to this measure also. I can see if you rent a building from a church and you want to put something that's anti-religious on your wall. According to this, you can, on the outside of the building. I don't think that's proper. So I think that there should be some leeway given at least to the property owner. Thank you, Madame Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 373, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL SPEECH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Meyer and Moses voting no, and with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 1171, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONCILIATION PANELS," passed

Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 480) recommending that H.B. No. 1103, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1103, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 1153, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1153, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS RELAY SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 482) recommending that H.B. No. 970, pass Second Reading and be referred to the Committee on Finance.

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

Representative Pendleton 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 Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 970. This measure is but one page long. It looks harmless, but it has far reaching impact for the State. Let me just suffice it to say that the Hawaii State Teachers Association was not fully behind the bill and both the Department of Budget and Finance and HGEA were opposed. It is not often that you have such a broad opposition or concern to a measure. So for this reason I oppose this measure and ask that the House continue to look closely at this before sending it to the Senate.

"I oppose this measure and ask members to join me."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 970, entitled: "A BILL FOR AN ACT RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 387, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 387, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 1558, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1558, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND PRESERVATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay and Thielen being excused.

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

The House of Representatives reconvened at 3:16 o'clock p.m. with the Speaker presiding.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 458, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 458, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WHARFAGE FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 1340, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1340, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 339, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A COLLEGE SAVINGS PROGRAM TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 488)

recommending that H.B. No. 893, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 893, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 1392, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1392, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 685, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 685, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONE," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Schatz and Arakaki, for the Committee on Economic Development and Business Concerns and the Committee on Health presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 550, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 550, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF MEDICAL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Schatz and Arakaki, for the Committee on Economic Development and Business Concerns and the Committee on Health presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 551, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 551, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 551, HD 1, entitled: "A BILL FOR AN ACT RELATED TO THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY,"

passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 1236, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1236, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 523, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 523, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 606, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 606, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 606, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICES," was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 1342, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR YOUTH SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen 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. 497) recommending that H.B. No. 1361, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 1361, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAID PRESCRIPTION DRUG EXPANSION PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 1453, as amended in HD 1, pass Second Reading and be referred to the Committee on Human Services and Housing.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1453, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was referred to the Committee on Human Services and Housing with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 89, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 89, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 1299, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1299, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"This is on HB 1299, Standing Committee Report 500. First I want to congratulate the Chair and the Committee for passing this measure, this very important measure, out. I do have a couple of concerns on this here. But I am speaking for it, of course.

"I could be wrong, but the concern I see in here is that there's no inclusion or exclusion of airport revenue funds in here. It's probably in the bill somewhere and I missed it, and if that's the case then I of course should be corrected to that. Or if it's not there, it should be amended to include the exclusion of airport revenue funds.

"The other consideration, as it was mentioned in passing that this can be paid either by voucher or through legislation. I believe that ceded lands shares and appropriations should be paid through legislation. We have the power to legislate, to make appropriations, and it's a power that has been constitutionally given to us. I believe the State Supreme Court, in its 2001 decision, came up and in voiding Act 304 did make mention that the Legislature should make clarification by law and enact legislation relative to ceded land revenues. The Constitution also provides that any mention of revenues should be through an act of legislation. So I think we should bear this in mind especially if there is hope that we will pass this bill.

But if not, this bill does not pass, the Governor does not have the right to continue its payment by vouchers. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1299, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Kanohe and Morita, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 193, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 193, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen 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. 502) recommending that H.B. No. 519, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 519, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 519, entitled: "A BILL FOR AN ACT RELATING TO THE ELDER JUSTICE ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1438, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1438, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary, seconded by Representative Lee.

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

Representative Finnegan 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 Finnegan's written remarks are as follows:

"I voted with strong reservations on this bill because of the possible impact on our real estate market and the mortgage

industry. I recognize that there are serious problems within the mortgage industry due to a few unscrupulous mortgage solicitors and/or mortgage brokers. However, there is cause for serious concern if this bill is passed. The secondary market will cease to invest in mortgages in Hawaii which would then leave our consumers without choices and possibly access to even good conventional mortgages.

"I feel that if we concentrate our efforts on enforcing our current laws, as well as licensing, we will make a considerable difference without upsetting one of our very few positive aspects in our Hawaii State economy."

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

"Thank you. A no vote on 503. This is basically a bill that's going to threaten the mortgages that are written in Hawaii and we have to deal with this with great care. This is going to result in mortgage rates shooting up for the people that get them and it's going to prevent the ability to market mortgages on the secondary market."

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

Representative Jernigan's written remarks are as follows:

"The definition of mortgage broker is too broad and misleading. It will act as a barrier to new sources of mortgage funding in the State and be made irrelevant by federal laws exempting certain financial institutions."

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

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm standing in opposition to HB 1438; relating to home loan protection. This bill's intention is to address predatory lending practices. Unfortunately, the bill as written would restrict the free flow of capital in our State, and possibly make it impossible for lenders to sell their loans on the secondary market. Mortgage money could dry up, making it very difficult for people to get mortgages and would be a catastrophe for Hawaii's economy. Thank you, Mr. Speaker."

Representative Moses rose in opposition to the measure and asked that the remarks of Representative Fox 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 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 opposition to House Bill 1438. This is a measure which would seek to address predatory mortgage lenders. We are all opposed to such predatory practices. I oppose such. I want to address such. That sort of behavior does not belong in Hawaii.

"Yet this solution is not the best one. This is taking a hammer to solve a problem which requires a scalpel. I agree with the Hawaii Bankers Association, Mortgage Bankers Association of Hawaii, and Hawaii Association of Realtors who opposed this measure. They don't want such practices by mortgage lenders. But this bill doesn't do the job.

"For these reasons, Mr. Speaker, I oppose House Bill 1438."

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

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

"I'm a mortgage loan officer and a mortgage lender, and I've been a previous mortgage broker in the past," and the Chair ruled, "no conflict."

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

"Mr. Speaker, with reservations. Also, I'd like to register a potential conflict. I do represent lenders but not mortgage brokers or solicitors," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME LOAN PROTECTION," passed Second Reading and was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary with Representatives Fox, Jernigan, Leong, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 857, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 857, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I would like to rise in opposition to Standing Committee Report No. 504. This has to do with correctional facilities public notification. I want to point out that there is already required public notification given, the EIS process, for 60 days. This also calls for 60 days. It does point out that it could run concurrently.

"My problem is the Governor must notify the public of any actions to expand the inmate capacity of an existing prison. Let's say that you decide to double bunk in an existing prison. You are not changing the footprint, you are not expanding any construction. You are just having more inmates inside. You still have to go back to public notification.

"Even more onerous, let's say your sprinklers or your sewers are backed up in the prison. As long as it cost more than a half a million dollars, you have to go back for public notice again. And if the sewer is backed up and you are waiting 60 days for public notice, I don't think that will be very healthy for the neighbors. Or if there is a breakdown in the fire system, your alarms, you are going to wait 60 days for the public to have comments on it before you fix it? I don't think so. So I think there are very big problems with the bill as written."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 857, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and, with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 1261, HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1261, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. This is a bill that would ask the counties to pass an ordinance, and suggest or tell them to pass an ordinance to oppose an actionable duty on owners of private properties situated within the county.

"We have so much hillsides, so many rocks, we have lots of land that is not suitable for building, but it belongs to a residential lot. The counties, the Office of Corporation Counsel for the County of Hawaii, City and County of Honolulu, County of Kauai, they all came in opposed to this bill. I know it is well-intended, but it just would put an unfair hardship on county governments which are struggling to maintain existing services. The bill creates a perceived duty upon the counties to police hazardous conditions on private property.

"My husband and I own a property. A rock actually came through our house when my children were little. It was up beyond our lot, but it was on conservation land. Other rocks have come down that hill. You would have to hike far and long, and you would just be lucky if you stumbled on something that was a possible hazard. In this situation there was a big tree there blowing. Who knows how many years it was doing it but it just finally pushed that boulder up to the point where it came down. It is a problem, but I don't think this is the way to address it. Thank you, Mr. Speaker."

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

"No, for the same reasons."

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

"No, Mr. Speaker. I understand why this bill was put forward. The gentleman was there that his daughter was killed by a boulder that came down, and I feel very badly about that. But I am looking at the incidence where you have some property. His property was two doors away. Let's say that you have a property and there is maybe a boulder hazard, maybe it's perceived, maybe not. You, as the owner, can't stop somebody from building a house below you. You have no right to intervene.

"So they build the house down there. You could tell them all day that a boulder is going to come down this hill. They build their home. What can you do? The action then is against you for owning property that has a boulder. So I don't know how to resolve the issue. I don't think this is the way, Mr. Speaker."

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

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

"Mr. Speaker, I rise in support. I guess I am a little bit confused here. I always thought that the current Governor and the Minority Party supported home rule."

Representative Pendleton rose to a point of order, stating:

"Point of order. Is the gentleman addressing the contents of the bill?"

Representative Caldwell responded, stating:

"I am trying to address the contents of the bill. I am in support. Yes. This bill just authorizes the counties to go ahead and implement an ordinance pertaining to this problem. It doesn't tell them exactly how to write it, and I would think that they would support this if they believe in home rule."

Representative Pendleton again rose to a point of order, stating:

"Who is the gentleman addressing? I am voting for this bill. I don't know why he says, 'They oppose it?' I take personal umbrage Sir, that he wants to lump everybody together when one person speaks. That one person doesn't speak for the entire caucus."

The Chair responded, stating:

"Representative Pendleton, your point is well taken at this time."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I am rising for the second time on the same motion. I do believe in home rule but this isn't home rule because we are not allowing the counties to do it. We are telling them that they must do it. And that is another objection I have."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox, Jernigan, Meyer and Moses voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 142, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 142, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 467, HD 1, as amended

in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 467, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 1139, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENERGY CONSERVATION INCOME TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 1186, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1186, entitled: "A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 377, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 377, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 379, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 379, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, we heard HB 377 to 384 *en masse*. I am on Standing Committee Report 511. I was wondering if I could register reservations for 511, 512, and 513 through 516 on the next page.

The Chair responded, stating:

"We will take that up as we move along."

Representative Stonebraker continued, stating:

"The reason if I may state it, is this is the extension of special purpose revenue bonds, I think totaling \$274 million for one area.

"And while I support the need for encouraging construction in certain areas, for certain needs, it just seems a little bit excessive to me to encourage, with a over a quarter of a billion dollars for one particular district. So I just have concerns and I would like the members to be aware of these bills as they go through and to watch them very carefully."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 379, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 380, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 380, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 380, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 381, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 381, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 381, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 382, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 382, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 382, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 383, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 383, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I just wanted to say for the record that I do support the Wahiawa facilities there. I was born in Wahiawa General so I am very supportive of that area and I want to see it grow very much. But my concerns are in no way malevolent. I just wanted to pay close attention. These are all with reservations."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 383, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with

Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 384, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 384, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

"Mr. Speaker, I just wanted to declare a possible conflict. I am an employee of Wahiawa General Hospital," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 384, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 1419, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1419, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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 am rising with reservations on this bill. The bill provides for tax credits for companies doing medical research which it states will help improve and diversify Hawaii's economy and increase the number of high-quality jobs.

"In our present economic climate we should limit any new tax credit legislation. It appears that tax credit bills enacted in previous legislative sessions are having a negative affect on our present tax revenues. The language of this bill is so broad that there is a real possibility of abuse."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1419, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 436, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 436, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Kahikina's written remarks are as follows:

"The need to address emergency needs on the Waianae coast that also serve Kapolei and the Second City has now come to the end to have another ambulance to serve the people of the community."

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

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise to speak in support of H.B. No. 436. Following up on the remarks of my Waianae Coast colleague, the Representative from Nanakuli, I wish to stress the urgent need for a second ambulance in the extensive area covered by our two districts.

"Our population along the coast continues to increase, as do the number of emergencies that require transportation to St. Francis Medical Center-West in Ewa, our nearest hospital – as well as to the Waianae Coast Comprehensive Health Center at the other end of a very long coast.

"In recent hearings before you committee on Health, both City and State emergency services personnel referred to this second ambulance as a top priority need for their departments. It is time for this priority to be taken off the drawing board and made a reality through proper funding.

"I urge that H/B. No. 436 pass Second Reading and be referred to the Committee on Finance. *Mahalo.*"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 436, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND A SECOND AMBULANCE TO SERVE THE WAIANAE COAST," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 566, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 566, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

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

"With reservations, as well. I voted with reservations in Committee. The consumer lawyers were opposed to this because we did want to make some reservations. We are under some time constraints and I would just ask that the next Committees pay very close attention. If this passes as is, a hospital that operated a landing pad, a helicopter landing pad, would be blanket exempt from any liability whatsoever.

"So we didn't have the chance to narrow it down in Committee just for the landing pad. But it can be extremely broad. For that reason the consumer lawyers were opposed to it. But I hope that we can amend it."

The Chair then stated:

"Thank you very much for your comments which will be forwarded and discussed with the Judiciary Chair and Vice Chair and the members of the Judiciary Committee."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 566, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 651, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 651, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMED CONSENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 1495, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1495, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREMATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 386, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 386, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on

Judiciary presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 1032, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1032, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 1569, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1569, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 1650, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1650, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONGRESSWOMAN PATSY T. MINK," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 251, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 251, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE FOOD SECURITY COUNCIL," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 906, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 906, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 378, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 378, pass Second Reading and be

referred to the Committee on Finance, seconded by Representative Lee.

The Chair then addressed Representatives Stonebraker and Finnegan, stating:

"Representative Stonebraker, this is another extension. With reservations once more for both you and Representative Finnegan?"

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 378, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 434, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 434, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NORTH HAWAII COMMUNITY HOSPITAL, INC.," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 1433, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1433, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 730, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 730, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 808, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 808, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 812, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 812, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 1003, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1112, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 525, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 525, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I opposed this bill in Committee, and I stand today opposing this bill for these reasons. This bill is going to shorten the time individual voters have to request for the absentee ballot. I can tell you from personal experience that absentee voting is on the rise, especially in the rural areas and more especially in Waipahu because of the fact that a lot of the voters in Waipahu do tend to have 2 to 3 jobs, and if they do

work they tend to work in the service industries in Waikiki. It is often very difficult for them to get back home. So they find it very convenient to vote by absentee.

"This bill is focuses on reducing the time from 60 days to election. Right now as it stands they can request for absentee ballot 60 days before the election and no later than 7 days prior to election. This bill will cut that at least 7 days, because now it puts a limit to the request to 14 days prior to the election.

"There are also other reasons why I would stand in opposition to this bill and it all goes to the fact that it does tend to suppress the voters' wish of voting. There are a lot of people who don't want to vote at all and they need to be encouraged. I do think that we need representation in our government. Proper representation from those people who are reluctant for many different reasons. We don't want to give them another excuse to say, "I am not going to vote this year." Thank you very much."

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

"In opposition. I confess I was having some difficulty working with the Committee Report which doesn't have the bill attached to figure out exactly what was happening here. If this is as the previous speaker suggested, something that makes absentee voting harder, I would certainly be opposed to it.

"There is definitely the trend toward absentee voting. We want to have as many people as possible vote. We are in a state with a very low percentage of adult population actually voting. We should be trying to make it easier not harder."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Sonson voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 287, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 287, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 1272, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1272, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADVOCACY FOR HUMAN SERVICES," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 737, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 737, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CLEAN WATER," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 507, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 507, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL TECHNICIANS," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 426, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 426, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 1335, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1335, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 169, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 169, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CAREGIVERS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 279, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 279, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 423, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 423, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I am rising against the special fund portion of Standing Committee Report 545. Again, a 'slush fund'. No accountability. We do want to detect cancer early and be able to treat it, but we want to have the ability to be accountable."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 423, entitled: "A BILL FOR AN ACT RELATING TO CANCER DETECTION SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer, Ontai and Stonebraker voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1603, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1603, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH AN ADOLESCENT TREATMENT CENTER ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 1604, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1604, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PREVENT CRYSTAL METHAMPHETAMINE USE," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 1426, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1426, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. Once again this is a special fund and any Member can see the proliferation of these special funds and why we've worked ourselves in such a difficulty here with our management. I am voting against this and rising in opposition. And just for those reasons I would encourage the Members to slow down a little bit.

"Why don't we cut back on these programs? They really feel good. I mean we do need to have a Substance Abuse Prevention Education and Treatment, but you know we can't do a special fund. We've already got over 300 special funds. How many more do we want? It is over \$3 billion. Is there a limit to what we are doing?"

"Today I think we've heard probably a dozen or so special funds that eventually we are going to have to be able to have the backbone, as a Body, as a Legislature, to say, no this is enough. We are going to start managing our books, doing our budget correctly, the proper way. Not a patchwork budget. Not with 'slush funds' and loose cash floating around where we don't have any accountability.

"I think earlier Mr. Speaker, we talked about the DLNR not having an accountability for the money they collect."

Representative Lee rose to a point of order, stating:

"Point of order. I believe the patient ... Patient I was going to say. The speaker is wandering from the point of the bill. Could he address the purpose of the bill itself?"

The Chair addressed Representative Stonebraker, stating:

"Representative Fox ... Representative Stonebraker, please proceed."

Representative Stonebraker responded, stating:

"I am a patient, and Representative Fox.

"I was really talking about the special fund access and I wanted to make it clear to the Members that I am not opposed to cancer prevention, and substance abuse treatment. But it is the special funds. We really have to find a better way to do these things."

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

"I am also rising in opposition to 548 for the same reason: the special funds. We have such a proliferation of them and I do believe lots of the programs that are funded by special funds, that is the way that people want it because they don't have come back to the Legislature and justify their programs and show what kind of results they are getting. They've got the best of both worlds and it takes away about half of the money we should be overseeing. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support of this bill. I think earlier, a lot of people have been saying that if it is that much of a priority, why don't we take it from the general fund. You know, I think one of the main problems is that when it comes to things like this, this is one of the things people tend to 'slash' from the general fund.

"If you remember the Governor's message dated February 5, 2003, what she did was she deleted \$2.2 million for all drug rehabilitation and treatment. That is all the money that we have going towards drug rehabilitation and treatment. So if all of the money, every single general fund dollar going towards rehabilitation and treatment is deleted from this upcoming budget, where in the world are we going to find the money for this crisis everyone has recognized? I really don't know.

"I think the Health Committee has taken a viable effort at trying to address the problem. If the Executive, if the Administration is going to be cutting this out of the budget, I really don't understand where else they think these monies will come from."

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

Thank you, Mr. Speaker. I would like to speak in favor of the measure but may I be allowed to do a short introduction before I give my comments?"

LATE INTRODUCTION

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

Representative Arakaki introduced a group of home-schooled students of Teen-Pact, including his friends, the Swansons, who were attending a conference on government.

H.B. No. 1426, HD 1

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

"Thank you, Mr. Speaker. If I may continue, I want to go back to an informational briefing that we had at the end of January. We were looking at a couple of issues mainly focusing on crystal methamphetamines or ice. We heard from practically all the speakers saying that Hawaii has become the ice capital of the United States and it is not a distinction that we want. It was a chilling, pardon the pun, revelation from our City Prosecutor, Peter Carlisle. He really woke us up because he opened his remarks and said, "Welcome to the ice age."

"He started off with some real graphic pictures about what happens to a person's brain after smoking ice. The thing is you can never undo the damage, and so if I can quote from what he said. First of all, he pointed out that many of the violent crimes that are occurring now have a tie to the use of ice. Many of them involve police officers getting shot at. So they don't even have any respect. They are not in the state of mind to respect law enforcement.

"When someone asked him what is the solution. He said that step one is that you have to identify the people who have a problem. He said labeling ice users as a social infection. He advocates drug testing in the schools. Do what you can to stop it when they are young. When treatment is going to work. Not when it has gotten worse.

"Step two, once they are so far gone that they are criminals, isolate them from the rest of us and the way to do that is through incarceration. That really scared me to think that the only solution for people who are users is to incarcerate them to keep us safe from them. I am just wondering how many of us want that solution? If we have to incarcerate them, that means we have no choice. We have to spend the money.

"We know that putting a person in prison cost us anywhere from \$70,000 to a \$100,000 a year. We have no say in this. We can't cut the budget when it comes to that strategy. The sad thing is when it comes to prevention, intervention and treatment, it takes resources. Even though people say we have got to take it out of the general funds, the reality is we are in a position right now where we are cutting programs because we have a shortfall in general funds. So I don't see how we are going to be able to provide those funds.

"So I think it is really time that we 'wake up and smell the coffee'. We can't just stick our heads in the sand and hope that the problem goes away. Because it is not. You heard from the Mayor's aide on the Big Island. He said, "How can you tell these kids to say no?" There is the famous campaign 'Just say no,' when they see all these ice dealers that are driving around nice cars, they have nice houses, lots of money. They look at their parents working two or three jobs, then they come home and they end up fighting with each other. How do you tell the kids to say no?

"You've got to arm our communities and really give them the tools to prevent these things from happening. And they take resources. So I am just putting forth these measures because I just think it is time. Just like a turtle, we can stay in our shell. But unless we stick our necks out, we are not going to go anywhere. So I hope we seriously look at this issue and see how we can help our communities and help our young people."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1426, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Stonebraker voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 903, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 903, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 721, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 721, entitled: "A BILL FOR AN ACT RELATING TO AMBULANCE SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 1498, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, and the report of the Committee was adopted and H.B. No. 1498, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL AIR TRANSPORT SERVICES

FOR THE COUNTY OF MAUI," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 1355, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, and the report of the Committee was adopted and H.B. No. 1355, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 1123, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1123, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

Representative Schatz 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 Schatz's written remarks are as follows:

"I believe this bill may define terrorism too broadly, and unintentionally include those who are engaged in lawful protest. I also think that the definition of a biological weapon is almost absurdly broad, including anything that would "have a deleterious effect on the environment." Let's give the law enforcement community what they need to fight terrorism, but let's do it intelligently and with respect for our Constitution."

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

"I rise in support with reservations. Thank you, Mr. Speaker. A lot of these measures relating to terrorism are a result of the terroristic attack on our nation. Mr. Speaker, my reservation is that we already have Osama Bin Laden in our community. It is called 'domestic violence'. I believe this bill should also address those terrorists that terrorize our families.

"For instance Mr. Speaker, did you know that if a family member would sexually assault a family member, the police would go and arrest them. But if a non-family member would rape your child, the police would do nothing about it. So I hope that this bill will address a lot of the terrorism that happens within our community. It is called 'domestic violence'."

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

"Mr. Speaker, I also rise with strong reservations. I think the intent of the bill is a good one, but I think the way it is drafted it is overly broad and will impact our basic civil rights.

"I did want to point out Mr. Speaker, that Section 1, defines what terrorism is. It says with the intent to terrorize five or more persons or with the intent to influence the policy or affect the conduct of government by terror. Then you turn to page two and you look at the definition of terror on line 11. And terror means, intense fear. So if you cause intense fear in five

or more persons while attempting to influence the policy of our government, you can be convicted of terrorism, which under this bill is a Class A felony.

"So if you were supporting, let's say sovereignty, and you are marching with a group of people and you somehow through your actions, terrorize five or more people, this bill, if it became a law, could be used against you. I think that is very dangerous and I am hoping that when this bill gets referred to Judiciary that they will look at it a lot more closely."

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

Representative Hale continued, stating:

"My real concern is that in the fight against terrorism, which I think all of us are for. We've got to be sure that we don't undermine the civil liberties for which this country is fighting. If we lose that, then we've lost the war. I don't care if we find Osama Bin Laden or whoever. The fact that the Office of the Public Defender, the American Civil Liberties Union, the American Friends Service Committee all oppose this indicates to me that the bill needs working on so that we are sure who we are talking about when we talk about terrorist. I do support the bill but with severe reservations."

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

Representative Souki continued, stating:

"I support the bill with strong reservations."

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

"Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, we all know that terrorism is a serious problem. It is a problem not just limited to the Middle East or even New York City, but can even come to our shores. I think that this measure is wise in that is proactive. It seeks to balance both security concerns as well as civil liberties and civil rights concerns. I think that the proponents and the drafters of the bill were sensitive to those kinds of constitutional commitments and sought to strike the right balance.

"I was persuaded by the testimony that was offered and I read carefully the contents of the bill. I was also very much impressed by the Chairman of Public Safety and Military Affairs and his remarks and comments regarding this bill and why it should move forward, and I trust his judgment.

"After carefully reviewing the bill, I find it a very good bill and look forward to discussing it further in Judiciary. So for those reasons Mr. Speaker, I strongly support this measure."

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

"I'd like to register strong reservations about this bill."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1123, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TERRORISM," passed Second Reading and was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 1547, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1547, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 925, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 925, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELDER ABUSE," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 641, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 641, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 1165, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1165, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 476, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 476, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE, AND LAND PLANTS," was referred to the

Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 1636, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1636, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Regretfully, I am in opposition. We had a passionate speech in favor of this bill earlier and my concern is very simply that this bill is not necessary because the power already exists in the Hawaiian Homelands Department to deal with this issue."

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

"I stand in strong support of this measure. Mr. Speaker, I understand perhaps that we all don't understand our commitment or our obligation to this segment of our community. And that is particular ..."

Representative Fox rose to a point of order, stating:

"Point of order. The speaker is getting to motive. That is not permissible under our rules."

The Chair responded, stating:

"Representative Kahikina, can you state your point on the bill that is before us and not ..."

Representative Kahikina responded, stating:

"Mr. Speaker, although it was alluded to earlier that this measure is not needed. However, I find that it is needed because it is to empower the beneficiaries to self-determination. As the spirit of the federal enactment called NAHASDA, the Native American Housing and Self Determination Act which is directed towards Hawaiian Homes.

"As I alluded to in earlier speeches that the Hawaiian Homes was created for the protective class of the native Hawaiians. Within the enactment, the Congress of the United States also violated the civil rights of the Native Hawaiians by creating two classes of Hawaiians. In fact Mr. Speaker, in the Act of 1920, there is no purpose clause. But in our State Hawaii Revised Statutes, we have a purpose clause that I believe, was created in 1980. In that purpose clause, there is identified a government-to-government relationship with the United States and the Kingdom of Hawaii. But until today, Congress has failed to approve this to the Hawaiian Homes Commission Act. Therefore Mr. Speaker, I bring this to this Body because in this day, as we go Iraq to promote democracy, to promote that people have the right to govern their destiny, it is no different from Native Hawaiians.

"I've told you this time and time again, I was the first elected 'born and raised' on the *aina ho'o pula pula*. I still live on Native Hawaiian lands. In fact Mr. Speaker, I am a ward of the State. I am a third-class citizen. I do not elect commissioners that make decisions on my everyday life that effect me and my family throughout the future. This is a constitutional right given to us by Congress that says that any person or entity that makes a decision that effects our everyday life, we should have

the right to elect them. I've even introduced bills to give the beneficiaries the right to elect their commissioners.

"So I see that this vehicle speaks to that, and also gives an opportunity for native Hawaiians to, for the first time in history since the overthrow of our Queen, to make decisions that affect our everyday life. And I ask all of you to support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1636, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOUSING FINANCE CORPORATION," was referred to the Committee on Finance with Representative Fox voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 1125, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1125, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," was referred to the Committee on Judiciary with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 531, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 968, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 968, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 1203, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1203, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADVISORY COMMITTEES TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 50, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 50, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I'd like to disclose a possible conflict of interest. I am a retired public employee and I get health fund benefits that were promised to me when I first got elected," and the Chair declared, "no conflict."

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

"Thank you, Mr. Speaker. I have to rise with some reservations on this. I don't know enough about it. As the Committee Report explains, it is very complicated. I wasn't in there for decision-making. It is going on to Finance and I think we need a lot more education on this measure. It is going to have an affect on a lot of folks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 50, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Abinsay, Blundell, Souki and Thielen being excused.

At 4:00 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The Chair then stated:

"Alright. We are on 564, and Representative Moses brought up his concerns with reservations because it will be addressed in the Finance Committee. Any further discussion on 564. If not, 565."

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 510, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 510, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, again I have very serious concerns about 565. This is managed competition and it goes back a little bit from what we have passed in prior years, and it puts some onerous conditions on some of the departments. So again, this is going on to Finance and we need to look at it very carefully."

At 4:01 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:02 o'clock p.m.

At this time the Chair announced:

"At this time the Chair stands corrected, Madame Clerk, in that I did not call us back into session once we recessed after sharing my comments with Minority Leader Fox. So we are now back in session at this time even though I did not say that prior to having the debate continue on.

"It is getting late for all of us so let's move on. Any further discussion on 565?"

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

"Briefly on 565, in opposition. One of the big problems with this bill is that it lays new requirements on each of the departments to go through and essentially set up a managed competition system. Under the law that is in effect right now, that is done with a single department and that seems much more efficient. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 510, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Marumoto and Meyer voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 1593, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1593, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

"Thank you, Mr. Speaker. With reservations again. Once again it goes on to Finance. It adds some new conditions to our labor contracts, basically, and when people can get paid for going on strike. So it might be 'megabucks' involved here again."

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

"Thank you, Mr. Speaker. A no vote, and basically there is a serious problem with this bill. By allowing strikers to draw unemployment benefits there is a built-in incentive for long strikes and I don't think that is in the interest of our community."

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

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

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1593, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Fox, Jernigan, Leong, Marumoto, Meyer, Ontai, Pendleton and Stonebraker voting no, and with Representatives Abinsay, Blundell, Souki and Thielen being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 33 through 36) and concurrent resolutions (H.C.R. Nos. 27 through 31) were referred to Printing and further action was deferred:

H.R. No. 33, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO FULLY FUND THE MILLENNIUM CHALLENGE ACCOUNT AND INVOLVE WOMEN AS FULL AND ACTIVE PARTICIPANTS IN ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS IN THEIR NATIONS," was jointly offered by Representatives Lee, Morita, Shimabukuro, Hale, Schatz, Karamatsu, Caldwell, Luke and Takumi.

H.R. No. 34, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO END THE 'GLOBAL GAG RULE' IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS," was jointly offered by Representatives Morita, Lee, Thielen, Shimabukuro, Hale, Schatz, Karamatsu, Caldwell, Luke and Takumi.

H.R. No. 35, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONJUNCTION WITH THE COUNTY OF HAWAII, TO REVIEW THE CAUSES OF MOTOR VEHICLE COLLISIONS AT THE INTERSECTION OF HIGHWAY 11 AND THE ENTRY ROAD TO THE TOWN OF PAHALA AND MAKE ANY NECESSARY IMPROVEMENTS TO LESSEN THE RISK OF ACCIDENTS," was offered by Representative Herkes.

H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING STRONG SUPPORT BY CONGRESS FOR TITLE IX, THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT," was jointly offered by Representatives Lee, Luke, B. Oshiro, Mindo, Kaho'ohalahala, Kanoho, Takai, Schatz, Waters and Caldwell.

H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE SCHOOL HEALTH AIDES THROUGHOUT THE STATE WITH DEPENDABLE SUBSTITUTES IN ORDER TO ENSURE THAT ALL SCHOOL HEALTH ROOMS ARE STAFFED AT ALL TIMES BY QUALIFIED HEALTH PERSONNEL," was jointly offered by Representatives Lee, Morita, Thielen, Shimabukuro, Hale, Karamatsu, Ontai, Pendleton, Caldwell, Luke and Takumi.

H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO FULLY FUND THE MILLENNIUM CHALLENGE ACCOUNT AND INVOLVE WOMEN AS FULL AND ACTIVE PARTICIPANTS IN ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS IN THEIR NATIONS," was jointly offered by Representatives Lee, Morita, Shimabukuro, Karamatsu, Caldwell, Hale, Schatz, Takumi and Luke.

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO END THE "GLOBAL GAG RULE" IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS," was jointly offered by Representatives Morita, Lee, Thielen, Shimabukuro, Karamatsu, Caldwell, Hale, Schatz, Takumi and Luke.

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONJUNCTION WITH THE COUNTY OF HAWAII, TO REVIEW THE CAUSES OF MOTOR VEHICLE COLLISIONS AT THE INTERSECTION OF HIGHWAY 11 AND THE ENTRY ROAD TO THE TOWN OF PAHALA AND MAKE ANY NECESSARY IMPROVEMENTS TO LESSEN THE RISK OF ACCIDENTS," was offered by Representative Herkes.

H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STRONG SUPPORT BY CONGRESS FOR TITLE IX, THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT," was jointly offered by Representatives Lee, Luke, B. Oshiro, Waters, Mindo, Schatz, Kaho'ohalahala, Kanoho, Takai and Caldwell.

ANNOUNCEMENTS

At 4:04 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:05 o'clock p.m.

At this time the Chair addressed the Body, stating:

"The Chair called a recess to confer with the Chief Clerk to find out how many days you may take to insert your written comments. You are allowed three working days to have it inserted into the Journal. So please submit, within three days, to the Clerk's Office, your written comments.

"At this time also, I would like to share with all of you, on behalf of all of us, we would like to say thank you very much to Representative Kirk Caldwell for this Love Potion No. 9."

Representative Moses: "I just wanted to say it must have worked because I now love Representative Caldwell."

Representative Kaho'ohalahala: "I'd just like to acknowledge a very special day. Today is my mother's birthday, and without the birth of my mother, I would not be here today."

Representative Meyer: "On behalf of your Minority here, we would like to wish all of you in the Chamber a very wonderful Valentines Day. I hope you all go out to dinner. We are going to get out of here at a pretty good time so we should enjoy the rest of the evening."

ADJOURNMENT

On motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon Tuesday, February 18, 2003. (Representatives Abinsay, Blundell, Pendleton, and Thielen were excused.)

Speaker Say: "All those in favor say aye. Those opposed, no. The motion is carried. The House stands adjourned until ... Oh, Representative Jernigan ... I'm sorry. The House stands adjourned until 12:00 noon, Tuesday."

At 4:07 o'clock p.m., the Chair rapped his gavel and the House of Representatives stood adjourned until 12:00 o'clock noon Tuesday, February 18, 2003.

TWENTY-SECOND DAY

Tuesday, February 18, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Brad Barshaw of the Faith Christian Fellowship, after which the Roll was called showing all members present with the exception of Representatives Halford and Thielen, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 181) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 181, dated February 13, 2003, proposing changes to H.B. No. 200, the State Budget:

Included in this message are updated operating budget requirements for the University of Hawaii and specific adjustments to reverse the February 7th debt service adjustments.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
1038, SD 1	Committee on Water, Land Use, and Hawaiian Affairs
1163	Committee on Health
1462	Committee on Tourism and Culture, then to the Committee on Finance
1547	Committee on Water, Land Use, and Hawaiian Affairs

The following resolutions (H.R. Nos. 33 through 35) and concurrent resolutions (H.C.R. Nos. 27 through 30) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
33	Committee on International Affairs
34	Committee on International Affairs, then to the Committee on Judiciary
35	Committee on Transportation, then to the Committee on Finance

H.C.R.
Nos. Referred to:

27	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance
28	Committee on International Affairs
29	Committee on International Affairs, then to the Committee on Judiciary
30	Committee on Transportation, then to the Committee on Finance

COMMITTEE REASSIGNMENT

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

<u>H.B.</u> <u>No.</u>	<u>Re-referred to:</u>
1261, HD 1	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary

STANDING COMMITTEE REPORTS

Representatives Morita and Abinsay, for the Committee on Energy and Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 182, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 182, entitled: "A BILL FOR AN ACT RELATING TO BROWN TREE SNAKES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Halford and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 562, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Halford and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 652, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 652, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the

calendar for Third Reading with Representatives Halford and Thielen being excused.

Wednesday, February 19, 2003. (Representatives Halford and Thielen were excused.)

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1113, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Halford and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 899, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 899, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Halford and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 991, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 991, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 991, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading with Representative Hale voting no, and with Representatives Halford and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 762, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 762, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION HEARINGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Halford and Thielen being excused.

ADJOURNMENT

At 12:18 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow,

TWENTY-THIRD DAY

Tuesday, February 19, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Frank Chong of Aloha Care, after which the Roll was called showing all members present with the exception of Representatives Halford, M. Oshiro, Pendleton and Tamayo who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 182 through 187) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 182, transmitting the report, Requiring the Department of Health to Give a Progress Report for Increasing the General Fund Appropriation for Early Intervention Services.

Gov. Msg. No. 183, transmitting the report, Requiring the Department of Health to Give an Annual Financial Report for the Newborn Metabolic Screening Special Fund.

Gov. Msg. No. 184, transmitting the report, Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health.

Gov. Msg. No. 185, transmitting the report, Relating to Fees Collected by the Department of Health.

Gov. Msg. No. 186, transmitting the Report On the Status of the Environmental Health Education Fund as Established by Act 169, SLH, 1994.

Gov. Msg. No. 187, transmitting the report, Recovering Hawaii's Unique and Imperiled Flora and Fauna: A discussion on Habitat Conservation Plans and Safe Harbor Agreements.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 13 through 17) were received and announced by the Clerk:

Sen. Com. No. 13, transmitting S.B. No. 554, entitled: "A BILL FOR AN ACT RELATING TO BROWN TREE SNAKES," which passed Third Reading in the Senate on February 18, 2003.

Sen. Com. No. 14, transmitting S.B. No. 1256, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," which passed Third Reading in the Senate on February 18, 2003.

Sen. Com. No. 15, transmitting S.B. No. 1267, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," which passed Third Reading in the Senate on February 18, 2003.

Sen. Com. No. 16, transmitting S.B. No. 1416, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES,"

which passed Third Reading in the Senate on February 18, 2003.

Sen. Com. No. 17, transmitting S.B. No. 1460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS ENTERED INTO BY THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on February 18, 2003.

On motion by Representative Lee, seconded by Representative Meyer and carried, S.B. Nos. 554; 1256; 1267; 1416; and 1460, SD 1, passed First Reading by title and further action was deferred, with Representatives Halford, Hiraki, Kanoho, Nakasone, M. Oshiro, Pendleton and Tamayo being excused.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 39) was received by the Clerk and was placed on file:

Dept. Com. No. 39, transmitting copies of the Corrections Population Management Commission's 2002 Annual Report.

INTRODUCTIONS

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

Representative Ito introduced students from Olomana School and their teacher, Mr. Vernon Masuda.

Representative Chang introduced Mr. Fei Zhong, Mr. Zhou Jian Quo, Mr. Huang Shi Li, and Mr. Shi Gang Ping from Shanghai, China who were in Hawaii researching water planning and design.

Representative Hamakawa introduced former Representative Paul Oshiro, father of one of today's honorees, Ms. Joleen Oshiro of the Iolani Girls' Cross Country Team.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 39 and 40) were announced by the Clerk and the following action taken:

H.R. No. 39, entitled: "HOUSE RESOLUTION CONGRATULATING THE IOLANI SCHOOL GIRLS' CROSS COUNTRY TEAM ON WINNING THE STATE CHAMPIONSHIP," was offered by Representative Nishimoto.

Representative Nishimoto moved that H.R. No. 39 be adopted, seconded by Representative Shimabukuro.

Representative Nishimoto introduced the members of the Iolani School Girls' Cross County Team who were seated on the floor of the House:

Ms. Nicole Anderson;
Ms. Joleen Oshiro;
Ms. Christi Morrissey;
Ms. Megan Chock; and
Ms. Jessika Ngirblekuu.

Representative Nishimoto also recognized other team members, their Coach, and Iolani School Athletic Director; as well as friends and family who were seated in the gallery:

Team Members Ms. Becky Jones, Ms. Sara Tseng, and Ms. Nicole Leong;

Mr. Greg Char, Girls' Cross Country Team Coach; and

Mr. Carl Schroers, Iolani School Athletic Director.

The motion was put to vote by the Chair and carried, and H.R. No. 39 was adopted with Representatives Chang, Halford, Nakasone, M. Oshiro and Tamayo being excused.

H.R. No. 40, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING JOSÉ RACASA FOR HIS INSPIRATIONAL ACTS OF COMPASSION AND DEDICATION TO HIS WORK," was offered by Representative Saiki.

Representative Saiki moved that H.R. No. 40 be adopted, seconded by Representative Luke.

Representative Saiki introduced the honoree, Mr. José Racasa, of the Radisson Waikiki Prince Kuhio Trellisses Restaurant, recipient of the Hawaii Hotel Association's Na Po'e Pa'ahana Award, and recent kidney donor, who was seated on the floor of the House.

Representative Saiki also introduced Ms. Jessica Lani Rich, Raddison Hotel Public Relations Manager.

Representative Fox then introduced Ms. Nadine Nishioka, who was seated in the gallery, whose father, Mr. Walter Nishioka, long-time customer of the Trellisses Restaurant, recipient of Mr. Racasa's kidney.

The motion was put to vote by the Chair and carried, and H.R. No. 40 was adopted with Representatives Chang, Halford, Nakasone, M. Oshiro and Tamayo being excused.

At 12:26 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 1294, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1294, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 86, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 1172, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1172, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 1161, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGIST LICENSING REQUIREMENTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 884, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 884, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 1022, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1022, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1022, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 802, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 802, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 711, HAWAII REVISED STATUTES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1010, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1010, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 133, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 133, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I rise in support but with strong reservations on Standing Committee Report 582. I think that this bill is very well-intentioned, but perhaps there is a segment of individuals that have been left out of this very thoughtful bill. And that segment of people would be those that have been adopted and would, as the bill is currently drafted, not be able to find their birth parents.

"For a number of people, there is a movement in our Nation today to find and to reunite birth-children and birth-parents. There are a number of benefits to these reunions. Not only do they make a child whole, but they often make a parent whole. Often a parent in their later years. They are offered a positive experience for families involved.

"There is also their concern for health-related problems that are often genetics-based and so because of that, I feel leaving newborns without any identification at hospitals, while it does take care of some important incidences, it may open the floodgates to having a number of our children not be able to trace their lineage or their heritage.

"In an island as our own, or our State, island state, there is even the concerns that our children could perhaps marry their own cousins. We are at the cutting edge in Hawaii with our *hanai* laws. Our *hanai* laws allow for adoption and making sure that we are able to preserve our heritage. So for those reasons Mr. Speaker, I express my strong reservations."

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representative

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

Representative Meyer continued, stating:

"I have a lot of the same reservations."

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

"Thank you, Mr. Speaker. With the same reservations and I'd also like those words incorporated as my own. I would recommend to this Body that maybe Judiciary could look at it once more and maybe make some changes that would make it acceptable to all."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 1223, as amended in HD 1, be recommitted 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.B. No. 1223, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was recommitted to the Committee on Finance with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 976, as amended in HD 1, be recommitted to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 976, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was recommitted to the Committee on Judiciary with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

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

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

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer 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 Chang, Halford, Leong, Souki, Stonebraker and Tamayo were excused.)

THIRD READING

H.B. No. 182:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 182, entitled: "A BILL FOR AN ACT RELATING TO BROWN TREE SNAKES," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

H.B. No. 562:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

H.B. No. 652:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 652, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

H.B. No. 1113:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," passed Third Reading by a vote of 45 ayes, with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

H.B. No. 899:

Representative Saiki moved that H.B. No. 899 pass Third Reading, seconded by Representative Lee.

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

"On H.B. 899, in opposition. Just noting, why it is going to make fireworks use more widespread."

The motion was put to vote by the Chair and carried, and H.B. No. 899, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 43 ayes to 2 noes, with Representatives Fox and Thielen voting no, and with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

H.B. No. 991:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 991, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Third Reading by a vote of 33 ayes to 12 noes, with Representatives Arakaki, Ching, Hale, Kahikina, Kaho'ohalahala, Magaoay, Morita, Schatz, Sonson, Thielen, Wakai and Waters voting no, and with Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo being excused.

The Chair directed the Clerk to note that H.B. Nos. 182; 562; 652; 1113; 899 and 991 passed Third Reading at 1:00 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 37 through 38) and concurrent resolutions (H.C.R. Nos. 32 through 36) were referred to Printing and further action was deferred:

H.R. No. 37, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE PERSONNEL PRACTICES OF THE KONA COMMUNITY HOSPITAL," was jointly offered by Representatives Herkes and Jernigan.

H.R. No. 38, entitled: "HOUSE RESOLUTION SUPPORTING THE PACIFIC BASIN ECONOMIC COUNCIL AND ENCOURAGING IT TO MAINTAIN ITS HEADQUARTERS IN HAWAII," was offered by Representative Hale.

H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF THE FEASIBILITY OF AUTHORIZING TOLL ROADS FOR MOTOR VEHICLE TRAFFIC IN THE STATE," was offered by Representative Souki.

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was jointly offered by Representatives Kanoho, Kaho'ohalahala, Morita, Kawakami, Waters, Evans, Magaoay, Bukoski, Karamatsu and Takamine.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE PERSONNEL PRACTICES OF THE KONA COMMUNITY HOSPITAL," was jointly offered by Representatives Herkes and Jernigan.

H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PACIFIC BASIN ECONOMIC COUNCIL AND ENCOURAGING IT TO MAINTAIN ITS HEADQUARTERS IN HAWAII," was offered by Representative Hale.

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION ACKNOWLEDGING THE CONTRIBUTIONS OF HULA AND RECOGNIZING APRIL 1, 2003, TO MARCH 31, 2004, AS THE "YEAR OF THE HULA", was jointly offered by Representatives Chang, Evans, Blundell, Karamatsu, Kaho'ohalahala, B. Oshiro, Hale, Hamakawa, Mindo, Souki, Wakai, Kawakami, Waters, Ito, Arakaki and Abinsay.

ANNOUNCEMENTS

Representative Luke: "Thank you, Mr. Speaker. Mr. Speaker it is my pleasure to inform the Members that we now have live coverage of televised legislative proceedings to the Neighbor Islands. This is something that we've been working on for a few years now. Live legislative proceedings will now be seen by our constituents from the Neighbor Islands. This

statewide service began the week of January 20, 2003 and is made possible through the combined efforts of Glenn Booth and the Capitol TV crew, the University of Hawaii HITS System, and the local cable access centers around the State (Olelo Community Television, Hoike Kauai Community TV, Akaku Community Television, and Na Leo O Hawaii). This service helps to promote open government and equal access for all residents to the democratic process. And we want to thank Capitol TV for their efforts. Thank you."

Representative Meyer: "Thank you, Mr. Speaker. Tomorrow we start our five-day recess period. A very important member of our Caucus will be celebrating his 39th birthday on February 24th. Representative Galen Fox. So if you would all help celebrate his birthday."

At this time, Representative Lee moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Standing Committee Reports and House Bills transmitted thereby, seconded by Representative Meyer and carried. (Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo were excused.)

At 1:02 o'clock p.m., on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 12:00 noon, Thursday, February 27, 2003. (Representatives Chang, Halford, Leong, Souki, Stonebraker and Tamayo were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Rep. Nos. 585 through 606) were received by the Clerk prior to 12:00 midnight this legislative day, and the following actions were taken:

Stand. Com. Rep. No. 585 (JUD) and H.B. No. 324, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 586 (JUD) and H.B. No. 401, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 587 (JUD) and H.B. No. 740, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL LITTERING," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 588 (JUD) and H.B. No. 981, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 589 (JUD) and H.B. No. 1217, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," were placed on the calendar and scheduled for action on February

27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 590 (CPC) and H.B. No. 1160, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXAMINATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 591 (CPC/JUD) and H.B. No. 1511, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 592 (JUD) and H.B. No. 533, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ETHICS," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 593 (FIN) and H.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 594 (FIN) and H.B. No. 691, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 595 (FIN) and H.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 596 (FIN) and H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 597 (FIN) and H.B. No. 851, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 598 (JUD) and H.B. No. 757, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING RECORDS," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 599 (JUD) and H.B. No. 887, as amended in HD 1, entitled: "A BILL FOR AN ACT CORPORATE DISCLOSURE FOR CAMPAIGN SPENDING," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 600 (JUD) and H.B. No. 1660, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar and scheduled for action on February 27, 2003 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 601 (HSH) and H.B. No. 1453, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," were placed on the calendar for Third reading on February 27, 2003.

Stand. Com. Rep. No. 602 (JUD) and H.B. No. 286, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," were placed on the calendar for Third reading on February 27, 2003.

Stand. Com. Rep. No. 603 (JUD) and H.B. No. 52, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," were placed on the calendar for Third reading on February 27, 2003.

Stand. Com. Rep. No. 604 (JUD) and H.B. No. 277, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third reading on February 27, 2003.

Stand. Com. Rep. No. 605 (JUD) and H.B. No. 1276, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Third reading on February 27, 2003.

Stand. Com. Rep. No. 606 (FIN) H.B. No. 1307, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," were placed on the calendar for Third reading on February 27, 2003.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, February 27, 2003.

TWENTY-FOURTH DAY

Thursday, February 27, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:17 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Heléne H. Hale, after which the Roll was called showing all members present with the exception of Representative M. Oshiro, who was excused.

On motion by Representative Lee, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth and Eighteenth Days were approved. (Representatives M. Oshiro and Hiraki were excused)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 188 through 201) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 188, transmitting Findings and Recommendations on a Review of the Home and Community-Based Waiver Program in Developmental Disabilities.

Gov. Msg. No. 189, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Another (sic) Agent of the United States Judiciary – for the Month of November 2002.

Gov. Msg. No. 190, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Another (sic) Agent of the United States Judiciary – for the Month of December 2002.

Gov. Msg. No. 191, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Another (sic) Agent of the United States Judiciary – for the Month of August 2002.

Gov. Msg. No. 192, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Another (sic) Agent of the United States Judiciary – for the Month of September 2002.

Gov. Msg. No. 193, transmitting the report, Requesting Detailed Quarterly Reports on Projected and Actual Expenditures from the Behavioral Health Administration – for the Quarter Ending September 30, 2002.

Gov. Msg. No. 194, transmitting a report, Requesting the Department of Health to Submit to the Legislature a Report on the Statewide Comprehensive Strategic Plan for Services and Supports for Individuals with Development Disabilities or Mental Retardation.

Gov. Msg. No. 195, transmitting the 2002 Annual Report, Board of Certification of Operating Personnel in Wastewater Treatment Facilities.

Gov. Msg. No. 196, transmitting the Status of the Issuance of Incidental Take Licenses for Endangered, Threatened, Proposed, and Candidate Species; and the Condition of the Endangered Species Trust Fund for the Period July 1, 2001 – June 30, 2002.

Gov. Msg. No. 197, transmitting the Report Concerning the Effectiveness of the Invasive Species Programs.

Gov. Msg. No. 198, transmitting the Annual Report on the Natural Area Reserves System and Natural Area Partnership Program for fiscal year ending June 30, 2002.

Gov. Msg. No. 199, transmitting the Annual Report on the Wildlife Revolving Fund for fiscal year ending June 30, 2002.

Gov. Msg. No. 200, transmitting the Annual Report Relating to the Forest Stewardship Program for fiscal year ending June 30, 2002.

Gov. Msg. No. 201, transmitting the Report Relating to Development of Hawaii Statewide Trails and Access System known as 'Na Ala Hele' for fiscal year ending June 30, 2002.

INTRODUCTIONS

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

Representative Saiki introduced 7th and 8th grade students from Washington Middle School; their teacher, Ms. Gwen Yamada; and educational assistant, Ms. Faith Muraoka.

Representative Hamakawa, on behalf of the Big Island delegation, introduced student council leaders from various high schools on the Big Island, and their chaperones, Ms. Naomi Ashman, Ms. Angella Brandt, Ms. Carol Takamura, and Ms. Donna Tanabe.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
554	Jointly to the Committee on Energy and Environmental Protection and the Committee on Agriculture
1256	Jointly to the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Finance
1267	Committee on Consumer Protection and Commerce, then to the Committee on Judiciary
1416	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance

1460, Committee on Tourism and Culture, then to the
SD 1 Committee on Finance

The following resolutions (H.R. Nos. 36 through 38 and 41 through 49) and concurrent resolutions (H.C.R. Nos. 31 through 46) were referred to committee by the Speaker:

H.R.
Nos.

Referred to:

- 36 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Judiciary
- 37 Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
- 38 Committee on International Affairs
- 41 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 42 Committee on Education, then to the Committee on Legislative Management
- 43 Committee on Health, then to the Committee on Finance
- 44 Committee on Health, then to the Committee on Legislative Management
- 45 Jointly to the Committee on Transportation and the Committee on Education, then to the Committee on Finance
- 46 Committee on Energy and Environmental Protection, then to the Committee on Legislative Management, then to the Committee on Finance
- 47 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
- 48 Committee on Judiciary
- 49 Committee on Agriculture

H.C.R.
Nos.

Referred to:

- 31 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Judiciary
- 32 Committee on Transportation, then to the Committee on Finance
- 33 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
- 34 Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
- 35 Committee on International Affairs
- 36 Committee on Tourism and Culture
- 37 Committee on Consumer Protection and Commerce, then to the Committee on Finance

38 Committee on Education, then to the Committee on Legislative Management

39 Committee on Health, then to the Committee on Finance

40 Committee on Health, then to the Committee on Legislative Management

41 Jointly to the Committee on Transportation and the Committee on Education, then to the Committee on Finance

42 Committee on Energy and Environmental Protection, then to the Committee on Legislative Management, then to the Committee on Finance

43 Committee on Labor and Public Employment

44 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance

45 Committee on Judiciary

46 Committee on Agriculture

COMMITTEE REASSIGNMENT

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

H.B.
No.

Re-referred to:

- 512 Committee on Finance

UNFINISHED BUSINESS

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 324, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 324, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 401, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 740, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL LITTERING," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 981, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 981, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 1217, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 1160, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXAMINATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 1511, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1511, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 533, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 533, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ETHICS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 593) recommending

that H.B. No. 73, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 594) recommending that H.B. No. 691, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 691, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"I rise in support of Standing Committee Report No. 594. Basically, HB 691, for public work projects, would allow a joint venture of two or more contractors to qualify for the preference if all joint venture contractors meet the requirements of Hawaii Revised Statutes 103D-1007. Passage of this measure will help the smaller contractors to compete for and bid on larger contracts that they may not be able to perform individually, and result in a greater number of bids being submitted. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 691, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 595) recommending that H.B. No. 1081, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 1225, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 851, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 851, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO TAXATION APPEALS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 757, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 757, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING RECORDS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 887, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 887, HD 1, entitled: "A BILL FOR AN ACT CORPORATE DISCLOSURE FOR CAMPAIGN SPENDING," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 600) recommending that H.B. No. 1660, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representative M. Oshiro was excused.)

UNFINISHED BUSINESS

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 1453, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1453, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Meyer and Stonebraker voting no.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 286, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 286, entitled: "A BILL FOR AN

ACT RELATING TO STANDARDS OF CONDUCT," passed Third Reading by a vote of 51 ayes.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 603) recommending that H.B. No. 52, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 52, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Bukoski, Ontai, Pendleton and Stonebraker voting no.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 604) recommending that H.B. No. 277, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 277, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, in opposition to Standing Committee Report No. 604. Very severe penalties for, in many cases, parents who are not in position to control the behavior of their children. Thank you."

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

"On 604 as well. I wanted to speak in opposition real briefly. Thankfully, the Chair removed the monetary penalty from this but, if the Members would notice that the first offense could result in 250 hours of community service from a parent, 350 hours for a second offense, and up to 450 hours of community service for truancy for their child. I am a firm believer that parents have responsibility over their children. But I just can't imagine a parent having to pick up trash or clean the side of the road because of their child's irresponsibility. I am voting no on this. Thank you."

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

"Mr. Speaker, I rise in support of this measure. I think it is important to remember that the purpose of this bill is to help kids. It is to help students learn. And it is important to recognize that this impetus for this bill apparently comes from the administrators and teachers at Waianae High School. I think it is very significant that these administrators and these parents have made significant attempts to keep kids in school. They do informal types of programs such as contacting parents individually, bringing parents to the campus for meetings, they use detention, suspension. They created a program called the Waianae High Attendance Program, which meets on weekends. Parents, students, and teachers volunteer to assist kids on weekends to keep them in school.

"I think that juvenile researchers and law enforcement officials will tell us that truancy is a significant problem in our community, and we need to make every attempt to resolve this for the benefit of students. We should give administrators and teachers the tools that they need to keep kids in school so that they can learn. Thank you."

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

"I rise to speak in support of the bill. As the introducer of this bill, I am pleased that my colleagues who serve on the Education and Judiciary Committees have listened carefully to the concerns of both educators and the community. Together we've come up with a measure that I believe represents a positive step towards dealing with the growing problem of truancy in our schools.

"In its original version, the bill provided for monetary and other sanctions that many believed that were unduly harsh, especially the impact on families with limited income. I concur with this assessment. The bill in its present form eliminates the more severe penalties of the earlier version. It replaces them with creative opportunities that are more likely to provide positive motivation for better school attendance. It demands greater responsibility of both students and their parents by ordering the performance of community service, curtailing co-curricular activities and suspending driving privileges.

"I close by quoting from testimony offered by Jackie Beckman, a teacher at Waianae High School. After stressing that teenage students and parents of younger students need to be held accountable, she continues, "I know some parents who have dropped out of school themselves and want better for their children. I presently teach adults in a GED program. Many of my students believe that if there were stronger penalties it might have helped them stay in school." This of course, is the ultimate goal of HB 277. Not to punish, but to help our students stay in school. I urge all of us to support this worthy goal by passing the bill on to the Senate for further debate. Thank you."

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

"Thank you. I rise in support of this measure, only to mention that the No Child Left Behind Act that was passed by Congress a couple of years ago requires the school to test all their students except for 5%. So 95% of the students in each school must be tested. I don't know if you looked at the scores, Members, a few weeks ago. They were published in both the *Advertiser* and *Star Bulletin*. But if you read the last column, the last column is the number of students, by percent, that did not take the test. And it is surprising to note that many of our high school students are not taking the tests. As much as 20-25% of the students in some areas of the State are not taking the tests.

"The fact is, in some schools, and I think the Representative from Waianae knows this quite well, in some schools every single day, more than 15% of our students are absent. When it is the responsibility of the student and their families, that is one thing. But when it becomes an issue that we, as State lawmakers, and as community members face because of this 'high stakes' ball game, then we need to get involved.

"So if this bill, or a bill like, this tries to address and addresses the truancy problem in whatever way that we choose, then I think it is going to help us. It is going to help us all as we try to address, the best we can, the provisions of the No Child Left Behind Act. Thank you."

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

"Mr. Speaker, I rise with some reservations. The reason for this is the enforcement problem. It is easy for, probably children from other areas aside from Waipahu and Waianae, to control their kids. These parents are working and are less educated, and a lot of times the kids are a lot smarter than their parents. They want to rub that on the parents. But yet the

parents are not allowed to beat the heck out of their kids anymore in order to teach them. What are we going to do? You know, you are a hard working father, mother, they've got to work 2 to 3 jobs if you live in Waipahu. Now if your kids don't want to go to school, you can't do anything, pretty much aside from, "Please son, I will buy you a car." And that doesn't work very well.

"Now what this bill is going to do is that, "Okay Mr. Domingo, Mr. Paco, will you please perform some services for the State?" "But I got to go to work. I got to support my kid who doesn't want to go to school." So the problem in this Mr. Speaker, is that it is not very practical in some cases, so I think we have to be very careful. Thank you very much."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker in brief rebuttal. I think we are schizophrenic in this Body about when somebody grows up. We actually had a very difficult time raising the age of consent from 14 to 16. My problem is with people who are required to go to school by Hawaii State law, up to the age of 18, and are basically completely out of the control of their parents.

"I have been personally called by a parent in Waikiki, not Waianae. Waikiki has plenty of problems too. This parent just has simply no ability, whatsoever, to get his student to go to school. It has been an ongoing problem for him he would love to have the child in school. His child is a 16 years old and very large, and he cannot get that kid to go to school. And according to the law, we are now going to punish the parent. Thank you."

Representative Stonebraker rose to respond, stating:

"I just wanted to add, not so much in rebuttal, but some of the penalties will affect the students as well. The first offense, they would be banned from any co-curricular activities. That is band, football, maybe any other sports, basketball, something that they might be interested in and actually keeps them involved in school. They have to keep their grades up and so forth.

"If a second offense, 58 days. That is almost the whole season. The third offense, 75 days.

"I think the way to get kids into school is to make school attractive. If we are going to start punishing them and keeping them out of the extra-curricular activities ..."

Representative Hamakawa rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the present speaker is reading from the wrong version of the bill. We do have a HD 1 on this draft. Thank you."

Representative Stonebraker responded, stating:

"Okay, well I apologize if I do. I didn't get the bill in my stack of Standing Committee Reports so I am going with a report from our research office. If that is not the case, I would be very pleased with that. But if that is the case, I would fear that we are actually ... The punishment is not an incentive to come to school. But it actually keeps them away from the things that may be drawing in the first place. So if we would really address our school system, maybe with local school boards, to where the people in the community are now involved ..."

Representative Saiki rose to a point of order, stating:

"Point of order. Could the Representative please confine his comments to the bill before us?"

The Chair responded, stating:

"Representative Stonebraker, could you please continue your comments to the issue of truancy in the public schools."

Representative Stonebraker continued, stating:

"My point is this that if we make the schools attractive with things like community involvement, including local school boards ..."

Representative Saiki again rose to a point of order, stating:

"Point of order. Same point. Could the speaker please confine his comments to the measure before us?"

The Chair responded, stating:

"Representative Stonebraker, you may proceed because it does deal with the issue of governance. Please continue on with the issue of truancy."

Representative Stonebraker continued, stating:

"Thanks. I will stay up here all day and I will say local school boards over and over.

"The point is this, Mr. Speaker. The way to get to kids into schools is to make schools better. Not to punish parents, sticking them out on the side of the road picking up trash. Not to keep the kids out of the high school football or basketball or soccer or band programs. This is the wrong direction. If we are going to try man-handle and tough-arm, twist these kids' arms to get them in school, of course they are not going to want to go to school. If we clean up the schools, we get the drugs out of the bathrooms, get the teachers involved in their lives, allow parents to be involved, then maybe they will go to school. That is a better direction. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Blundell, Bukoski, Finnegan, Fox, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai and Stonebraker voting no.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 605) recommending that H.B. No. 1276, as amended in HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1276, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Moses voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 606) recommending that H.B. No. 1307, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1307, HD 1, pass Third Reading, seconded by Representative Lee.

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

"On Standing Committee Report No. 606, I wish to speak with some reservations on this here. I have noticed in the bill here that we are providing 20% of the ceded land revenues as an interim measure for the Office of Hawaiian Affairs. It does say here in Section 1, as per the Constitution, in accordance with Article VII, Section 9 of the Constitution.

"Mr. Speaker and Members, I believe that is only half correct. I believe the Constitution provides that there should be a methodology. We have not created any enabling legislation thus far to provide the method as to how the ceded land is going to be developed. The funds, the 20% funds, even that have not been determined yet by law to the Office of Hawaiian Affairs. My concern in this Mr. Speaker and Members, is that we are looking at 20% as a figure that we have generally given in the past. Is this 20% in the Transportation Airport Fund, calculated in or is it taken out?

"In the past, we have been told by the FAA, that we cannot use airport funds for the matching. That includes both the airport and in Waikiki. Mr. Speaker, that calculation that we gave in the past, that amount to these dollars, did include airport funds. What I am trying to say is that we need to make an adjustment and not provide the same figures that we have done in that past, which did include Airport funds.

"Also as Chairman of Transportation, I am concerned that \$5 million was taken from the Harbors Fund. The harbors are having a difficult time just maintaining the present harbors, and to improve on it. I don't know the kind of impact that this is going to have on the harbors. And I believe, if we are going to provide future dollars, or even with these dollars, we should provide first enabling legislation as to how we are going to be providing the 20%. Where is the money going to be coming from? If in fact we are going to give 20%.

"These items have not been determined yet because the action of the Court had voided all of that. It was up to the Legislature to provide the language for future appropriations, if any, for OHA, and we have not done that yet, Mr. Speaker. And that is my concern with this bill. I am not opposed to giving the funds to OHA, but I think we should follow the letter of the law if we are going to do that. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Briefly in support and primarily for clarification of the comments just expressed. The statute 1013.5, does provide for 20% and the amount reflected in H.B. 1307, HD 1, represents the undisputed amount which does not include Airport funds. I share the concerns expressed by the Speaker Emeritus about taking so much money from special funds, including the Harbor Special Fund because our small boat harbors also need a tremendous amount of work. But we still have an obligation to fulfill and I would like to express my deep appreciation, on behalf of the Kauai community, that this Body has seen fit to fulfill that commitment, as difficult as it is. But this even makes that statement and commitment stronger, that there's an obligation that we want to and we will fulfill.

"And insofar as the 20% payment, I do have problems with it myself and we intend to address it this Session and throughout the interim so that we can, and hopefully we will, make some adjustment in providing a settlement next Session. Thank you, Mr. Speaker."

Representative Souki rose to respond, stating:

"Yes, Mr. Speaker. Just a slight rebuttal to my very esteemed friend and colleague, and good Chairman, is that I believe that the action by the Supreme Court voided that

particular statute, so we really don't have any statute at all as a measurement of ceded funds. And I just wanted to pass that on."

Representative Kanoho rose to respond, stating:

"If I may, Mr. Speaker. For further clarification. The Supreme Court voided Act 304 which was passed in 1990. But statute 1013.5, I believe, still prevails. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1307, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos.: 1453, HD 1; 286; 52, HD 2; 277, HD 1; 1276, HD 1; and 1307, HD 1 passed Third Reading at 12:43 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 607) recommending that H.B. No. 1117, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Second Reading, and was placed on the calendar for Third Reading.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 608) recommending that H.B. No. 1258, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE FRANCHISES," passed Second Reading, and was placed on the calendar for Third Reading.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 609) recommending that H.B. No. 1471, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1471, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Yes, Mr. Speaker. I would like to cast a no vote on 609 please. I don't believe that we should remove the timeshare properties from the Land Court system. The Land Court system provides a very secure form of title, and we would be taking this security away from the timeshare holders, really without any notification to them or any ability for them to object. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1471, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," passed Second Reading, and was placed on the calendar for Third Reading with Representative Thielen voting no.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 610) recommending that H.B. No. 1339, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading, and was placed on the calendar for Third Reading.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 611) recommending that H.B. No. 96, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 96, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading, and was placed on the calendar for Third Reading.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 612) recommending that H.B. No. 593, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 593, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading, and was placed on the calendar for Third Reading.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 613) recommending that H.B. No. 595, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 595, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I would like to have a no vote cast for me on Standing Committee Report 613, the check cashers. Mr. Speaker, this measure will make it easier and also will allow consumers to go further into debt with very, very high interest loans. It's a slippery slope. I think it's really an anti-consumer bill and I know that the, not exactly predatory lenders, but the ones that have the high interest loans, of course were very much in support of this. I don't think from a consumer protection perspective, it's a good idea."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 595, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Fox and Thielen voting no.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 614) recommending that H.B. No. 139, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 139, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition. This bill keeps coming back to us in various forms. It's a very, very bad bill. It encourages people that are renting cars to push insurance coverage at people who most likely, already have insurance coverage but don't realize it. In the current and the previous atmosphere in which there were no commissions, this was handled rather objectively. People were told that there's certain conveniences that can result from paying for an insurance policy at the time you rent a car.

"Obviously with the imposition of commissions, that kind of objective relaying of facts will be distorted into a strong sales pitch to buy unnecessary insurance. That is to the detriment of the customers including visitors we want to return to Hawaii, and because one out of every four renters of a rental car in Hawaii is a resident, to our own constituents. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. A no on the same bill please. Mr. Speaker, my reasons are very similar to those expressed by our Minority Leader. This is really an anti-Neighbor Island bill more so than on this island. When the tourists come, the visitors come to the Neighbor Islands, they will be hyped this insurance by a person who will get a, so-called, 'indirect commission' for doing that. And the pressure will really be pretty intense. I don't think that leaves visitors with a very good feeling. The people that work at these rental agencies will be pushing to get the coverage, not because the coverage is needed, but simply because they benefit monetarily from doing that. It's not the Aloha Spirit, Mr. Speaker."

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

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

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

Representative Finnegan rose in opposition to the measure and asked that the remarks of Representatives Fox and Thielen

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

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Thielen 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 a no vote for her, and the Chair "so ordered."

Representative Jernigan 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.B. No. 139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Fox, Jernigan, Leong, Meyer, Moses, Stonebraker and Thielen voting no.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 615) recommending that H.B. No. 140, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 140, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"I'd like to register a no vote on this as well. The method to determine the diminished value of the vehicle is going to end up being a little awkward and convoluted for the renters. My fear is that someone coming and visiting the islands and if they have an accident in a rental car, will be required to go through a cumbersome process if they disagree on the diminished value that the rental agency states.

"We also have problems with the fact that the 'blue book' that is mentioned in this bill is not specified, whether it's the Kelley Blue Book or some other 'blue book', and so for those reasons I vote no. Thank you."

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

"Mr. Speaker, for the same reason I will take a no vote on this particular bill. I believe an auction, pardon my words, is a goofy way to set the price of a damaged vehicle. Thank you."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Fox, Marumoto, Meyer and Stonebraker, voting no.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 616) recommending that H.B. No. 504, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 504, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORCE-PLACED INSURANCE," passed Second Reading, and was placed on the calendar for Third Reading.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 617) recommending that H.B. No. 1470, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1470, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Second Reading, and was placed on the calendar for Third Reading.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 618) recommending that H.B. No. 1671, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1671, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ASSISTED LIVING FACILITIES," passed Second Reading, and was placed on the calendar for Third Reading.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 619) recommending that H.B. No. 576, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 576, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I rise in opposition to this bill. Mr. Speaker, I think we need to protect our ag lands. I think it's very important to this State, and we are island State. We have a limited amount of land especially for prime agricultural uses. This bill is a 'one size fits all'. It's not a 'one size fit all' situation with different counties. What this bill's going to do is it's going to create three-acre estates that the common person is going to be able to afford.

"For instance, Kona coffee lands, I'm not in favor of breaking large coffee orchards up into small parcels. What this is going to do, it's going to create three-acre estates, and that the land is going to be about \$1 million. And what we're going to do is have the estate farmers instead of people who actually want to farm the land. Also up and down the Kohala Coast, the same situation occurs where we're going to build these great sub-agricultural subdivisions that the common person can't afford.

"And it's a homerule issue. The counties have in place rules governing these lands, and they're also being very progressive, and they're actually doing a pretty good job of managing the lands. I think we should leave it to homerule. Thank you."

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

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

"Also a no vote with the words of the former speaker. I'd like to point out to those that are looking over this and possibly considering with a reservations vote or a no, the fact that the testimony was very tepid on this. The Office of Planning was the only organization that actually supported it. All the other testimony was in the support of the intent, and then there were a number in opposition to it. So this bill doesn't have a very good feel about it. Thank you."

At 12:53 o'clock p.m., Representative Lee requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

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

"I'd like to register a no vote too. This affects my island I think more than any other place where we have all of these agricultural subdivisions, and particularly on the west side of the island where so-called 'agricultural subdivisions' of one acre have become gentlemen estates. And I have serious reservations.

"I think this problem is much more complicated than this bill will solve and probably needs more study. We really do need to preserve good agricultural land and I'm certainly for that, but I'm very much opposed to these so-called 'gentlemen gated estates' that have been developed out of our agricultural lands. Thank you."

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

"Mr. Speaker, I rise in support. When I met with the Kona Farm Bureau and the Kona Coffee Council, they asked me to support this bill. Thank you."

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

"Yes, Mr. Speaker, I speak with strong reservations against this bill. It's against homerule issues. Each of the counties has their own ag subdivision plans right now. I believe in Maui County, it's two acres. On the Big Island, it's one acre. This will make the standard of three throughout the State. It's anti-homerule so therefore, Mr. Speaker I'm against this bill. In fact I want to change my vote to a no."

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

"Thank you, Mr. Speaker. I rise in opposition to this bill because I do think it infringes on homerule. Thank you, Mr. Speaker."

Representative Fox rose and stated:

"Mr. Speaker, a point of information. Was not one of the previous speakers the introducer of this bill? And then she spoke against it? The Representative from Puna?"

The Chair responded, stating:

"I really don't know."

Representative Fox continued, stating:

"Oh, thank you. I'll vote no on this."

Representative Thielen rose in opposition to the measure, stating:

"Thank you, Mr. Speaker. I also would like to vote no on this bill and I'd like to adopt the words of the Speaker Emeritus. That's the exact reason why we should not let this bill go forward."

Representative Moses rose in opposition to the measure, stating:

"Thank you, Mr. Speaker. Likewise, a no vote. The Speaker Emeritus convinced me. This is a homerule issue."

Representative Hale rose to respond, stating:

"I was a signer on this bill, but listening to the other side of the argument and to the arguments behind me, I've changed my mind. Thank you."

The Chair addressed Representative Hale, stating:

"So your vote is a no vote?"

Representative Hale responded, stating:

"A no vote."

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

"Mr. Speaker, I rise in support of this bill. This is just going to provide additional guidance to the counties. Yeah, homerule, yes. But if they're doing a bad job at it, we have got to correct it. It is our duty to preserve good ag land. What they have right now is the ability to have one acre subdivisions. That's bad for agriculture. What we want is greenery. What we don't want is more housing on ag land. If you're going to say ag land, do you really think a one acre subdivision is ag land? I don't think so. It goes against the grain of what is realistic. In fact, what is in our Constitution is to preserve agricultural districts. We haven't done enough to do that. To do this is just a first step.

"We can make things beautiful in the country-side if you're going to have three acres versus one acre. 'Gentleman farms' that they're referring to is something that's created by what we have now, one-acre lots. They are nice estates on one acre overlooking the ocean. No farming activity whatsoever. If you got three acres or more, and this is a minimum, I have a nice

house right there, put in manufacturing or whatever. But it has to do with whatever farming activities that you have. Three acres is a minimum. In fact we should increase it, but we don't want to step on the counties' toes. That's why we just provide a little bit of guidance to push them in right direction. Thank you, very much."

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

"Thank you, Mr. Speaker. I rise in opposition to the measure. I had not intended to vote on this measure because I agree with the substance of the bill. But listening to the debate has convinced me that perhaps we're not the right body, not the right governmental decision-making body to solve this problem in quite this way.

"If the measure just simply provided guidance as the previous speaker suggested, then I could still vote yes. But it seems pretty mandatory to me, Mr. Speaker. It seems that we are making a decision that perhaps the counties should make. So for those reasons I'm going to vote no."

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

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

"Thank you, Mr. Speaker. Briefly, in support. Your Committee is well aware of the sentiments expressed, and those concerns are pretty much reflected in the Committee Report, that we are concerned and we'll be continuing to address these concerns as this bill moves forward.

"In Committee hearing there was an expressed need to create more homes on agriculturally zoned lands. And it was mentioned that what we really need to do is reclassify some of these agriculture lands, after careful consideration to established rule to accomplish that goal. And this is part of the entire plan that we will be addressing. Thank you, Mr. Speaker."

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

Representative Kaho'ohalahala rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker I rise with reservations. I think in the Committee, my reservations as noted in the vote, were really centered around the idea of homerule as well.

"More importantly, I think what drives me to pay much more attention to this particular bill is that we have lost perhaps some of the concepts that are here in these islands, and I want to bring to the floor that the idea that agriculture really lies within the understanding of *'aina*. As the Hawaiian people looked at *'aina*, it was to describe these lands that were the feeding lands. *Ai* – to eat. *Na* – the many lands that give us food to eat. So the idea of *'aina* that we all just simply categorize as land are really the feeding lands and therefore if we're looking at the responsibility as a State to create policies for agricultural lands, then I believe that we need to begin to pay a little bit more attention to some of the cultural context which these lands have importance.

"The conflict I see here is that too often those who are developers of land forget the concept of *'aina* as the feeding lands, but now look at the *'aina* as the subdivided lands that might bring other value to themselves, and therein lies the conflict. So I think I want to continue the discussion on the idea of putting forth the concept that we began these islands with, and that's to pay close attention to those lands that feed our people.

"As isolated as we are, if we do not pay attention to that then we will be faced with the reality that we no longer have lands to feed ourselves. So if that's the purpose of which we have to make policy around in the preservation of agriculture lands, I'd like to align agriculture lands with that of the feeding lands. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Bukoski, Finnegan, Fox, Hale, Halford, Jernigan, Meyer, Moses, Ontai, Pendleton, Souki, Stonebraker and Thielen, voting no.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 620) recommending that H.B. No. 1594, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1594, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading, and was placed on the calendar for Third Reading.

Representative Meyer rose and stated:

"Mr. Speaker, a point of inquiry. Are we going to go page by page?"

Speaker Say: "Yes."

Representative Meyer: "Alright, thank you very much."

Speaker Say: "Representative Meyer, we're going to go in one motion now. Each of the Standing Committee Reports by one motion in the end."

Representative Meyer: "Mr. Speaker, I guess my question is: Are we going to register the no votes at the end or per page?"

Speaker Say: "At the end, where you make the Minority's report of all those who voted no on each of these bills."

Representative Meyer: "So every page at the end?"

Speaker Say: "Total. So you're going to go by page, for example, page 9, on HB 218. We register no votes for, so and so and so. After page 9, we're going to go to page 10, and then when I call you to make the request of your no votes, that's where you make it by page."

Representative Meyer: "That was my question. Thank you."

Speaker Say: "So now members we are on page 9, this is all passing Third Reading."

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 621) recommending that H.B. No. 218, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 218, entitled: "A BILL FOR AN ACT RELATING TO TERMINABLE RENTAL ADJUSTMENT CLAUSE VEHICLE LEASES," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 622) recommending that H.B. No. 604, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 604, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 623) recommending that H.B. No. 730, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 730, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 731, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 731, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Jernigan, Meyer and Stonebraker voting no, and Representative Kanoho being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 625) recommending that H.B. No. 123, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 123, HD 1, pass Third Reading, seconded by Representative Lee.

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

"My concern on this measure, and this is the allowing of pharmacist to dispense contraceptive or 'day after pills'. The person getting the pill, the woman, might be pregnant and not know it. If she is pregnant and doesn't know it, it could cause a deformed child at birth. It could also cause a fallopian tube pregnancy, and this would be severe. And I just don't think that the pharmacists are in a position to know whether or not

the woman is pregnant. She might not even know it. And that is why I think a doctor should be involved. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 123, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Jernigan, Leong, Meyer, Moses and Stonebraker voting no and Representative Kanoho being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 192, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 285, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 285, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I rise in support of Standing Committee Report 627, HB 285, HD 1. Mr. Speaker, this is just a common sense bill. And what it does is, it says to rule-makers that you can't be lawmakers. That there has to be a rationale nexus between the statute and the Act, and the rule and it has to conform to the spirit and intent of the law, which doesn't happen now.

"And also equally as important is that it automatically repeals all rules now on the books that have no underlying statute or ordinance. For example we currently have rules that deal with the operation of livery stables and bubonic plague. And what this bill will do is to clean up all of those old rules that have no business being in our books. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 548, HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 548, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 1155, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 630) recommending that H.B. No. 1163, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1163, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 631) recommending that H.B. No. 1495, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1495, HD 1, pass Third Reading, seconded by Representative Lee.

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

"I rise in opposition to Standing Committee Report 631, HB 1495, HD 1. This bill deals with the business of cremation and crematory regulations. As many may remember that were here in this Body, last year, we passed a resolution creating a taskforce to look at the problems with the mortuary industry and potential problems for consumers.

"I had a constituent who was on that taskforce and she called me because she was not at all happy with a bill that was the product after the taskforce made its recommendations. I think this bill was pretty much drafted by Dodo Mortuary.

"There are a lot of places that need to be changed to really give consumers some kind of protection. It's, as drafted now, it's very one-sided. It serves the mortuary well, but creates no protection or real education to the consumer. It's a sad time when we have to deal in these businesses, and most of us only have to do it once or twice in our lives. But at the time when you've lost someone you love dearly, you're very vulnerable and open to suggestions. You're not shopping, so you need as much protection as you can get.

"I have had in the eight years that I've been in this position, as an elected official, I've had at least five constituents call on varying problems that they had. Whether it was a loved one who died and a hospital got a mortuary to pick up the body. They were not asked by the family member, the nearest of kin. And then this person who had no experience in dealing with this had to first start to deal with a mortuary that was not of her choosing. She didn't really know the cost involved. Then she had to start making calls. Then she had to pay to have the body moved. This is a complicated industry.

"I thought the idea of a taskforce was excellent, but from the communication that I've had with my constituent who sat on that, she was very, very disappointed with this. So I realize there's still time to make needed changes, but at this point it's certainly not something that I could support. Thank you, Mr. Speaker."

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

"I rise in support of this measure. I just wanted to clarify to our Members, and I did speak to the Representative who spoke previously about this measure. We had asked through a House concurrent resolution last year, for this group to come together to address not only crematory services but, I think we called it death services or burial services, the whole gamut. And as this taskforce worked on the issue, their focus this year was on cremation and crematory services. We got a hold of that taskforce report and attached to that taskforce report was a bill, a draft of a bill. We took that draft and introduced it as H.B. 1495.

"Afterwards we found out in fact, that Susan Robinson, who is the Representative's constituent and also a member of the taskforce as a consumer advocate, had some major concerns with that draft and I think mistakenly that draft was put into the report. I assured the Representative from Laie, as well as my colleagues, that as we work on this bill, and there is a lot of work that needs to be made on this bill, that we will address many if not all of the concerns addressed by the consumer advocate on the taskforce.

"I'm working with the representative from upper Aiea on this, as well as the Chair of the Consumer Protection Committee, and also we have informed the Chair of Finance of the fact that there are major issues that still need be to addressed.

"I think fortunately, this measure is still before us and moving forward because without it, there are no vehicles available, to my knowledge, that can address this. And just for your information Members, there is a defective date on this measure, and we hope to work with our Senate colleagues on drafting a more favorable and better bill. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1495, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREMATION," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Blundell, Fox, Jernigan, Leong, Meyer, Moses, Stonebraker and Thielen voting no and Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 485, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 485, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. On 632, the Hanahau'oli SPRBs, I'd like to declare a potential conflict. I was on the Board of Directors of Hanahau'oli School," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 485, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANAHAU'OLI SCHOOL," passed Third Reading by a vote of 50 ayes, with Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 633) recommending that H.B. No. 488, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 488, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MID-PACIFIC INSTITUTE," passed Third Reading by a vote of 50 ayes, with Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 939, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 939, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HOALA SCHOOL," passed Third Reading by a vote of 50 ayes, with Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 635) recommending that H.B. No. 1362, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1362, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL," passed Third Reading by a vote of 50 ayes, with Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 636) recommending that H.B. No. 744, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL," passed Third Reading by a vote of 50 ayes, with Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 637) recommending that H.B. No. 1405, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1405, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am standing in opposition to Standing Committee Report 637, HB 1405. This bill gives a preference to biofuel for State and county use. I am concerned that the added cost that this could create, and of course, those are tax dollars that all of our constituents pay.

"While it is a good idea to use biofuel, those that are using it enjoy it. But because there is only one source or it won't be so readily available, most of the county and State vehicles, if they use it, will have to have two tanks because sometimes they will use regular fuel and sometimes they'll use the biofuel. In these times of tight revenues and financial challenges, I just think this is a 'feel-good' bill that we cannot afford to pass. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1405, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," passed Third Reading by a vote of 49 ayes to 1 no,

with Representative Meyer voting no and Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 638) recommending that H.B. No. 320, HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 320, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RISK MANAGEMENT," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 639) recommending that H.B. No. 1564, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1564, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 640) recommending that H.B. No. 436, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 436, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND A SECOND AMBULANCE TO SERVE THE WAIANAE COAST," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 122, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 122, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 657, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 657, HD 1, 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 support of H.B. No. 657, HD 1, a bill that honors and recognizes Korean War veterans and commemorates the 50th anniversary of the end of the Korean War.

"This bill appropriates \$100,000 to enable the Korean War Commission to host vital ceremonies and events to recognize their 50th anniversary. This 50th year commemoration is to

honor the soldiers, sailors and airmen who fought so valiantly to defend and guarantee the freedom and independence for the people of South Korea. These brave men who fought in the so-called, "Forgotten War", are more than deserved of the ceremonies and events such as veterans' re-unions, candlelight ceremonies and POW/MIA recognition day.

"The Korean War veterans – and the 30,000 American servicemen and women who fought and died for our Country – will never be forgotten. We honor these veterans and recognize their bravery.

"I hope my colleagues will support H.B. No. 657, HD 1, and move it forward to the Senate."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 657, HD 1, 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 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 754, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 754, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 813, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 814, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 814, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 815, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 815, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 818, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 818, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION," passed Third Reading by a vote of 50 ayes, with Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 648) recommending that H.B. No. 1255, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1255, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, back to 648, HB 1255. I stand in support but with some reservations. This bill was drafted in order to fulfill the requirement of enforcement of the Help America Vote Act of 2002, which requires states receiving funds under this Act to establish and maintain administrative procedures to receive, process, and act upon complaints about violations and provisions in Title III of that Act.

"What my concerns are Mr. Speaker, is that the draft that is before us would designate the elections officer to be the person setting up this hearings and administrative procedures."

At 1:16 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:17 o'clock p.m.

Representative Sonson rose and stated:

"That was my error. I am actually very apprehensive on a bill on page 15, and we are not there yet. I totally support 648 HB 1255."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1255, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," passed Third Reading by a vote of 50 ayes, with Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 649) recommending that H.B. No. 509, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 509, HD 1, pass Third Reading, seconded by Representative Lee.

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

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

"Mr. Speaker, I rise to speak in favor of House Bill No. 509, House Draft 1.

"This bill would provide substitute teachers of the Department of Education, including part-time employees working less than one-half of a full-time equivalent, with a means to share in the decision-making affecting their wages, employment benefits, and working conditions. More

specifically, this bill would create a separate collective bargaining unit for these employees, and give these employees the right to strike.

"According to the Department of Education, every school year, there are more than 1,000 absences per day requiring substitute teacher services to replace classroom teachers. In the majority of instances, these absences occur unexpectedly and with very short notice to the employer. Furthermore, the length of a teacher's absence is often difficult to determine.

"While the work of substitute teachers is valued and greatly appreciated, these individuals are not employed as full-time employees, and as such, the DOE cannot guarantee the number of days a substitute teacher may be employed in a given week. Because of this, substitute teachers are hired on a day-to-day basis, and do not receive permanent employee status.

"The wages of substitute teachers are currently set by statute. According to Section 302A-624(d), Hawaii Revised Statutes, the per diem rate for substitute teachers is based on the annual entry step salary rate established for a Class II teacher on the most current teachers' salary schedule. The teachers' salary schedule to which the substitute teachers' per diem rate is based is negotiated through collective bargaining by Unit 5, which is represented by the Hawaii State Teachers' Association.

"In 1981, the Hawaii Public Employment Relations Board issued a ruling, "In the Matter of Hawaii State Teachers Association and the Board of Education," which prohibited substitute teachers from being represented by the Hawaii State Teachers Association in collective bargaining.

"In that case, the Employment Relations Board ruled that teachers who work less than 20 hours per week are not included in Unit 5 nor are entitled to coverage under the Collective Bargaining Law.

"In other words, although the wages of substitute teachers are based on the salary negotiated by Unit 5, substitute teachers are not represented by Unit 5 nor are substitute teachers able to negotiate on their own behalf with the employer on the wages they receive.

"I have always been a firm believer in the right to collective bargaining. I have always felt that a cornerstone to our democratic way of life has rested on the ability of workers to organize and negotiate on an equal footing with the employer in a reasonable manner for a better way of life.

"Substitute teachers have demonstrated their worth to the Department of Education. They are necessary for the provision of educational services to our youth. In my view, why shouldn't substitute teachers be able to negotiate on their own behalf with the State for their wages? Not only will this ensure that these valuable employees will have a say in the compensation they receive, but it will also provide them with the protections in employment relations that only a union can provide for its members.

"For these reasons, I respectfully urge my colleagues to support this important measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Blundell, Ching, Finnegan, Jernigan, Leong, Meyer, Ontai, Stonebraker and Thielen voting no, and Representative Kanohe being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 650) recommending that H.B. No. 1157, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1157, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 651) recommending that H.B. No. 475, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 475, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 652) recommending that H.B. No. 659, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 659, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE JOURNALS," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Finnegan, Fox, Jernigan, Meyer and Moses voting no, and Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 653) recommending that H.B. No. 1277, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1277, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 16, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO PROVIDE THE LEGISLATURE WITH THE POWER TO RECALL A BILL PRESENTED TO THE GOVERNOR," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 1277 passed Third Reading in the following form:

H.B. No. 1277:

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 16, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO PROVIDE THE LEGISLATURE WITH THE POWER TO RECALL A BILL PRESENTED TO THE GOVERNOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose a constitutional amendment to article III, section 16, of the Constitution of the State of Hawaii to allow the legislature to recall a bill that passed the legislature and was presented to the governor. This will provide the legislature with some recourse if a bill is inadvertently presented to the governor with either a substantive or procedural error.

SECTION 2. Article III, section 16, of the Constitution of the State of Hawaii is amended to read as follows:

"APPROVAL OR VETO

Section 16. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If the governor approves it, the governor shall sign it and it shall become law. If the governor does not approve such bill, the governor may return it, with the governor's objections to the legislature. Except for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but the governor shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to the governor ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if the governor had signed it.

RECONSIDERATION AFTER ADJOURNMENT

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to the governor less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that the governor plans to return such bill with the governor's objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if the governor shall sign it within ten days after presentation.

RECALL

A bill under consideration by the governor may be recalled to the legislature by concurrent resolution. Before the recalled bill is presented again to the governor, it shall pass one additional reading in each house during the session in which it was recalled.

COMPUTATION OF TIME

In computing the number of days designated in this section, the following days shall be excluded: Saturdays, Sundays, holidays and any days in which the legislature is in recess prior to its adjournment as provided in section 10 of this article."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the State Constitution be amended to allow the legislature to recall a bill for further consideration if the Governor has not yet either vetoed or approved the bill?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 654) recommending that H.B. No. 1630, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1630, HD 1, 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 support of HB 1630, HD 1, a bill which will give badly needed funds to our neglected veterans cemeteries.

"The Director of Veterans' Services, General Irwin Cockett, has supplied substantial testimony demonstrating that the Hawaii State Veterans Cemetery is, "a disgrace". Appropriations from this bill will go to veterans' cemeteries on the Big Island, Kauai, Maui, Molokai, Lanai and the Hawaii State Veterans Cemetery here on Oahu. The conditions are similar at veterans' cemeteries on all of the Neighbor Islands – in much disrepair.

"Numerous veterans' family members have complained that there is inadequate care and maintenance at the veterans' cemeteries. I have seen first hand the poor conditions at the Hawaii State Veterans Cemetery in a visit just a few weeks ago. There were cracks in the foundation and the marble; tombstones in areas of the cemetery were sinking; large air conditioners providing crucial air control quality were failing, and the general impression was that we were not honoring our loyal veterans.

"Especially during this time of conflict and possible war situations, we must honor the veterans and their surviving family members. These veterans have defended our country with honor and given us all the hard earned freedom that we enjoy today. I urge my colleagues to support this bill and move it forward to the Senate."

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

Representative Moses continued, stating:

"Thank you, Mr. Speaker. On both measures, 654 and 655, I'd like to rise in support and I have faith in my colleague and I will accept his words in the Journal also."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1630, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 655) recommending that H.B. No. 1479, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1479, HD 1, 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 support of H.B. No. 1479, HD 1, a bill that demonstrates and supports the establishment of a National Korean War Museum in Hawaii.

"This National Korean War Museum would be an important cultural development that would help increase tourism and awareness of the Korean culture and their significance in Hawaii. This significant project will be an important step forward during this year of celebration.

"Combined with the centennial of the Koreans' arrival in Hawaii and the 50th anniversary of the Korean War, this National Korean War Museum will be a valuable place of study, an area for tourists to gather and reflect, and a place to honor the Korean people of Hawaii.

"I hope my colleagues will support H.B. No. 1479, HD 1, and move it forward to the Senate."

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

Representative Moses continued, stating:

"Thank you, Mr. Speaker. On both measures, 654 and 655, I'd like to rise in support and I have faith in my colleague and I will accept his words in the Journal also."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1479, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM IN HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 656) recommending that H.B. No. 53, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 53, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S MARITIME RELATED USES," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 657) recommending that H.B. No. 58, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 58, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 658) recommending that H.B. No. 83, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 83, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I'd like to register a with reservations on 658. I had called to my attention some questions about this that I would like to investigate further. Since it will go on, just with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 83, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE ALOHA COUNCIL BOY SCOUTS OF AMERICA," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

The Chair directed the Clerk to note that H.B. Nos.: 218; 604; 730; 731, HD 1; 123, HD 1; 192, HD 1; 285, HD 1; 548, HD 2; 1155, HD 1; 1163; 1495, HD 1; 485; 488; 939; 1362; 744, HD 1; 1405, HD 1; 320, HD 2; 1564; 436; 122; 657, HD 1; 754; 813; 814; 815; 818, HD 1; 1255; 509, HD 1; 1157; 475; 659; 1277; 1630, HD 1; 1479, HD 1; 53; 58; and 83, HD 1 passed Third Reading at 1:22 o'clock p.m.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 659), recommending that H.C.R. No. 21, as amended in HD 1, be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 21, HD 1, be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Mr. Speaker, I would like to thank the Committee on Water and Land Use for cleaning up this bill, the language of the bill and making it more reflective of ... I am speaking in support. And in view of the fact that the United States is considering the Akaka bill and that our Governor has spoken personally to the President and members of his cabinet, let's hope that this resolution will help in the cause of recognizing and bringing reconciliation between the United States and the indigenous people of 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. 21, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ACKNOWLEDGING THE ILLEGAL OVERTHROW OF THE KINGDOM OF HAWAII," was referred to the Committee on Judiciary, with Representative Kanoho being excused.

THIRD READING

H.B. No. 762, HD 1:

Representative Saiki moved that H.B. No. 762, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. Once again Members, I apologize for the error earlier. Let me explain what I believe what this draft is doing. I am speaking in support with reservations.

"The reason I really support this bill is because we have to. It is a requirement in order to get some federal funding which is out there. According to the Office of Elections, it is \$20 million because it is based on our expenditure in the year 2000. But what I have reservations on is that we are actually allowing the person or the agency that is mandated to perform certain things by this Act, which is referred to as the Help America Vote Act of 2002, which is to have policies that helps voters actually vote.

"For example they have standards in or Title III of this Act that allows the Elections Office to ensure that our system of voting system complies with the standards in Title III. The problem then is that Title IV requires this procedure when there is a problem with the standards set in Title III. There should be a complaint process. But the person that is supposed to create this nice standards for us to be able to vote properly is going to be the same person that is going to set hearings when there is complaints about that. It is a proverbial 'fox guarding the chicken coop' pretty much.

"So this a very important bill because it is required and it is mandated in order to obtain certain funding. But I think it is in the wrong place. Thank you very much."

The motion was put to vote by the Chair and carried and H.B. No. 762, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION HEARINGS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 1294:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1294, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 86, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 1172:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1172, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 1161, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGIST LICENSING REQUIREMENTS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 884:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 884, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 1022:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1022, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 802, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 802, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 711, HAWAII REVISED STATUTES," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 1010, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1010, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

H.B. No. 133, HD 1:

Representative Saiki moved that H.B. No. 133, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in opposition. It is well-intentioned probably. This is relating to child protection, and it is a safe place for newborns. It allows a mother to drop off a child that she doesn't feel that she can care for, for whatever reason, at a hospital. The problem is, we heard some testimony from somebody who was raised by an adoptive parent who said that for genetic reasons, she may need to know who her biological mother is years later. Also she gave testimony that years later the mother may be very happy to meet the daughter or the son.

"Also it doesn't take into account that there may be a father involved, and the father has no rights here. Maybe the father wants to raise the child, for whatever reason. I don't know why it doesn't take any of that in account. It also could be some unrelated person that drops off the baby. Maybe not even the parent.

"So for those reasons, and especially the genetic reasons. Some day, you may need a transplant, or you may need some genetic information from your parents and there is no way to trace it back. And say if you are sick, the hospital and nobody else can ever find out who your biological parents may have been. So for those reasons I am voting no."

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

"Thank you, Mr. Speaker. In support. And again I appreciate the concerns raised by the previous speaker. In this bill, the immediate concern and the urgent concern is for the newborn. In many cases it is the newborn's mother who is in distress, and may be in an unstable mental condition. What this does is it offers an option. In fact, I really would like to see the options expanded because right now it calls for hospitals to be safe havens, and of course you know not every community has a hospital. In other states right now, 33 other states have this safe haven provision. Other states utilize fire stations and community health centers also, as points of drop-off.

"I think what we need to realize is that all the points raised before about adoptions, and about the fathers, and genetics, all these points are moot if the baby is disposed of and the baby dies. So the important concern here is how do we allow the life to continue? And I think those other issues can be addressed later on.

"Even to the point of reunification for the mother should she change her mind and say, "I want to keep the baby. So again the brutal point of this bill is to put the baby first and keep that baby alive, and so I'd like to ask the Members to please support this measure. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. Maybe I am ignorant of the facts of the bill, but the way I understand it, you cannot take any records. You can't get the person's name or anything else, so later there would be no way to find out who the biological parents are. That is my concern. If it was kept anonymous, and there was some way to track them later if need be for medical emergencies or for whatever other reason, then I would have no problem."

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

"Mr. Speaker, I rise with severe reservations, again on this bill. I want to underscore, again, how I believe this to be a well-intention bill. I think that when we consider bills and considering laws, we need to look at long-term effects and what goes on now, may not go on later. So in the nature of adoptions, and I may have to express a possible conflict of interest. I am an adopted child," and the Chair ruled, "no conflict."

Representative Ching continued, stating:

"Thank you. In the case of adopted children, what is done by a parent, possibly a teenage parent, the state of mind, the priorities, and their values are far different from the values that we grow up with as we age and we become middle-aged and beyond. A rash decision to decide to drop off a child can become very painful later in life. There are other options, but it is nice to be able to rectify any problems that they create.

"What this bill does, and again I mention I do believe that children need safe havens, but what this does is that it makes it so the child cannot find its parent later, and the parent, conversely, cannot find its child. The interesting thing is in our well intentions, to make decisions for unborn children or young children, I don't believe there was very much testimony from the adopted children.

"There are a number of associations in Hawaii that deal with reunification, that deal with the people who have those type of experience. And also other 'front-linesmen', those who I like to call 'front-linesmen', people who actually deal with the issue on a day-to-day basis, and they are the ones who experience this. I did not see testimony from them. Hence, example: ER physicians, doctors. Historically doctors have been the number one individuals who deal with adoption. Doctors will tell you that this is an extremely rare case that a child is abandoned. Police officers as well. So my concern is that in our good intentions, we open the gates to create more problems.

"And in particular, we are on an island. We are an island State, as we well know, many of us go back many generations and we have many relatives and the probability of possibly, without any identification of who you are, of being with someone who is actually your own relative, this was a concern of many families. Local families who have many, many

cousins, etc. So I just think that this a well-intentioned bill, and it does need further work. Thank you."

The motion was put to vote by the Chair and carried and H.B. No. 133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Bukoski, Meyer and Moses voting no and Representative Kanoho being excused.

At this time, Representative Meyer stated:

"Mr. Speaker, I would like to make an inquiry. There was a no vote on page 13 that I inadvertently missed."

The Chair responded, stating:

"At this time, the Chair will not allow you to make that no vote to be recorded because the vote was already taken."

The Chair directed the Clerk to note that H.B. Nos.: 762, HD 1; 1294; 86, HD 1; 1172; 1161, HD 1; 884; 1022; 802, HD 1; 1010, HD 1; and 133, HD 1 passed Third Reading at 1:35 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 41 through 52) and concurrent resolutions (H.C.R. Nos. 37 through 49) were referred to Printing and further action was deferred:

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO PROPOSE CHANGES TO THE INSURANCE CODE AND RELATED LAWS TO ALLOW ASSOCIATIONS OF SMALL BUSINESSES TO OBTAIN HEALTH INSURANCE COVERAGE FOR THE EMPLOYEES OF THE BUSINESSES," was jointly offered by Representatives Thielen, Meyer and Marumoto.

H.R. No. 42, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW THE PHYSICAL EDUCATION PROGRAMS IN HAWAII'S PUBLIC SCHOOLS TO DETERMINE WHAT NEEDS TO BE IMPROVED IN ORDER TO ENSURE THAT ALL CHILDREN IN GRADES KINDERGARTEN THROUGH TWELVE HAVE MEANINGFUL PHYSICAL EDUCATION PROGRAMS," was jointly offered by Representatives Takumi, Thielen, Lee, Marumoto, B. Oshiro and Arakaki.

H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE AND COMPILE DATA ON THE USE AND EFFECTS OF EPHEDRA ON HUMANS," was jointly offered by Representatives Thielen, Takai, Marumoto, B. Oshiro, Arakaki and Takumi.

H.R. No. 44, entitled: "HOUSE RESOLUTION DECLARING THAT IT IS THE POLICY OF THE HOUSE OF REPRESENTATIVES THAT SMOKING SHALL NOT BE PERMITTED IN THE PORTIONS OF THE STATE CAPITOL BUILDING THAT ARE OCCUPIED OR USED BY MEMBERS OR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES," was jointly offered by Representatives Arakaki, Hiraki, Takumi, Takai, Thielen and Lee.

H.R. No. 45, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU," was jointly offered by Representatives Waters and Takumi.

H.R. No. 46, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE PRACTICALITY OF USING LIQUEFIED OR COMPRESSED NATURAL GAS FOR THE STATE'S FLEET MOTOR VEHICLES," was jointly offered by Representatives Thielen and Morita.

H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ASSESS THE ECONOMIC FEASIBILITY, ENVIRONMENTAL IMPACTS, AND DESIGN AND CONSTRUCTION ALTERNATIVES FOR THE USE OF GROIN STRUCTURES AND SAND RESTORATION TO RESTORE A SANDY BEACH AND PUBLIC ACCESS AT THE EXPERIMENTAL PROJECT BEACH ACCESS SITE LOCATED ON AN ARMORED SHORELINE IN LANIKAI," was offered by Representative Waters.

H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING THE FAMILY COURT OF THE FIRST CIRCUIT TO EVALUATE THE SENTENCING OF CHILDREN IN THE DISTRICT COURT OF THE FIRST CIRCUIT INVOLVING VIOLATIONS OF TRAFFIC LAWS OR ORDINANCES," was jointly offered by Representatives Waters, Arakaki, Morita, Takai, M. Oshiro, Shimabukuro and Sonson.

H.R. No. 49, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO CONSIDER MODIFYING ADMINISTRATIVE RULES TO RESTRICT THE IMPORTATION OF GREEN COFFEE BEANS INTO THE STATE OF HAWAII," was offered by Representative Herkes.

H.R. No. 50, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSIST AN ADVISORY COMMITTEE CONCERNING ESTABLISHING AN OFFICE OF INTERNATIONAL AFFAIRS," was offered by Representative Hale.

H.R. No. 51, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON THE CONSTRUCTION OF PERMANENT FAIR GROUNDS ON THE LOWER HALAWA PARKING LOT AT ALOHA STADIUM," was jointly offered by Representatives Chang, Marumoto, Abinsay, Kanoho, Evans, Moses, Ching, Thielen, Blundell, Leong, Mindo, Takai, Kawakami, Caldwell and Fox.

H.R. No. 52, entitled: "HOUSE RESOLUTION ESTABLISHING A TEMPORARY SMART GROWTH ADVISORY COUNCIL WITHIN THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ADDRESS THE IMPACT OF NEW HOUSING DEVELOPMENTS," was jointly offered by Representatives Evans, Shimabukuro, B. Oshiro, Tamayo, Souki, Morita, Wakai, Lee, Waters, Mindo, Hale, Takumi, Thielen, Karamatsu, Kahikina, Kaho'ohalahala, Blundell, Arakaki, Caldwell, Nakasone and Luke.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO PROPOSE CHANGES TO THE INSURANCE CODE AND RELATED LAWS TO ALLOW ASSOCIATIONS OF SMALL BUSINESSES TO OBTAIN HEALTH INSURANCE COVERAGE FOR THE EMPLOYEES OF THE BUSINESSES," was jointly offered by Representatives Thielen, Meyer and Marumoto.

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW THE PHYSICAL EDUCATION PROGRAMS IN HAWAII'S PUBLIC SCHOOLS TO DETERMINE WHAT NEEDS TO BE IMPROVED IN ORDER TO ENSURE THAT ALL CHILDREN IN GRADES KINDERGARTEN THROUGH TWELVE HAVE MEANINGFUL PHYSICAL EDUCATION PROGRAMS," was jointly offered by Representatives Takumi, Thielen, Lee, Marumoto, B. Oshiro and Arakaki.

H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE AND COMPILE DATA ON THE USE AND EFFECTS OF EPHEDRA ON HUMANS," was jointly offered by Representatives Thielen, Takai, Marumoto, B. Oshiro, Arakaki and Takumi.

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THAT IT IS THE POLICY OF THE LEGISLATURE THAT SMOKING SHALL NOT BE PERMITTED IN THE STATE CAPITOL BUILDING IN ITS ENTIRETY," was jointly offered by Representatives Arakaki, Hiraki, Takumi, Takai, Thielen and Lee.

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU," was jointly offered by Representatives Waters and Takumi.

H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE PRACTICALITY OF USING LIQUEFIED OR COMPRESSED NATURAL GAS FOR THE STATE'S FLEET MOTOR VEHICLES," was jointly offered by Representatives Thielen and Morita.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPLORATION OF OPTIONS FOR REDESIGNING THE BENEFIT LEVELS OF "A" STATUS PLANS DEFINED UNDER HAWAII'S PREPAID HEALTH CARE ACT," was offered by Representative Say.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE ECONOMIC FEASIBILITY, ENVIRONMENTAL IMPACTS, AND DESIGN AND CONSTRUCTION ALTERNATIVES FOR THE USE OF GROIN STRUCTURES AND SAND RESTORATION TO RESTORE A SANDY BEACH AND PUBLIC ACCESS AT THE EXPERIMENTAL PROJECT BEACH ACCESS SITE LOCATED ON AN ARMORED SHORELINE IN LANIKAI," was offered by Representative Waters.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FAMILY COURT OF THE FIRST CIRCUIT TO EVALUATE THE SENTENCING OF CHILDREN IN THE DISTRICT COURT OF THE FIRST CIRCUIT INVOLVING VIOLATIONS OF TRAFFIC LAWS OR ORDINANCES," was jointly offered by Representatives Waters, Arakaki, Morita, Takai, Sonson, M. Oshiro and Shimabukuro.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO CONSIDER MODIFYING ADMINISTRATIVE RULES TO RESTRICT THE IMPORTATION OF GREEN COFFEE BEANS INTO THE STATE OF HAWAII," was offered by Representative Herkes.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSIST AN ADVISORY COMMITTEE CONCERNING ESTABLISHING AN OFFICE OF INTERNATIONAL AFFAIRS," was offered by Representative Hale.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON THE CONSTRUCTION OF PERMANENT FAIR GROUNDS ON THE LOWER HALAWA PARKING LOT AT ALOHA STADIUM," was jointly offered by Representatives Chang, Marumoto, Karamatsu, Abinsay, Kanoho, Wakai, Tamayo, Evans, Moses, Ching, Thielen, Blundell, Leong, Mindo, Takai, Kawakami, Caldwell and Fox.

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TEMPORARY SMART GROWTH ADVISORY COUNCIL WITHIN THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ADDRESS THE IMPACT OF NEW HOUSING DEVELOPMENTS," was jointly offered by Representatives Evans, Shimabukuro, B. Oshiro, Mindo, Morita, Lee, Souki, Arakaki, Luke, Waters, Hale, Blundell, Thielen, Takumi, Karamatsu, Kahikina, Kaho'ohalahala, Caldwell and Nakasone.

ANNOUNCEMENTS

At 1:35 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:36 o'clock p.m.

Representative Takamine, for the Committee on Finance requested waiver of the 48-hour notice requirement, "For the purpose of hearing and having decision making on H.B. No. 78, Relating to the Housing and Community Development Corporation of Hawaii; H.B. No. 512, Relating to Health; H.B. No. 631, Making an Appropriation for the Hawaiian Emersion Program; H.B. No. 1116, Relating to Courts; H.B. No. 1363, Making an Appropriation for Grant-in-Aid to the City and County of Honolulu to Clean Salt Lake Waterway; H.B. No. 1509, Relating to Historic Preservation; and H.B. No. 1579, Relating to the Economic Diversification Authority.

"Also for reconsideration on a decision already made to H.B. No. 737, Relating to Clean Water.

"And finally, for decision making only on bills previously heard which would include H.B. No. 1075, H.D. 1, Relating to Implementation of a Fixed Rail Transit System; H.B. No. 1498, Making an Appropriation for Emergency Medical Air Transport Services for the County of Maui; and H.B. No. 1554, Relating to County Taxes," and the Chair "so ordered."

Representative Fox: "Point of order, Mr. Speaker. It is possible the current speaker will take care of my point of order, but according to the Rule 11.5, we have to have good cause for why these bills are being heard at the last minute. It is not sufficient just to announce them."

Speaker Say: "The good cause is because of our deadline that we have on our internal calendar. That is the reason why these particular measures will have the waiver of the 48-hour notice."

"I think for those of you who are on Finance, you will be given the opportunity, and those of you who are interested in attending the public hearing this afternoon, I think Chair Takamine and the Committee would be open to you attending. That is the reason for the good cause, because of our internal calendar."

Representative Fox: "Mr. Speaker, I think the rule means that if you are hearing it late, as opposed to within the 48-hour period, you have to, according to the rules, good cause. That means you have to provide the reason why it wasn't heard earlier."

Representative Lee: "I believe you have made a ruling."

Speaker Say: "Yes. I've already granted the waiver of the 48-hour public hearing notice."

Representative Takamine: "Thank you very much, Mr. Speaker. Mr. Speaker, these measures will be addressed at a public hearing held by your Committee on Finance this afternoon beginning at 3:15 in room 308."

ADJOURNMENT

At 1:39 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 3:00 o'clock p.m. tomorrow, Friday, February 28, 2003. (Representative Kanohe was excused.)

TWENTY-FIFTH DAY

Friday, February 28, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 3:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Ka'ala Souza of Mana'olana, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Kaho'ohalahala and Ontai, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 202 through 204) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 202, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate passage of S.B. No. 254, SD 1, amending an existing appropriation of capital improvement funds to provide for the demolition of a bridge in Puukapu Homesteads, Second Series, South Kohala, Island of Hawaii, and the construction of a new bridge.

Gov. Msg. No. 203, transmitting the Hawaii Community Development Authority's project-funded staff services budget report.

Gov. Msg. No. 204, transmitting the Community-Based Economic Development's Annual Report to the Twenty-Second Legislature 2002-2003.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 18 and 19) were received and announced by the Clerk:

Sen. Com. No. 18, transmitting S.B. No. 1290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCT PROCUREMENT PREFERENCES BY STATE AGENCIES," which passed Third Reading in the Senate on February 27, 2003.

Sen. Com. No. 19, transmitting S.B. No. 1334, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," which passed Third Reading in the Senate on February 27, 2003.

On motion by Representative Lee, seconded by Representative Meyer and carried, S.B. Nos. 1290, SD 1 and 1334, passed First Reading by title and further action was deferred, with Representatives Hiraki, Kaho'ohalahala, and Ontai being excused.

At 3:12 o'clock p.m., Representative Lee requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:04 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
1290, SD 1	Committee on Energy and Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
1334	Committee on Finance

The following resolutions (H.R. Nos. 50 through 55) and concurrent resolutions (H.C.R. Nos. 47 through 52) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
50	Committee on Legislative Management, then to the Committee on International Affairs
51	Committee on Legislative Management, then to the Committee on Tourism and Culture, then to the Committee on Finance
52	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Human Services and Housing, then to the Committee on Finance
53	Committee on International Affairs, then to the Committee on Finance
54	Committee on Public Safety and Military Affairs, then to the Committee on Economic Development and Business Concerns
55	Committee on International Affairs

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
47	Committee on Legislative Management, then to the Committee on International Affairs
48	Committee on Legislative Management, then to the Committee on Tourism and Culture, then to the Committee on Finance
49	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Human Services and Housing, then to the Committee on Finance
50	Committee on International Affairs, then to the Committee on Finance
51	Committee on Public Safety and Military Affairs, then to the Committee on Economic Development and Business Concerns
52	Committee on International Affairs

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer 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 Kaho'ohalahala and Ontai were excused.)

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 660) recommending that H.B. No. 620, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 661) recommending that H.B. No. 1176, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 662) recommending that H.B. No. 1164, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 663) recommending that H.B. No. 418, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 418, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 664) recommending that H.B. No. 638, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Fox voting no, and Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 665) recommending that H.B. No. 735, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 735, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 666) recommending that H.B. No. 314, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 314, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL SECURITY GUARDS," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 667) recommending that H.B. No. 704, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 704, HD 1, pass Third Reading, seconded by Representative Lee.

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

The Chair responded, stating:

"Representative Moses, that will be recorded by your Minority Floor Leader later."

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

"Mr. Speaker, I am rising to speak against the bill. I think Mr. Speaker, this will just add to the cost and the length of time to get projects done. But I also should disclose, Mr. Speaker, I have contractors in my family," and the Chair ruled, "no conflict."

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

At 4:06 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 4:14 o'clock p.m.

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

"Thank you, Mr. Speaker. I'm sorry, I was attempting an effort there to save some time so I wasn't going to speak on the bill. It was known to the Finance Committee why I'm voting no, but I guess for the general membership, for the entire Body, I should let them know. And the reason is that I think it will add a tremendous cost to the projects that we contract for and it's just going to cost us more money in the long run because it doesn't have an amount of money.

"Anytime you have contractors involved, you have to have this pre-job conference, no matter how small. You may have people coming from the mainland that have to come in just for the pre-job conference before even the bid is out. So I'm just

thinking it's going to add a lot of cost. Thank you, Mr. Speaker."

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

"I rise in opposition to this bill. Just another part of it that I didn't think made much sense is, that this would be required regardless of the size of the project. And it would restrict the flexibility of the State in performing repairs. It would make an undue requirement that isn't necessary. And for that reason I will be voting no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT CODE," passed Third Reading by a vote of 38 ayes to 11 noes, with Representatives Blundell, Ching, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no, and with Representatives Kaho`ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 668) recommending that H.B. No. 29, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 29, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Yes, Mr. Speaker, I rise in opposition to this bill. I also want to declare a conflict. I'm an employer," and the Chair ruled, "no conflict."

Representative Jernigan continued in opposition, stating:

"Mr. Speaker, I leave it up to my employees to have the opportunity to take lunch breaks. Most of them choose not to. Half of my employees drive trucks and they get a break at each end of the haul and they think that's adequate. I think leaving the discretion up to them is appropriate. Mandating is going to bring a heavy burden to a lot of businesses such as mine. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 29, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Bukoski, Ching, Finnegan, Jernigan, Meyer and Stonebraker voting no, and with Representatives Kaho`ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 669) recommending that H.B. No. 129, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE," passed Third Reading by a vote of 49 ayes, with Representatives Kaho`ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 670) recommending that H.B. No. 1053, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 1053, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Ching, Leong and Thielen voting no, and with Representatives Kaho`ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 671) recommending that H.B. No. 294, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 294, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Jernigan voting no, and Representatives Kaho`ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 672) recommending that H.B. No. 531, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 531, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker in opposition. This bill, HB 531 mandates the treatment of excluded civil service employees. And what this bill represents is a reversal from the civil service reform that we enacted in the previous Session of the Legislature in which we provided discretion to the department heads in dealing with their exempt employees, to do rewards and pay in a different way than simply doing it by contract.

"They were allowed to pay exempt employees more or less, based on their quality of performance and thus introduce some managerial prerogatives into the mix. This bill will reverse that or undo it, and put the exempt employees under the same system as collective bargaining reaches. So for that reason I oppose this anti-reform measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Blundell, Ching, Finnegan, Fox, Leong, Meyer and Moses voting no, and with Representatives Kaho`ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 673) recommending that H.B. No. 1373, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1373, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, in opposition. Report No. 673 purports to help legislative employees and others achieve benefits they don't otherwise have. In fact they do have the benefits. This bill does not seem necessary. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1373, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading by a vote of 45 ayes to 4

noes, with Representatives Blundell, Ching, Finnegan and Fox voting no, and with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 674) recommending that H.B. No. 1165, HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1165, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 675) recommending that H.B. No. 1302, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1302, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 676) recommending that H.B. No. 1303, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1303, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 677) recommending that H.B. No. 1342, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR YOUTH SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 678) recommending that H.B. No. 1064, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1064, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'm rising in opposition to Standing Committee Report No. 678. This bill will be for a permanent intra-island water ferry system. It asks for an appropriation of general funds which the Department of Transportation said they couldn't accommodate. We have been through at least two pilot programs and in each case the ridership was way below what had been projected. I don't know, I believe we must have spent, at least, federal money of \$6 million or \$8 million on these pilot programs, and now we're going to make it permanent.

"With the testimony of the Department of Transportation, I just feel that we shouldn't venture into this. I think an inter-

island ferry, a large vehicle which will carry cars, is something that might work. I say might, because again, it's a matter of how many people use it and what the cost would be. And some of the other states where those are very successful, they have populations that far exceed ours. But I would rather see us looking at that kind of a program rather than this intra-island ferry. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1064, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Halford, Meyer and Stonebraker voting no, and with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 679) recommending that H.B. No. 179, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 179, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN NORTH KONA," passed Third Reading by a vote of 41 ayes to 8 noes, with Representatives Bukoski, Finnegan, Fox, Halford, Leong, Marumoto, Meyer and Stonebraker voting no, and with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 680) recommending that H.B. No. 1272, HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1272, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'm rising in opposition. I believe that we had testimony that the use of the federal funds is already maximized and that this would not add anything to the ability to collect money under the federal system. So I'm voting no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1272, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADVOCACY FOR HUMAN SERVICES," passed Third Reading by a vote of 41 ayes to 8 noes, with Representatives Blundell, Bukoski, Finnegan, Fox, Jernigan, Leong, Meyer and Moses voting no, and with Representatives Kaho'ohalahala, and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 681) recommending that H.B. No. 969, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 969, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 682) recommending that H.B. No. 645, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 645, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 683) recommending that H.B. No. 127, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Third Reading by a vote of 49 ayes, with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 684) recommending that H.B. No. 1247, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1247, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A CONTRAFLOW LANE ON FARRINGTON HIGHWAY ALONG THE WAJANAE COAST FROM MOHIHI STREET TO PILIOKAHI AVENUE," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Blundell, Bukoski, Fox, Halford, Jernigan and Meyer voting no, and with Representatives Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 685) recommending that H.B. No. 668, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 668, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, the Federal Centers on Medicare and Medicaid Services have stressed that the TANF de-linking funds for outreach activities must be used only for the purposes related to de-linking. It may not be used for general outreach activities as called for in this bill, and I'm fearful that this will risk our federal monies and cause some disallowances."

At 4:22 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:33 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 668, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Blundell, Bukoski, Finnegan, Halford, Jernigan, Leong and Moses voting no, and with Representatives Kaho'ohalahala and Ontai being excused.

The Chair directed the Clerk to note that H.B. Nos.: 620, HD 1; 1176, HD 1; 1164, HD 1; 418, HD 1; 638, HD 1; 735,

HD 1; 314, HD 1; 704, HD 1; 29, HD 1; 129, HD 1; 1053; 294; 531; 1373; 1165, HD 2; 1302; 1303; 1342, HD 1; 1064; 179, HD 1; 1272, HD 2; 969, HD 1; 645; 127, HD 1; 1247; and 668 passed Third Reading at 4:33 o'clock p.m.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 686) recommending that H.B. No. 1275, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1275, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SHORELINE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 687) recommending that H.B. No. 1076, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1076, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 688) recommending that H.B. No. 433, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 433, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 689) recommending that H.B. No. 712, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 712, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 690) recommending that H.B. No. 772, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 772, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 691) recommending that H.B. No. 773, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 773, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 692) recommending that H.B. No. 1042, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1042, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 693) recommending that H.B. No. 1043, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1043, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 694) recommending that H.B. No. 1044, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1044, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 695) recommending that H.B. No. 1045, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1045, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 696) recommending that H.B. No. 1046, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1046, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 697) recommending that H.B. No. 1047, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1047, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 698) recommending that H.B. No. 555, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 555, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 699) recommending that H.B. No. 1041, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1041, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 700) recommending that H.B. No. 1652, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1652, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I'm registering an aye with reservations on Standing Committee Report No. 700. This bill calls for an appropriation of \$1.5 million to go into a special fund. And I believe that we are still waiting to see if this program can go forward. So I'd just hate to see that money sitting there at this

time when we need all the revenues for many other programs. Thank you."

Representative Moses rose in support of the measure with reservations, 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 Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1652, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MEDICAID PRESCRIPTION DRUG REBATE SPECIAL FUND," passed Second Reading and was placed on the calendar for Third Reading with Representative Fox voting no, and with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 701) recommending that H.B. No. 1548, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1548, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOL IMPROVEMENTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 702) recommending that H.B. No. 1154, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 703) recommending that H.B. No. 1223, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1223, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 704) recommending that H.B. No. 626, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.B. No. 626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDIT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 705) recommending that H.B. No. 640, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 640, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Will the Clerk cast a no vote for me on 705, which is the Loss Mitigation Grant Program appropriation from the Hurricane Relief Fund interest. Thank you."

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

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

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

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

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

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

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

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

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

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

"I'd also like to note my reservations. I think this is better than just taking the money out and using it for other purposes, because at least it goes toward trying to mitigate some losses that we may have in the future. If somebody's roof is pinned down for instance, we don't lose the roof and we don't end up paying for it. But I just hate to start touching the Hurricane Relief Fund. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 640, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LOSS MITIGATION GRANT PROGRAM," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Ching, Halford, Leong, Marumoto, Meyer and Thielen, voting

no, and with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 706) recommending that H.B. No. 1628, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1628, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL LOANS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 707) recommending that H.B. No. 1253, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1253, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 708) recommending that H.B. No. 1456, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1456, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 709) recommending that H.B. No. 1181, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1181, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, in favor with reservations. This bill in its present form essentially cuts in half the amount of money that's appropriated to the Hawaii Health Systems Corporation. This is a severe cut that will make it very difficult for the system to operate. Thank you, and that's why my reservation. Too small."

Representative Meyer rose and stated:

"Mr. Speaker, I would like the Clerk to register an aye with reservations on this measure for our entire Caucus."

The Chair stated:

"That's 709? Okay, Madame Clerk, with reservations for the Minority Caucus members present."

Representative Thielen rose and stated:

"Thank you, Mr. Speaker. And could the Clerk please put in the Journal that it's for the reason stated by our Minority Leader. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1181, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 710) recommending that H.B. No. 135, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING ORGANIZATIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 711) recommending that H.B. No. 976, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 976, HD 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Sonson 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 support of the measure with reservations, stating:

"I'd also like to register a reservations. I'm concerned about this bill punishing people that injure animals in a stronger way than they do other people. So I just hope this gets cleared up. Thanks."

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

"I'm rising in opposition to this bill. The fact that injuring an animal would be a felony, but when you could have a physical fight with your neighbor and not have that charge brought, seems like this is out of kilter. So I hope that they can make a lot of changes to this bill because in it's present form, it's very, sort of, heavy handed. Thank you, Mr. Speaker."

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

Representative Jernigan continued, stating:

"Mr. Speaker, also a no vote. I'm against cruelty to animals and cruelty to any kind of living creature."

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

Representative Finnegan 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 an aye vote with reservations for her, and the Chair "so ordered."

The Chair then stated:

"Members, I believe all of you realize that this is Second Reading, and this measure will be placed on the calendar for Third Reading. So there is no opportunity, unless there is a floor amendment, or the Senate will have to address the concerns that you have brought to the Members' attention."

Representative Meyer rose and stated:

"Thank you, Mr. Speaker, for that correction. I guess that's why I had voted no, to take a very strong stand that this bill is not the perfect panacea. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 976, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Jernigan and Meyer voting no, and with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 712) recommending that H.B. No. 980, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SETTLEMENTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 713) recommending that H.B. No. 1004, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1004, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 714) recommending that H.B. No. 500, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 500, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 715) recommending that H.B. No. 1309, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 716) recommending that H.B. No. 284, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 284, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I am speaking on this bill in favor with reservations. I want to speak specifically against a portion of this bill that adversely affects a process we have in place to encourage turnout at the polls.

"We currently have a system of poll watchers and each party that wishes to have a poll watcher is able to have one, and the purpose, in part, of having a poll watcher is to encourage turnout and to get more people to go to the polls. We have in Hawaii one of the lowest percentages of the adult population voting in elections and this is contrary to the spirit of a bill titled, "Campaign Reform" to put in provision that discourages people from coming to the polls. I hope that we can somehow fix that portion of the bill. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'm rising with reservations also. Mr. Speaker, campaign reform is a very noble goal and I'm glad to see that our Body is moving ahead with some very good provisions in this bill. However, I'm also very troubled by page 7, line 16 through 20 of House Bill 284, specifically that anyone who is a poll watcher on the day of an election, who then uses or transmits for partisan or campaign purposes any information obtained in the course of being a poll watcher, shall be guilty of a misdemeanor.

"It's not clear at all if this means if you're a poll watcher for two hours in the morning, you happen to notice that your neighbors or others in your area that you know in your family, friends that have been supporting a candidate the same as you have, do you notice that they haven't voted yet. You go home, finished with your poll watching duties, make a phone call and say, "Get out and vote, get out and vote, get out and vote." You're guilty of a misdemeanor. I think it sends a real chilling message to any poll watcher and makes it very clear that they should not be encouraging others to get out and vote. That's really unfortunate, Mr. Speaker.

"If we had a turnout of like 80% of voters, maybe. Even then there wouldn't be justification for doing this. I think it has a very chilling effect and it's really sad to see this be in a bill that has a number of other very good provisions. I would like to see this be amended by the Senate. The unfortunate thing is it's effective upon the date of its approval by the Governor. It

doesn't have a defective date so in the event the Senate accepts this, it goes up to the Governor. It's just a very faulty provision, Mr. Speaker."

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

"Mr. Speaker, I'd just like to let you know that the whole Republican Caucus is voting with reservations on this.

"There are many, many different ... This is a fairly large bill and has some good things in it, but a lot of troubling parts of it. I personally think reducing the campaign contribution limit to a \$1,000 during election period is sort of unreasonable. I don't know how a Governor could run a race on that. I haven't read each page, perhaps it's staggered, going for different races, but it appears that it is across the board. And that makes it very difficult to run a strong campaign. Thank you."

The Chair then stated:

"Madame Clerk, did you get the request of the Minority Floor Leader that all members of the Republican Caucus present are with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 284, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 717) recommending that H.B. No. 1152, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1152, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 718) recommending that H.B. No. 1224, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AMENDMENT OR REPEAL OF OBSOLETE TAX LAWS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

At 4:46 o'clock p.m., Representative Magaoay requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:47 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 719) recommending that H.B. No. 1363, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1363, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU TO CLEAN SALT LAKE WATERWAY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 720) recommending that H.B. No. 1077, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1077, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'm standing with very grave reservations on Standing Committee Report No. 720, H.B. No. 1077, HD 1. This is an emergency appropriation for the Office of the Governor and the Lt. Governor.

"When the Governor first came into office, there was no money in the budget to run the office, and this emergency appropriation was asked for because you can't run an office with no staff. They asked for a million dollars, and in Finance we amended it to about \$580,000. We also cut the funding for the Lt. Governor's office by about \$20,000. It was a difficult circumstance to come in and find you have no budget appropriation to run the office.

"In addition to that, the Governor has moved in to a brand new house, a mansion over there, which is a very attractive building but has no furniture. I believe she has a bedroom suite and some of her personal things. But as you know, the Governor does not have a family and lived in a small apartment, and is going to entertain people, and it is reasonable to expect some furniture to be purchased for the house.

"I realize it is early in the process and we have many different things to balance, to fund, and to try to measure, so that in the end we have a balanced budget. But I believe that this was not an unreasonable request, and was definitely an emergency appropriation, and would rather we had not amended it this way in Finance. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. With reservations. The reason I have reservations is that I'd like the Governor's office and the Lt. Governor's office to get some money, and so I'm not voting no on this. But I surely hope that there is reason why this is done.

"There were comments in the Finance Committee that she is to take a 5% reduction like everybody else. Well, I think the Governor's staff used to be about 240 to 260 people, or something like that. It was cut back to 66 people. This Governor reduced it down to 60, already taking the 5% reduction on the 66, maybe more than that. But it is nowhere near what the prior Administration used to have. I don't think she's asking for anything extravagant.

"Also, all the reductions that were made for the other departments, that were requested, were discretionary funds.

They were asked to make the reductions. They weren't told how to do it. They weren't given any micro-management. And many of those reductions have been waived, as you know. So, it's not 5% across the board. That was the target to start with.

I think this goes way beyond that. This is like almost 50%. Thank you, Mr. Speaker."

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

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for all Minority Members present, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I rise to speak in support of the measure. I realize this is Second Reading so I will keep my comments very brief.

"I think there were comments made questioning the basis for the appropriation amount in this emergency measure. First of all, I would like to note that there were six emergency measures submitted to this Legislature during this current legislative session, in addition to the OHA emergency measure.

"While we take the measures at face value, that these are all urgent and require action during this legislative Session even before passing the State budget, we are mindful of the fiscal situation the State is currently in. As indicated earlier, basically, there was a \$93,000 adjustment made in the measure which would take away the purchase of furniture. There was an additional \$46,000 adjustment that was determined to be available, rather than be included, for vacation pay-out.

"The third area of adjustment was the 5% which was the reduction requested by the Administration of all departments and agencies. Initially, a representative of the GOV100 program did appear before your Finance Committee during budget briefings and indicated that they wanted to lead by example and was therefore voluntarily staying with its 5% cut or reduction in their budget. However, that reduction was on a much smaller base. If you were then to add back the resources provided for staffing in this emergency measure, the base becomes a much larger base, and therefore, regarding principles of equity, to take the 5% from across the board, since this is the application of the reduction in all other agencies.

"It is a tough situation, Mr. Speaker. When the Lingle Administration's budget provides for \$25 million in cuts to the DOE budget. When it provides for, initially, \$31 million in cuts for the higher education programs, no one can claim that it is not a tight fiscal situation. But if we are going to not provide for desks in classrooms because of these adjustments ..."

Representative Thielen rose and stated:

"Mr. Speaker, is he speaking to the bill or some other subject matter?"

The Chair responded, stating:

"He is speaking to the emergency appropriation of the Governor's office and the Lt. Governor's office, and how ..."

Representative Thielen: "That's correct. For just the Governor's office and the Lt. Governor's office. We're not talking about the Department of Education budget."

Speaker Say: "But in making the correlation of the cuts that he has done to the emergency appropriation, he is making that reference of what has happened with other State departments throughout the State."

Representative Thielen: "So I take it, Mr. Speaker, we'll be given more latitude and leeway to speak more broadly on matters?"

Speaker Say: "I'm not saying that, Representative Thielen. I have ..."

Representative Thielen: "This is an example ..."

Representative Lee rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the speaker is out of order because you really have made your decision on the matter."

Representative Thielen: "I'm sorry, I don't quite understand that."

Speaker Say: "The decision is to allow the Chair of Finance to continue on with his discussion in regards to the emergency appropriation of the Governor's office and the Lt. Governor's office."

Representative Thielen: "Alright, then I would request some time to do a rebuttal."

Speaker Say: "Yes, you may. Representative Takamine, please proceed."

Representative Takamine continued, stating:

"Thank you, Mr. Speaker. And I realize this is Second Reading so I will end it here. But to underscore the situation we all face, if we are going to deprive furniture in classrooms, on that basis, we tried to be as equitable as possible and we felt that those adjustments were appropriate. Thank you very much."

Representative Thielen responded, stating:

"Thank you, Mr. Speaker. I am rising again with reservations and I will explain why. Mr. Speaker, this Standing Committee Report to this bill for emergency appropriations for the Office of the Governor, states in part, that the Committee has changed the appropriation amount for the operational costs of the Office of the Governor from \$1 million to \$508,141. That's about a 50% cut, Mr. Speaker. I know we can all play games with numbers to make them say what we want them to say. But basically, it's about a 50% cut.

"Mr. Speaker, she is the Governor of the State of Hawaii. As such, she has been elected by the people of the State of Hawaii and has very serious duties to perform. I look at this cut as nothing but partisan politics, aimed at trying to stop her effectiveness ..."

Representative Schatz rose to a point of order, stating:

"Point of order. The current speaker is out of order by impugning the motives of the Finance Chair."

Representative Thielen responded, stating:

"I didn't impugn the motives of the Finance Chair. I said that I look at this bill as being nothing but partisan politics to try to stifle her ability to govern our State. I believe, Mr. Speaker, the Members should look at this again as it goes forth into

Conference Committee and restore her request to the level which she deems necessary so she can govern our State effectively. Otherwise we're shortchanging the people of the State of Hawaii. Thank you."

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

"Thank you, Mr. Speaker. With reservations. The budget of the Department of Education is going up by \$113 million for FY 03 to FY 04. The certain math that talks about cuts when cuts are made in very large budgets to bring them down to still very large increases, does not represent an actual cut. When the amount of money the Department of Education is going up by \$113 million after the cuts have been taken, the Finance Chair referred to. We're not talking about cuts in education. In fact the education budget contains \$51 million new dollars that have come in from the federal government that have come in from the No Child Left Behind initiative ..."

The Chair interjected, stating:

"Representative Fox, the Chair ..."

Representative Fox: "Something that receives little attention ..."

Speaker Say: "Representative Fox, the Chair will allow you continue, but please address the emergency appropriations and how it is tied to your speech at this point."

Representative Fox: "It is absolutely ... I am addressing the subject that the Office of the Governor has to be hit with a certain cut because the Department of Education was hit with a cut. The Chair of the Finance Committee used certain facts that suggest other than the actual picture that is going on. The true facts are that we're dealing with a budget that has gone up by \$114 million.

"He referred to classrooms and money for classrooms that are being cut. In fact, the so-called cut to the Department of Education budget specifically exempted money for classrooms. It referred only to money outside of the direct expenditures of instruction. And the total amount was less than 1% of the entire ..."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. We're not debating the education budget this afternoon."

The Chair responded, stating:

"I recognize that. But the Chair allowed the Chair of Finance to make his correlation of the Executive emergency appropriation to the cuts of our State departments, and the Chair will allow the Minority Leader to continue, but please summarize your ..."

Representative Fox continued, stating:

"Thank you, Mr. Speaker. I have reached the point of summary. Basically, we're hearing a lot of false information about what is happening to the DOE budget. Thank you."

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

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I'm rising for the second time with reservations. I'd also like the speakers from Waikiki and Kailua entered as if my own.

"I would just wanted to summarize again, too, that there were no cuts in the education budget. There were just reductions in the amount of growth. That's not a cut. Thank you, Mr. Speaker."

Representative Takamine rose to respond, stating:

"Mr. Speaker, I'm rising in rebuttal. And again, I'll keep it short. But I do think we need to set the record straight. While one of the previous speakers talked about growth in the budget, and we have seen growth in the budget over a number of years, we explained in the discussions on those budgets that a lot of this had to do with fixed costs. Growth, you see, because we need new facilities in certain school areas. Growth, you see, because due to collective bargaining increases that get folded in to the various departments and agencies, you see growth.

"But the 5% cut that was imposed by the current Administration, was a 5% cut to the base. That was a reduction. And although they limited it to certain ID programs in the Department of Education, we heard so clearly from the Department, from teachers, from administrators, from complex leaders, that it would impact in the classroom. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1077, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 721) recommending that H.B. No. 91, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 91, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Halford 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.B. No. 91, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES," passed Second Reading, and was placed on the calendar for Third Reading with Representative Halford voting no, and with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 722) recommending that H.B. No. 512, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 512, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

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

"Thank you, Mr. Speaker. I would like to register a no vote on this particular measure. In 1996, we gave control of the hospitals to the Health Systems, and from all indications, even though they kept coming back for appropriations, they are, today, giving a better service than they gave back in 1996. It seems to me that if we give it back to the DOH, that we would end up being back in 1996. And so I really think that we need to give the hospitals more time and we all know that hospitals do not run at profits. So, I would strongly oppose this measure."

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

"Mr. Speaker, I rise in opposition. Mr. Speaker, last weekend we went over to visit the Big Island and I was fortunate to tour the rural hospitals on the Big Island. I find this a little confusing to me because of a lot of the comments that I heard were just how improved the hospitals have been in the last few years. I had a comment from an office staff member who said you just wait until you go to some of those hospitals, and how they don't get money, and it's really bad morale, and all this other kind of stuff. And the last time she had visited there was over five or six years ago."

"I went there and I saw good morale. I saw hospitals that I can envision myself getting quality care in. And I'm really surprised that this bill was passed because there's no support for this bill. I'm afraid that something like this will take all the hard work that was put in to making quality hospitals on the Neighbor Islands and have it go backwards and penalize some really good efforts in this part. So, I stand in opposition and would like to ask if I could submit some further comments into the Journal," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 512 HD 1, which would abolish the Hawaii Health Systems Corporation and return all community hospitals to the Department of Health."

"Mr. Speaker, when this Body created the Hawaii Health Systems Corporation in 1996, the community hospitals were in bad shape. These hospitals were costing the State an increasing amount of money, morale among employees was low, and the public had no faith in the quality of care they would receive at the community hospitals."

"Seven years later, Mr. Speaker, what a change. The Health Systems Corporation has saved the State over \$150 million over the past five fiscal years by reducing expenditures and increasing revenues. While it has needed continued support from the General Fund to meet its operating shortfall, it needs much less than other public hospital systems. While the average amount of government support for public hospitals is 20%, Mr. Speaker, the amount of support needed for the HHSC has been only 5-10%."

"The Chair of the Finance Committee has argued that we should support this bill because the HHSC is not self-sufficient and it has a continued need for General Fund revenues. Mr. Speaker, it is mandates that this Body has imposed that are in part responsible for the HHSC's continued operational shortfall. The HHSC is obliged to be a safety net provider of medical care for the community, and it is underpaid for these services. That underpayment is a significant part of the Corporation's shortfall. The other significant portion is the costs incurred from being mandated to be part of the State's collective

bargaining. Since so much of the HHSC's operational losses stem from State mandates, it is reasonable that the State should cover those losses."

"I can testify from personal experience to the improved morale that HHSC management has brought to the community hospitals. As a member of the Health Committee, I had the opportunity to tour Big Island hospitals two weeks ago. All of the employees I spoke with talked about how much morale has improved from the past, and they all expressed confidence in the future of their hospitals as quality health care facilities."

"Finally, under HHSC public faith in the quality of healthcare received at community hospitals has improved. Before the creation of the HHSC, many Neighbor Island residents went to Oahu for medical treatment – they did not trust the quality of care received from their local hospitals. The remarks of the Representative from Kona offered very real and eloquent testimony to this lack of trust in the Neighbor Island hospitals. But as he himself noted, under the HHSC, quality of care has improved and public faith in the Neighbor Island hospitals has increased. Indeed, there has been a 10% increase in the number of Neighbor Island residents staying in the Neighbor Island for care, and a corresponding decrease in the number who travel to Oahu for care."

"Mr. Speaker, the creation of the Hawaii Health Systems Corporation has been one of the more successful reforms passed by this Body in the past decade. We should not let a narrow focus on its continued operational shortfall disguise that fact. If we want it to be financially self-sufficient, then we should give it the autonomy it needs to achieve that self-sufficiency. If we want it to continue to operate under existing mandates, then we should continue to reimburse it for the losses those mandates are responsible for. What we should not do is reverse one of the great success stories in Hawaii's health care and return to the bad days of high costs, poor quality care, and low public confidence in the community hospitals. I urge my fellow Representatives to oppose this measure."

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

"Thank you, Mr. Speaker. I am rising in opposition. I'd like to say that we heard this bill in Finance with one hour notice, and there were no testifiers in support. All of the testifiers were in opposition. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am rising in support of the bill but with some reservations. My reason that I am supporting it is that the effective date is July 1, 2010, which gives us plenty of time to make corrections."

"I'd like to point out that many years ago, when I was in county government and was on the Board of Supervisors, we had control of all of these rural hospitals. And we couldn't manage to really take care of them. We turned it over to the State, and the State found out that they couldn't take care of them and they created the Hawaii Health Corporation. I really think that this whole subject needs an awful lot of study, and because of the date of 2010, I think it will get it. Thank you."

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

"I rise in opposition. And I would also like to declare a conflict. Occasionally, I do get sick and have to visit the Kona Hospital," and the Chair ruled, "no conflict."

Representative Jernigan continued in opposition, stating:

"Mr. Speaker, it was just a few years ago, I met with my family members and we put an action plan together. The Kona Hospital was so bad that we decided that we didn't want to go there and risk dying. We put a plan together to fly to Honolulu if one family member got sick. We knew which airline to call, which private air carrier, to get medical treatment.

"It's not so now. We're proud of the Kona Hospital. It's been turned around. It's been properly managed. It's growing and it's a beacon of light for the community. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to the measure. I have had the pleasure of visiting a number of these hospitals: Leahi, the Veteran's Hospital in Kauai, Kula Sanitarium. What I felt was that there was good morale. People felt optimistic, positive. When I was first elected, I remember we passed an emergency appropriation of around \$46 million to cover the Medicaid costs.

"As others have said here, the hospitals have had a lot of problems. It is very challenging because we have a lot of very small rural hospitals that cannot make it on their own. But I was troubled yesterday when this bill came up because we were notified of it here on the floor with the request for a waiver of the 48-hour normal notice. There were other people who wanted to testify in opposition, but because of the limited time, were unable to come.

"The only people that did come to testify were all opponents to the measure. There were two members of the Hawaii Health Systems Corporation that were able to get there in that short notice, the CEO of the Maui Memorial Medical Center, and testimony from the HGEA. The HGEA was very positive about the improvements that have been made to the hospital system in the way of management, savings in purchases, accountability, and morale. So for those reasons, I'll be voting no. In fact, the entire Republican Caucus will be voting no on this measure. Thank you."

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

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

"Thank you, Mr. Speaker. I realize the Speaker wants to move along with the agenda. It's Second Reading, but very briefly. I'm rising to speak in support of the measure.

"I'm a Neighbor Islander. When you talk about the Hawaii Health Systems Corporation, it's the safety net for the Neighbor Islanders. I have two facilities that are located within my district, so I realize how important this program is. It has to do with quality of life to those rural communities that it continues to serve, and therefore this measure is very significant to me.

"Mr. Speaker, although I acknowledge and appreciate the progress that has been made since the transfer to the Hawaii Health Systems Corporation, when the Hawaii Health Systems was created, the point of that legislation was the continual drain of general funds on the State treasury. And therefore, in looking at a private sector model, or a model closer to the private sector, the hope was that efficiencies could be realized that would then lessen the continuing drain from our general funds of the State treasury.

"Pointing to this year, real quickly. Looking at the current biennium, in 2004, the subsidy that we will be required to be provided to HHSC so that they can provide the care and services will be \$30.5 million. That same amount will have to be provided in 2005, the second year of the biennium. Not only that. On top of that, Mr. Speaker, a request for emergency funding of \$14 million, although that was reduced in an earlier measure that we passed, all of this is part of the continued drain on the general funds.

"Now again, I realize the services are very critical, however, if the point of creating HHSC was to create efficiencies and lessen the continued support from the general fund, then perhaps there are questions about how effective that has been. Therefore this measure, as indicated by the Representative from Puna will allow further discussion and possibly look at different options. Maybe by working together there are other efficiencies that can be recognized, and hopefully by the time we reach the end of Session, it will work in the best interest of all parties. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, the Hawaii Health Systems Corporation was founded and passed with a couple of significant fictions that even now are hopeful that they were true. Mr. Speaker, as a matter of fact, before the Hawaii Health Systems Corporation was formed, money ran through the hospitals of the Department of Health like water through a sieve. So it was correct for us to create this Health Systems Corporation to stop the flow of money that largely came from bad management, centralized management, of what is basically, a rural system.

"The fictions that were purported at the formation of the Health Systems Corporation, we presumed that the Health Systems Corporation would be profitable, even though we imposed upon them the cost of collective bargaining using our statewide collective bargaining system which is not designed for a health system. It is designed for our government service system. We impose the cost of that process on the Health System Corporation. We asked them to pick up the tab, and they are.

"Another thing that we did was that we gave the Corporation certain 'lose money' facilities. Ka'u perhaps, other small facilities that could not, no matter what, ever make money. We did that, correctly in view, we gave them to the Health Systems Corporation, because we have an obligation as a civilization to provide minimum healthcare services to the rural areas so that the minimum of healthcare could be provided to anyone in Hawaii. We need to acknowledge that's a 'lose money' service, whether we do it through the Health Systems Corporation, or whether we do it through the Department of Health.

"The Health Systems Corporation has demonstrated clearly that they can provide medical services cheaper than the State managed system.

"So in conclusion, we need to acknowledge that we are shortchanging healthcare in Hawaii by shortchanging the healthcare system to cover these costs that are inherent in the way we provide medical services in Hawaii. Inherent in what we as government have imposed upon that system. We need to acknowledge that, and pay for that. Thank you."

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

"Thank you, Mr. Speaker. In support. I just support the open

and frank discussion that is being generated by this bill. I think that we need this kind of discussion and evaluation. However I do have my reservations so at this time I'd like to ask if I could cast an aye with reservations and also I will save my remarks for Third Reading."

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

Representative Jernigan rose to respond, stating:

"Thank you Mr. Speaker. We had informational briefings early on, and the Hawaii Health Systems came and testified. I asked them what it would take for them to come autonomous? What would we have to do for them to be self-sufficient? They named a few things and they figured they could be self-sufficient in approximately five years. They are not sure if the Legislature is willing to let them do that. They have come a long way and they think they could go further. They think they could be completely self-sufficient, was they're testimony. I don't think they are going backward. I think they are going forward. Thank you."

Representative Hale rose and stated:

"Mr. Speaker, I got so wound up in history that I can't remember whether I voted with reservations."

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

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. Mr. Speaker, I think I can speak for the entire Body that we want to make sure that we have good healthcare for all Hawaii residents, whether they live in urban Honolulu or in our rural areas. Whether they live on the island of Oahu or on our Neighbor Islands. We want solid healthcare regardless of where you live. We want to give all Hawaii residents the best healthcare money can buy.

"With that said, I oppose this measure Mr. Speaker, because I think it tries to solve a problem but in a way that, I think, actually avoids really making some of the tough decisions we need to make. What it does is it simply just reverts back to, apparently, what we had before we established the Hawaii Health Systems Corporation. As the Chairman of Finance has stated, the Hawaii Health Systems Corporation was established because we wanted to develop a system where we could have efficiencies. This was kind of a quasi-private sector approach to making sure that especially our rural areas would have a good care.

"I have been a recipient of other care at those kinds of hospitals most of life. I've lived in Kailua and Castle Medical Center is there. But part of my life, from the third grade to seventh grade, I was on the island of Kauai and my dad was the nurse anesthetist at KVMH there in Waimea, and enjoyed being at that wonderful facility. I think that when we talked to people who received care at a lot of these places, they are happy with the care that they have.

"From a financial standpoint, we as the State, want to try to look at how we can make this more fiscally sound. I don't think that abolishing the Hawaii Health Systems Corporation gets us there. It doesn't get us there. It just means that now we have a newly established Division of Community Hospitals. And so the same fiscal challenge that we have under the current system is just going to carry over to this new system.

"One of the things that we've done that made it difficult for a Hawaii Health Systems Corporation to run with the efficiency that could have been realized is that we, for example, didn't give them some of the autonomy that perhaps they might have been able to use, with respect to working with the collective bargaining system and all of that. They've kind of been at a situation where they've had to live with the constraints that the entire State has dictated to them. I know there was a measure in one of our Committees, perhaps it was Labor. We talked about those kinds of issues. Of course, that's a side issue, but I alluded to that because it bears on the fact that they've tried to find efficiencies within an inflexible system that has not been as flexible as they would have liked.

"Another thing, and let me close here. Another thing that disturbs me is the referral, with respect to this measure. It seems to me, and perhaps I'm hypersensitive to these matters, but an issue relating to Community Hospitals that deliver healthcare ought to have a Health Committee on the referral list. Perhaps that was inadvertent, an oversight. But it strikes me that when you have key members of Health raising concerns, as it were, that it should have been sent to Health, and I hope that at least somehow, their input can be taken into consideration when we move this bill forward. So for all of those reasons, Mr. Speaker, I oppose this particular measure."

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

"Very briefly, I wish to speak in favor. I live on Maui where of course, we have this hospital. In fact we have only one hospital in Maui. One acute care facility. So it is very important to us, as it is to all the Neighbor Islanders, that we have a very well-run hospital.

"I believe the spirit of this bill, Mr. Speaker and members, is in recognizing that we have a Governor and Administration that takes pride in efficiencies, and in cutting the cost of government. And possibly they felt that the best way to keep the cost down is to put this under this Administration so that they can keep the cost of the government down. So I am surprised with all the disagreement on this bill. Thank you, very much, Mr. Speaker."

Representative Pendleton rose to respond, stating:

"Mr. Speaker, just a brief rebuttal. I think I absolutely agree with Speaker Emeritus, that we have a Governor that is going to want to look at efficiencies and running something that is smooth and delivers excellent care. But the point is, we are looking at a fiscal situation where this is taking a lot of money. And that fiscal situation isn't simply going to be solved by abolishing the Hawaii Health Systems Corporation, and then having that same problem now, under the Department of Health.

"We are not solving anything. We are moving the problem from one place to another. This bill doesn't really solve that. I don't see any efficiencies being developed in this bill that we couldn't already implement through the Hawaii Healthcare System. So that is my concern and my reason for opposition to this measure."

Representative Thielen rose in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am also no, as you know. Mr. Speaker, I would just note for the Speaker Emeritus, that the bill was introduced by Representative Nakasone and not by the Administration."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, let's not make reference to the names of the elected officials who are on the floor, but to the district or counties that they are from."

Representative Thielen responded, stating:

"Thank you, Mr. Speaker. I will bring that list down with me the next time to leave in my desk."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 512, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Pendleton, Stonebraker and Thielen voting no, and with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 723) recommending that H.B. No. 405, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 405, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition. We started out the year with some hope that we would have a nice working relationship between the Legislature and Executive of two different parties. I believe that this bill suggests that we may be in for some rough times. This is basically a bill that ties the hands of the Executive when it comes to federal appropriations.

"We just had some discussions about the Governor and the Governor's interest in achieving efficiencies. Those efficiencies are impossible to achieve when the Executive's hands are tied the way HB 405 does. If we require that every federal dollar that comes in to this State has to be spent for the programs that they come in for, we, in effect, take away the ability of the State government to deal with programs that have federal funds matching with State. We are basically obligated to put up the matches to correctly utilize those federal funds.

"We are going to be caught in multi-year situations in which we have to keep programs going because they have federal funds. In many ways, beyond simply the use of federal funds, we will find our hands tied. We have a relationship here where we appropriate, the Executive branch executes, and we are trying to violate that relationship with this bill. It is a bad bill. We really should vote this one down."

Representative Meyer rose in opposition to the measure, stating:

"Thank you, Mr. Speaker. On this particular measure, all Republicans will be voting no. Thank you."

The Chair then stated:

"Madame Clerk, did you get that? All Minority Caucus members present will be voting no on Standing Committee Report No. 723."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 405, entitled: "A BILL FOR AN ACT RELATING TO UTILIZATION OF FEDERAL FUNDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Pendleton, Stonebraker and Thielen voting no, and with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 724) recommending that H.R. No. 30, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 30, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO EDUCATE AND SENSITIZE MEMBERS OF CONGRESS ON THE UNFORTUNATE CIRCUMSTANCES OF THE INTERNMENT OF CIVILIANS DURING WORLD WAR II," was adopted with Representatives Halford, Herkes, Kaho'ohalahala, Karamatsu and Ontai being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 725) recommending that H.C.R. No. 26, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 26, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO EDUCATE AND SENSITIZE MEMBERS OF CONGRESS ON THE UNFORTUNATE CIRCUMSTANCES OF THE INTERNMENT OF CIVILIANS DURING WORLD WAR II," was adopted, with Representatives Halford, Herkes, Kaho'ohalahala, Karamatsu and Ontai being excused.

At 5:24 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:26 o'clock p.m.

THIRD READING

H.B. No. 324, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 324, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 401, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 740, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL LITTERING," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 981, HD 1:

Representative Saiki moved that H.B. No. 981, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I vote with very strong reservations on this one. I call it the 'Hale bill' because it exempts anybody over 80 and I think that is age discrimination. I am over 80. I will admit in fact, next month I will be 85, but I am still serving in this Body by the will of the people. I think that to say automatically, anybody over 80 is exempt from jury service is age discrimination. I hope the bill never gets passed the Senate. I don't know if there is anybody over there that will feel it's their bill or not.

"I'd like to point out Mr. Speaker, it has always been because I have been a very strong proponent of government service and public service, that I wanted to serve on a jury. I have never been able to serve on a jury. Either I was in public office and therefore I was excused, or the judges were friends of mine and thought they were doing me a favor without my asking to be excused. They just automatically excuse me, so I never have been able to serve on a jury. I was hoping that after I get through with this Session or the next Session, if I can still be around, that someday I can serve on a jury.

"I would still like to serve on a jury and I would like to call that to the attention to the Judiciary Chairman. I don't know who proposed this bill or proposed this, but I really think that it is completely unnecessary. If somebody over 80 doesn't want to serve because of their age, or their disability, or what not, they have a very good reason. I don't think that we should put age discrimination. It maybe actually be illegal. Thank you."

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

"Mr. Speaker I would very proudly rise to ask the words the former speaker be entered into the Journal as my own. I think actually on the basis of her statement and her words, I want to vote no against the bill.

"Mr. Speaker, there are a number of us in this Body that are in our 60's. I imagine there are some in their 70's too. I won't call them out by name, Mr. Speaker, or even by district, but I believe there are some. I think that our Representative from the Big Island that just spoke is the most dramatic and compelling reason that this bill should not move forward. I can't think of anyone who would be more qualified to serve on a jury.

"I also have never had a chance to be on a jury because I chose to go to law school, and once you are a lawyer, they won't put you on a jury. It is something that I would look forward to doing someday. I think that it is nothing but age discrimination at this point, and I would hope that we collectively or individually, would write to the Chair or contact the Chair of Judiciary on the other side to say don't move the bill forward. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support of the measure. Mr. Speaker, the exemption that is in the bill, and that is the exemptions including the current exemptions, that are in the current law, are exemptions that allow a person who falls within the class to opt out. It is not an automatic exemption. You can choose to opt out if you're so called.

"So, the Representative from Puna, or the Representative from Kailua, are still eligible to serve on a jury if they are so called. And Mr. Speaker, as the Chair of your Judiciary Committee, I will call the Administrative Director and make sure that he calls the Representative from Puna for jury service."

Representative Thielen rose to respond, stating:

"Mr. Speaker, I appreciate those kind words, but I still say it is setting up a category or class that is subject to discrimination based totally on their age, and I don't think it belongs in the bill. It is going to be obvious that a person will be excused were they to not physically be capable of getting there, or maybe not for any other reason that they should be excused, but don't go pick out age.

"I mean, some of you ... I look at some the 'kidlets' across the aisle from me, and they sit there with these bemused grins on their faces, Mr. Speaker. But you know something, discrimination is discrimination. And age discrimination is prevalent right in that bill."

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

"Mr. Speaker, I just want to say, and I am speaking in support, and this is kind of more of a comment. It seems that the previous speaker is giving away her age. Thank you very much."

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

"Thank you Mr. Speaker I rise with strong reservations on this for a couple of reasons. I wish I could say that I've never been called to jury duty. I became a citizen in 1995 and served on a jury every year since, excepting for this year.

"My opposition comes with the not exempting legislators. It deletes all exemptions from jury duty except legislators in Session. My question of course arises: What happens if you are called for jury duty a month before, or weeks before Session starts and that jury is still in session? I don't see how you could sort of jump out of it halfway through the jury. That is why I rise with strong reservations."

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

"Mr. Speaker, I want to rise in support of this bill and I just wanted to ask if we could amend this bill to require that a year is equal to 15 months. Then the Representative from Puna would only be 70."

The Chair responded, stating:

"No, no. We will not entertain a floor amendment at this time."

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

"Thank you, Mr. Speaker. I am rising in support. This bill would exempt, will allow, a person to claim an exemption if

they are 80 years of age or older. So in other words, they can serve if they so desire, and I know we have some very lively 80 year-olds, if not 90 year-olds, 100 year-olds, that are willing to serve. It will also exempt people who live more than 70 miles away, because I realize this is a hardship for some on the Big Island.

"But I do understand that there are times when people who are senior citizens may be having a lot of trouble getting a note from their doctor and presenting it, physically. So this will make it easier for those who have a hard time showing up, to claim the exemption."

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

"Thank you, Mr. Chairman. I would like to rise with some reservations. Also before I proceed with my reservations, I would like to declare a potential conflict. I do have occasion to do jury trials," and the Chair ruled, "no conflict."

Representative Sonson continued in support with reservations, stating:

"I really thank the Representative from Puna for indicating to this Body of her enthusiasm for serving on a jury. I haven't had a chance to do that myself. Although I have been called once, and I was excused from the jury pool for the reason that I was an attorney.

"The jury pool is getting smaller and smaller and a lot of people want to opt out for the wrong reasons. The fact that we are creating different exemptions on that those that exist right now might present a problem. Really it might be a waste of time to take out the exemption for priests and police officers that are on duty. And at the same time, putting ourselves as exempt when we are on duty. That puts out a message that we think that we are exempt from doing what is a constitutional duty. We do not exempt priest, reverends, those who are in that line of work, and also the police officers who may be in the line of duty, from such a service. It doesn't seem like an even playing field.

"If we are going to exempt ourselves, I believe that we should exempt everyone else. If we are not going to exempt them, we should not exempt ourselves. I don't think that our duties here far exceed the responsibilities of the priest who might have to attend to someone who is dying in the hospital. I don't think our duties here exceed the responsibilities of a police officer who may have to respond to a crime in our own neighborhoods. We have to really think about the exemptions if we are going to apply it to ourselves, we must make sure we take into consideration the efforts of those other people who are affected by this.

"My objections to this 70-mile exemption were uniformed while in Committee. It may not even be necessary. You see, when jurors do go to the jury pool and they are called, they can actually inform the judge of a hardship. If it is a hardship for them to travel 70 miles, then the judge may have that discretion. The problem of removing them from the pool just because they live far away actually has an effect of limiting the jury pool on those qualified jurors.

"It is hard to find someone that resembles your client that you are defending, or that you are representing, because the Constitution actually says that you should be tried, or you should have a jury that is sort of similar to your status in life. That is why the more we exclude people for the reason that it is just because of a geographic location, it might be detrimental to a jury pool. Thank you very much."

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

"Thank you, Mr. Speaker. I rise with some strong reservations as well. I bring out the concept that actually our people who are 80 and beyond, I would like to hope that when myself I advance to that age, should I advance to that age, the rewards are wisdom and experience. And that is what I would like to hope would be well represented in our jury should I be, or my family or friends be, before a jury.

"I would also like to agree with the Representative from Waipahu and I would like to ask that the words of the Representative from Waipahu be entered as my own," and the Chair, "so ordered."

Representative Hamakawa rose to respond, stating:

"Mr. Speaker, still in support. I'd just like to reiterate that you can be 100 years old and you can still serve on the jury. This does not give you an automatic pass to opt out, to be excluded from services on a jury.

"Secondly, Mr. Speaker, I wish people would read the current statute, or read the bill at least, because elected officials already have the ability or the exemption to opt out of jury service. All we are saying with this is, if you are in Session you can use that exemption. If you are not in Session, then you have to serve like everyone else. That is what we are saying in this bill. We are making ourselves like everyone else. We want to serve on juries. Thank you."

The motion was put to vote by the Chair and carried and H.B. No. 981, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Thielen voting no, and Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 1217, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 1160, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXAMINATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 1511, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1511, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 533, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 533, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ETHICS," passed Third Reading by a vote of 48 ayes, with

Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 73:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 691:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 691, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 1081:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 1225:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 851, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 851, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 757, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 757, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING RECORDS," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 887, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 887, HD 1, entitled: "A BILL FOR AN ACT CORPORATE DISCLOSURE FOR CAMPAIGN SPENDING," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Ontai being excused.

H.B. No. 1660, HD 1:

Representative Saiki moved that H.B. No. 1660, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. I guess one of the things that I don't like about it is it deletes the requirement for the Commission to publish the names of all candidates, committees, and parties who have failed to file a report or fail to correct their deficiencies in a timely manner.

"The present law now requires that. While, in the Committee Report, it says, "The purpose of this bill is to clarify regulations regarding the filing of campaign spending reports." That is not exactly accurate. It just simply amends it.

"Then it says further along, "Your Committee finds that this bill will encourage candidates to file correct, timely campaign spending reports." I feel it is the opposite. If you know that when you don't get your campaign spending report in, then your name will be published and it would be for all the world to see that you didn't make the deadline. If this bill passes, you may, or your committee, write a letter to the Campaign Spending Commission and give them your excuses, the reason why you somehow couldn't do it, then the Commission will have to decide whether that is a good reason.

"In other jurisdictions where this is done, it creates a real nightmare situation. Regardless of what your excuse or your reason, somebody else that you serve with might also send that kind of excuse in and they will say, well, they didn't accept mine.

"The other thing is, it changes the schedule of fines. Right now it is \$50 if you are late. The Campaign Spending Office does give, I can't remember whether it is 5 or 10 days. There is a little bit of leeway before they are going to fine you. Now it just makes a lot of extra work for them. They have to send the registered letter. Then if you are 30 days, it is one fine. If it is 60 days late. I just think we have a perfectly good bill right now. I would prefer that we just leave it alone."

The motion was put to vote by the Chair and carried and H.B. No. 1660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Meyer voting no, and Representatives Herkes, Kaho'ohalahala and Ontai being excused.

The Chair directed the Clerk to note that H.B. Nos.: 324, HD 1; 401, HD 1; 740, HD 1; 981, HD 1; 1217, HD 1; 1160, HD 1; 1511, HD 1; 533, HD 1; 73; 691; 1081; 1225; 851, HD 1; 757, HD 1; 887, HD 1; 1660, HD 1 passed Third Reading at 5:45 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 53 through 55) and concurrent resolutions (H.C.R. Nos. 50 through 52) were referred to Printing and further action was deferred:

H.R. No. 53, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO ELIMINATE STATE AND LOCAL COST SHARE REQUIREMENTS FOR HOMELAND SECURITY GRANTS," was jointly offered by Representatives Hale and Takai.

H.R. No. 54, entitled: "HOUSE RESOLUTION REQUESTING THAT THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY ESTABLISH A PACIFIC OCEANIC ADMINISTRATIVE REGION WITHIN THE DEPARTMENT OF HOMELAND SECURITY TO BE HEADQUARTERED IN HONOLULU," was jointly offered by Representatives Ito, Marumoto, Moses, Mindo, Fox, Caldwell, Hale, Nakasone, Blundell and Souki.

H.R. No. 55, entitled: "HOUSE RESOLUTION ESTABLISHING A SISTER STATE-PREFECTURE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE EHIME PREFECTURE OF JAPAN," was jointly offered by Representatives Ito, Chang, Karamatsu, Hale, Takai, Kawakami, Hamakawa, M. Oshiro, Wakai, Say and Caldwell.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO ELIMINATE STATE AND LOCAL COST SHARE REQUIREMENTS FOR HOMELAND SECURITY GRANTS," was jointly offered by Representatives Hale and Takai.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY ESTABLISH A PACIFIC OCEANIC ADMINISTRATIVE REGION WITHIN THE DEPARTMENT OF HOMELAND SECURITY TO BE HEADQUARTERED IN HONOLULU," was jointly offered by Representatives Ito, Marumoto, Moses, Mindo, Fox, Caldwell, Hale and Blundell.

H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A SISTER STATE-PREFECTURE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE EHIME PREFECTURE OF JAPAN," was jointly offered by Representatives Ito, Chang, Takai, Karamatsu, Kawakami, M. Oshiro, Hale, Wakai, Say, Caldwell and Hamakawa.

ANNOUNCEMENT

Representative Sonson: "Thank you, Mr. Speaker. Today I would like to announce a very special birthday of one of our colleagues that has been here a lot longer than I have. He has taken the time to talk to me and try to teach me the ropes, and of course I am referring to the Representative from Kalihi. He is ... How old are you now? I believe he is around 50. He had five candles on his cake today and we celebrated his birthday in his office. Please help me give a round of applause to Representative Abinsay from Kalihi, on his 50th birthday."

LATE INTRODUCTION

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

Representative Kahikina introduced his wife Naomi who was in town to visit their eighth grandchild, a boy who was born last night.

ANNOUNCEMENT

Representative Saiki: "Mr. Speaker, our joint Senate/House Felix Investigative Committee hearing set for tomorrow at 10:00 is cancelled, and will be rescheduled subject to further

notice."

At this time, Representative Lee moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Standing Committee Reports and House Bills transmitted thereby, seconded by Representative Meyer and carried. (Representatives Herkes, Hiraki, Kaho'ohalahala, and Ontai were excused.)

Representative Lee moved that the House of Representatives adjourn until 9:00 a.m., Tuesday, March 4, 2003, seconded by Representative Meyer.

Representative Lee then corrected her motion and at 5:48 o'clock p.m., on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 9:00 a.m., Tuesday, March 4, 2003. (Representatives Herkes, Hiraki, Kaho'ohalahala, and Ontai were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Rep. Nos. 726 through 857) were received by the Clerk prior to 12:00 midnight this legislative day, and the following actions were taken:

Stand. Com. Rep. No. 726 (EEP) and H.B. No. 1328, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 727 (WLH) and H.B. No. 1607, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 728 (CPC) and H.B. No. 1492, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 729 (CPC) and H.B. No. 10, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 730 (CPC and JUD) and H.B. No. 1510, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 731 (JUD) and H.B. No. 373, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL SPEECH," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 732 (JUD) and H.B. No. 529, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 733 (JUD) and H.B. No. 581, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FEEDING," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 734 (JUD) and H.B. No. 865, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT

RELATING TO CONFLICTS OF INTERESTS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 735 (JUD) and H.B. No. 1261, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 736 (JUD) and H.B. No. 1182, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 737 (JUD) and H.B. No. 1198, HD 1 as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD LABOR," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 738 (JUD) and H.B. No. 1285, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC SITES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 739 (LAB) and H.B. No. 248, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC SCHOOLS BY PUBLIC EMPLOYEES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 740 (CPC and JUD) and H.B. No. 1438, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOME LOAN PROTECTION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 741 (FIN) and H.B. No. 75, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 742 (FIN) and H.B. No. 150, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 743 (FIN) and H.B. No. 1029, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 744 (FIN) and H.B. No. 1361, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAID PRESCRIPTION DRUG EXPANSION PROGRAM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 745 (FIN) and H.B. No. 1532, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CELEBRATION OF MARTIN LUTHER KING, JR. DAY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 746 (FIN) and H.B. No. 1572, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 747 (FIN) and H.B. No. 1159, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT

SYSTEM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 748 (FIN) and H.B. No. 1560, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 749 (FIN) and H.B. No. 662, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SPORTS HALL OF FAME," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 750 (FIN) and H.B. No. 391, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 751 (FIN) and H.B. No. 389, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 752 (FIN) and H.B. No. 155, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 753 (FIN) and H.B. No. 380, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 754 (FIN) and H.B. No. 382, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 755 (FIN) and H.B. No. 523, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 756 (FIN) and H.B. No. 997, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE INFORMATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 757 (FIN) and H.B. No. 1395, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY PROJECTS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 758 (FIN) and H.B. No. 1430, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 759 (JUD) and H.B. No. 1547, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 760 (FIN) and H.B. No. 1506, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ISPED CLERK TYPISTS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 761 (FIN) and H.B. No. 403, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 762 (FIN) and H.B. No. 554, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 763 (FIN) and H.B. No. 50, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 764 (FIN) and H.B. No. 132, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 765 (FIN) and H.B. No. 510, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 766 (FIN) and H.B. No. 553, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 767 (FIN) and H.B. No. 287, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 768 (FIN) and H.B. No. 316, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND PURPOSES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 769 (FIN) and H.B. No. 377, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 770 (FIN) and H.B. No. 378, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 771 (FIN) and H.B. No. 379, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE

FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 772 (FIN) and H.B. No. 381, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 773 (FIN) and H.B. No. 383, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 774 (FIN) and H.B. No. 384, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 775 (FIN) and H.B. No. 1434, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 776 (FIN) and H.B. No. 1175, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 777 (FIN) and H.B. No. 282, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 778 (FIN) and H.B. No. 1613, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 779 (FIN) and H.B. No. 413, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ELECTIONS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 780 (FIN) and H.B. No. 78, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 781 (FIN) and H.B. No. 473, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 782 (FIN) and H.B. No. 925, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO ELDER ABUSE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 783 (FIN) and H.B. No. 986, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS OF SURVIVING CHILDREN OF PUBLIC EMPLOYEES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 784 (FIN) and H.B. No. 1429, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 785 (FIN) and H.B. No. 1465, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 786 (JUD) and H.B. No. 193, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 787 (JUD) and H.B. No. 49, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 788 (JUD) and H.B. No. 1214, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 789 (JUD) and H.B. No. 85, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 790 (JUD) and H.B. No. 1114, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 791 (JUD) and H.B. No. 519, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELDER JUSTICE ACT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 792 (JUD) and H.B. No. 385, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF WORKPLACE VIOLENCE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 793 (JUD) and H.B. No. 651, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMED CONSENT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 794 (JUD) and H.B. No. 807, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 795 (JUD) and H.B. No. 736, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 796 (JUD) and H.B. No. 43, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT

RELATING TO INSURANCE FRAUD," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 797 (FIN) and H.B. No. 1590, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' RIGHTS AND BENEFITS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 798 (FIN) and H.B. No. 914, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 799 (FIN) and H.B. No. 507, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL TECHNICIANS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 800 (FIN) and H.B. No. 422, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CENTER FOR NURSING," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 801 (FIN) and H.B. No. 948, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EARNED INCOME DEDUCTION FOR PUBLIC HOUSING RENT CALCULATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 802 (JUD) and H.B. No. 1496, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 803 (JUD) and H.B. No. 993, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 804 (JUD) and H.B. No. 1220, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 805 (JUD) and H.B. No. 1234, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 806 (JUD) and H.B. No. 1235, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 807 (FIN) and H.B. No. 1236, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 808 (FIN) and H.B. No. 293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 809 (FIN) and H.B. No. 1116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 810 (FIN) and H.B. No. 631, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAIIAN IMMERSION PROGRAM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 811 (FIN) and H.B. No. 317, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 812 (FIN) and H.B. No. 1212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 813 (FIN) and H.B. No. 1153, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS RELAY SERVICES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 814 (FIN) and H.B. No. 1021, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 815 (FIN) and H.B. No. 1412, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 816 (FIN) and H.B. No. 295, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 817 (FIN) and H.B. No. 21, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATE DISCLOSURE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 818 (FIN) and H.B. No. 1003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 819 (FIN) and H.B. No. 176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 820 (FIN) and H.B. No. 1127, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 821 (FIN) and H.B. No. 756, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 822 (FIN) and H.B. No. 1111, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 823 (FIN) and H.B. No. 1498, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL AIR TRANSPORT SERVICES FOR THE COUNTY OF MAUI," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 824 (FIN) and H.B. No. 32, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 825 (FIN) and H.B. No. 281, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE EDUCATIONAL FACILITIES REPAIR AND MAINTENANCE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 826 (FIN) and H.B. No. 289, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 827 (FIN) and H.B. No. 292, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL PRIORITY FUND," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 828 (FIN) and H.B. No. 714, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 829 (FIN) and H.B. No. 907, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 830 (FIN) and H.B. No. 1013, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 831 (FIN) and H.B. No. 550, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF MEDICAL FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 832 (FIN) and H.B. No. 551, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATED TO THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 833 (FIN) and H.B. No. 298, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 834 (FIN) and H.B. No. 857, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 835 (FIN) and H.B. No. 1075, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPLEMENTATION OF A FIXED RAIL TRANSIT SYSTEM," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 836 (FIN) and H.B. No. 1579, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC DIVERSIFICATION AUTHORITY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 837 (FIN) and H.B. No. 18, entitled: "A BILL FOR AN ACT RELATING TO PHARMACEUTICAL BENEFIT MANAGEMENT COMPANIES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 838 (FIN) and H.B. No. 189, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 839 (FIN) and H.B. No. 1230, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 840 (FIN) and H.B. No. 426, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 841 (FIN) and H.B. No. 968, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 842 (FIN) and H.B. No. 641, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 843 (FIN) and H.B. No. 339, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A COLLEGE SAVINGS PROGRAM TAX CREDIT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 844 (FIN) and H.B. No. 196, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO A GEOTHERMAL-TO-HYDROGEN TAX CREDIT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 845 (FIN) and H.B. No. 291, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JOB CREATION INCOME TAX CREDIT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 846 (FIN) and H.B. No. 288, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION INITIATIVES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 847 (FIN) and H.B. No. 130, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 848 (FIN) and H.B. No. 297, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 849 (FIN) and H.B. No. 685, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT

RELATING TO ENTERPRISE ZONE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 850 (FIN) and H.B. No. 146, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 851 (FIN) and H.B. No. 90, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 852 (FIN) and H.B. No. 1616, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 853 (FIN) and H.B. No. 290, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 854 (FIN) and H.B. No. 1394, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 855 (FIN) and H.B. No. 1400, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 856 (FIN) and H.B. No. 1554, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY TAXES," were placed on the calendar for Third Reading on March 4, 2003.

Stand. Com. Rep. No. 857 (FIN) and H.B. No. 1509, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on March 4, 2003.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, March 4, 2003.