

THIRTIETH DAY

Tuesday, March 11, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:06 o'clock p.m., with the Vice-Speaker presiding.

The invocation was delivered by Representative Mark G. Jernigan, after which the Roll was called showing all members present with the exception of Representatives Blundell, Nishimoto, Stonebraker, Takamine, and Tamayo who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 208 and 209) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 208, transmitting a report, Requesting Detailed Quarterly Reports on Projected and Actual Expenditures from the Behavioral Health Administration.

Gov. Msg. No. 209, transmitting the 2002 Annual Report prepared by the Natural Energy Laboratory of Hawaii Authority.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 438) was received and announced by the Clerk:

Sen. Com. No. 438, transmitting S.C.R. No. 16, S.D. I, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP PUBLIC HEALTH STRATEGIES TO ADDRESS THE HEPATITIS C PROBLEM," which was adopted by the Senate on March 10, 2003.

INTRODUCTIONS

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

Representative Sonson introduced his aunt, Dr. Remedies Sonson; his uncle, Mr. Sam Sonson; and their friends Mr. and Mrs. Tony Paz Sarol of the Philippines.

Representative Ontai introduced Representative Jernigan's parents, Mr. Jerry and Mrs. Rose Jernigan, who were visiting from Tok, Alaska.

Representative Mindo introduced Mr. Ron Gallegos, Ms. Maria Atrata, and Mrs. Esther Pascual, and members of a delegation of Adult Care Home operators.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following House Resolutions (H.R. Nos. 70 through 78), House Concurrent Resolutions (H.C.R. Nos. 67 through

80) and Senate Concurrent Resolution (S.C.R. No. 16) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
70	Committee on Agriculture, then to the Committee on Economic Development and Business Concerns
71	Committee on Health, then to the Committee on Finance
72	Committee on Consumer Protection and Commerce, then to the Committee on Finance
73	Committee on Transportation, then to the Committee on Finance
74	Committee on Public Safety and Military Affairs
75	Committee on Public Safety and Military Affairs
76	Committee on International Affairs
77	Jointly to the Committee on International Affairs and the Committee on Economic Development and Business Concerns
78	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
67	Committee on Agriculture, then to the Committee on Economic Development and Business Concerns
68	Jointly to the Committee on Transportation and the Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
69	Committee on Human Services and Housing, then to the Committee on Finance
70	Committee on Health, then to the Committee on Finance
71	Committee on Health, then to the Committee on Finance
72	Committee on Labor and Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
73	Committee on Health, then to the Committee on Finance
74	Committee on Consumer Protection and Commerce, then to the Committee on Finance
75	Committee on Transportation, then to the Committee on Finance
76	Committee on Public Safety and Military Affairs
77	Committee on Public Safety and Military Affairs
78	Committee on International Affairs

- 79 Jointly to the Committee on International Affairs and the Committee on Economic Development and Business Concerns
- 80 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance

S.C.R.**No. Referred to:**

- 16, Committee on Health, then to the Committee on
SD 1 Finance

COMMITTEE REASSIGNMENT

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

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

- 402, Jointly to the Committee on Higher Education and
SD 2 the Committee on Health, then to the Committee
on Finance

**INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 82) was announced by the Clerk and the following action taken:

H.R. No. 82, entitled: "HOUSE RESOLUTION CONGRATULATING THE WAIKIKI COMMUNITY CENTER ON ITS 25TH ANNIVERSARY," was jointly offered by Representatives Fox, Marumoto, Blundell, Saiki, Leong, Wakai and Waters.

Representative Fox, moved that H.R. No. 82 be adopted, seconded by Representative Saiki.

Representative Fox introduced the following honorees from the Waikiki Community Center who were seated on the floor of the House:

Mr. Gregory Wong, Chairman of the Center's Board of Directors;

Ms. Joan Naguwa, Executive Director for the Center; and

Mr. Jeffrey Apaka, Director of Community Relations.

The motion was put to vote by the Chair and carried, and H.R. No. 82 was adopted with Representatives Blundell, Halford, Nakasone, Nishimoto, Stonebraker, Takamine and Tamayo being excused.

At 12:21 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 71 through 81 and 83 through 85) and concurrent resolutions (H.C.R. Nos. 68 through 88) were referred to Printing and further action was deferred:

H.R. No. 71, entitled: "HOUSE RESOLUTION SUPPORTING THE TURNING POINT INITIATIVE PARTNERSHIPS WORKING TO IMPROVE PUBLIC HEALTH SYSTEMS AND REQUESTING THE GOVERNOR AND THE DEPARTMENT OF HEALTH TO EXPLORE HAWAII'S PARTICIPATION IN TURNING POINT," was jointly offered by Representatives Arakaki, Lee, Blundell and Ching.

H.R. No. 72, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was jointly offered by Representatives Chang, Wakai, Sonson, Stonebraker, Moses, Mindo, Hale, Leong, Kanoho, Herkes, Morita, Tamayo, Hiraki, Saiki, B. Oshiro, Nakasone, Bukoski and Souki.

H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE ECONOMIC FEASIBILITY OF CONSTRUCTING A FIXED RAIL SYSTEM AROUND THE ISLAND OF HAWAII," was offered by Representative Herkes.

H.R. No. 74, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 664, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Abinsay, Wakai, Tamayo, Sonson, Arakaki, Chang, Ito, Finnegan, Hale, Magaoay, Say and Mindo.

H.R. No. 75, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Abinsay, Magaoay, Wakai, Tamayo, Sonson, Arakaki, Chang, Ito, Finnegan, Hale, Mindo and Say.

H.R. No. 76, entitled: "HOUSE RESOLUTION STRONGLY SUPPORTING THE CONVENING OF THE 2003 ANNUAL MEETING OF THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL'S PERMANENT FORUM ON INDIGENOUS ISSUES TO BE HELD IN HAWAII," was offered by Representative Hale.

H.R. No. 77, entitled: "HOUSE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was offered by Representative Hale.

H.R. No. 78, entitled: "HOUSE RESOLUTION ENCOURAGING THE PRESERVATION OF OUR STATE BEACHES AND SHORELINES," was jointly offered by Representatives Kaho'ohalahala, Kanoho, Morita, Waters, Bukoski, Thielen and Evans.

H.R. No. 79, entitled: "HOUSE RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO COMMISSION A PORTRAIT TO HONOR CONGRESSWOMAN PATSY T. MINK," was jointly offered by Representatives Abinsay, Mindo and Takumi.

H.R. No. 80, entitled: "HOUSE RESOLUTION URGING THE BUREAU OF CITIZENSHIP AND IMMIGRATIONS SERVICE OF THE DEPARTMENT OF HOMELAND SECURITY TO RECOGNIZE HAWAII'S CATHOLIC SCHOOLS AS LICENSED SCHOOLS IN THE STATE OF HAWAII," was offered by Representative Magaoay.

H.R. No. 81, entitled: "HOUSE RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN HAWAII," was jointly offered by Representatives Magaoay, Arakaki, Kahikina, Sonson, Finnegan, Hale, Ching and Abinsay.

H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE REVENUE LOSS FROM CERTAIN ACTIVITIES IN THE STATE OF HAWAII," was offered by Representative Saiki.

H.R. No. 84, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INITIATE MEASURES THAT PROMOTE ALTERNATIVE VISITOR ACCOMMODATIONS AS WELL AS TECHNO, EDUCATIONAL, AND CULTURAL TOURISM NICHES," was jointly offered by Representatives Magaoay, Shimabukuro, Hale, Schatz, Abinsay, Ito, Waters, Caldwell, Mindo, Kahikina, Karamatsu, Chang, Takumi, Souki, Kawakami, Lee and Luke.

H.R. No. 85, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TRAFFIC ADVISORY TASK FORCE TO STUDY OAHU TRAFFIC CONGESTION ISSUES AND RECOMMEND SOLUTIONS," was jointly offered by Representatives Arakaki, Mindo, Shimabukuro, Lee, Takumi and Souki.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO CONSIDER THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was jointly offered by Representatives Kanoho and Abinsay.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY THE CONTINUATION OF SERVICES AFTER THE PLANNED CLOSING OF THE CASEY FAMILY FOUNDATION OFFICES IN HAWAII," was jointly offered by Representatives Arakaki, Blundell, Leong, Ching and Lee.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DENTAL HEALTH DIVISION OF THE DEPARTMENT OF HEALTH," was jointly offered by Representatives Arakaki, Kaho'ohalahala, Shimabukuro, Kahikina, Luke, Ito, Magaoay, Nishimoto, Blundell, Leong, Ching and Lee.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF HEALTH'S QUALITY ASSURANCE FOR PROVIDERS OF SERVICES TO THE DEVELOPMENTALLY DISABLED AND TO RECOMMEND A LEVEL OF BUDGET FUNDING TO ENSURE COMPLIANCE WITH FEDERAL MANDATES," was jointly offered by Representatives Arakaki, Kaho'ohalahala, Shimabukuro, Kahikina, Luke, Ito, Magaoay, Nishimoto, Blundell, Leong, Ching and Lee.

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING AN AWARDS PROGRAM TO RECOGNIZE BUSINESSES WITH PARENT-FRIENDLY POLICIES," was jointly offered by Representatives Arakaki, Lee, Blundell, Leong and Ching.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE TURNING POINT INITIATIVE PARTNERSHIPS WORKING TO IMPROVE PUBLIC HEALTH SYSTEMS AND REQUESTING THE GOVERNOR AND THE DEPARTMENT OF HEALTH TO EXPLORE HAWAII'S PARTICIPATION IN TURNING POINT," was jointly offered by Representatives Arakaki, Lee, Blundell, Leong and Ching.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was jointly offered by Representatives Chang, Sonson, Stonebraker, Mindo, Moses, Bukoski, Hale, Leong, Kanoho, Morita, Herkes, Wakai, Saiki, Tamayo, B. Oshiro, Nakasone, Hiraki and Souki.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE ECONOMIC FEASIBILITY OF CONSTRUCTING A FIXED RAIL SYSTEM AROUND THE ISLAND OF HAWAII," was offered by Representative Herkes.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 664, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Abinsay, Magaoay, Wakai, Tamayo, Sonson, Arakaki, Ito, Finnegan, Hale, Mindo and Say.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Abinsay, Magaoay, Tamayo, Sonson, Arakaki, Ito, Hale, Mindo, Finnegan, Wakai and Say.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE CONVENING OF THE 2003 ANNUAL MEETING OF THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL'S PERMANENT FORUM ON INDIGENOUS ISSUES TO BE HELD IN HAWAII," was offered by Representative Hale.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was offered by Representative Hale.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE PRESERVATION OF OUR STATE BEACHES AND SHORELINES," was jointly offered by Representatives Kaho'ohalahala, Waters, Morita, Thielen, Kanoho, Evans and Bukoski.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRESERVE AND PROTECT THE RECREATION RESIDENCE TRACTS WITHIN THE KOKE'E AND WAIMEA CANYON STATE PARKS," was jointly offered by Representatives Kanoho, Morita and Kawakami.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN HAWAII," was jointly offered by Representatives Magaoay, Arakaki, Kahikina, Sonson, Finnegan, Hale, Ching and Abinsay.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE REVENUE LOSS FROM CERTAIN ACTIVITIES IN THE STATE OF HAWAII," was offered by Representative Saiki.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INITIATE MEASURES THAT PROMOTE ALTERNATIVE VISITOR ACCOMMODATIONS AS WELL AS TECHNO, EDUCATIONAL, AND CULTURAL TOURISM NICHES," was jointly offered by Representatives Magaoay, Shimabukuro, Hale, Sonson, Schatz, Ito, Waters, Mindo, Caldwell, Kahikina, Karamatsu, Chang, Takumi, Souki, Kawakami, Abinsay, Lee, Luke and Nishimoto.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION A PROGRAM AUDIT OF THE VARIOUS AGENCIES INVOLVED IN THE CHILD PROTECTIVE SERVICES SYSTEM," was jointly offered by Representatives Shimabukuro, Kahikina, Nishimoto, Hale, Tamayo, Sonson, Waters, Kawakami, Nakasone, Magaoay, Kaho'ohalahala, Karamatsu, Chang, Wakai, Takumi, Souki, Evans and Schatz.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TRAFFIC ADVISORY TASK FORCE TO STUDY OAHU TRAFFIC CONGESTION ISSUES AND RECOMMEND SOLUTIONS," was jointly offered by Representatives Arakaki, Mindo, Shimabukuro, Takumi and Souki.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING APRIL 9 AS "SAFE RETURN DAY" FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE IN THE STATE OF HAWAII," was jointly offered by Representatives Arakaki, Shimabukuro, Takumi, Souki, Mindo, Hiraki and Lee.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPARATIVE STUDY ON HEALTH INSURANCE MARKET CONDITIONS," was jointly offered by Representatives Arakaki, Shimabukuro, Takumi, Souki, Hiraki and Lee.

ANNOUNCEMENTS

Representative Wakai: "Thank you, Madame Speaker. Representative Jon Karamatsu and I would like to cordially invite all Representatives to Economy Days, tomorrow morning at the Dole Cannery Signature Theaters. It starts at 8:30 and will go to 11:30. After breakfast you will see the latest movie clips and learn much more about Hawaii's film industry. So please, I encourage all of you to bring yourselves, as well as your staff to the Signature Theaters tomorrow morning. Thank you, Madame Speaker."

ADJOURNMENT

At 12:27 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, March 12, 2003. (Representatives Blundell, Halford, Nakasone, Nishimoto, Stonebraker, Takai, Takamine and Tamayo were excused.)

THIRTY-FIRST DAY

Wednesday, March 12, 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 Pastor Mike Lwin, after which the Roll was called showing all members present with the exception of Representative Nishimoto, who was excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 210) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 210, transmitting the Annual Report on Tuition Waiver Program 2001-2002.

INTRODUCTIONS

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

Representative Leong, on behalf of Representatives Marumoto, Stonebraker and herself, introduced third grade students from Hahaione Elementary School; their teachers, Ms. Sally Griffith, Ms. Joan Ogata, and Ms. Diana Chang; and parents and chaperones, Ms. Miki Butrick, Mrs. Garcia, Mrs. Macy, Mrs. Wilhams, Mrs. Hawkins, and Ms. Paula Uehara.

Representative Ito introduced his friend, Mr. Roger K. Takabayashi of Dole Intermediate School, the Student Services Coordinator Counselor Advocate of the Year.

Representative Marumoto introduced Ms. Merrilee Leong, retired Hawaii Realtors Association Government Affairs Director, Mr. Peter Leong, retired Hawaii State Federal Credit Union President, and Mr. Leong's niece, Ms. Moana Bauer visiting from Munich, Germany.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolution (H.R. No. 79) and concurrent resolution (H.C.R. No. 81) were referred to committee by the Speaker:

H.R.Nos.Referred to:

79 Committee on Tourism and Culture, then to the Committee on Finance

H.C.R.Nos.Referred to:

81 Committee on Water, Land Use, and Hawaiian Affairs

COMMITTEE REASSIGNMENTS

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

S.B.Nos.Re-referred to:

254, Committee on Finance
SD 2

1066 Committee on Finance

1599, Committee on Finance
SD 2

1611 Jointly to the Committee on Energy and Environmental Protection and the Committee on Economic Development and Business Concerns, then to the Committee on Finance

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

The following resolution (H.R. No. 98) was announced by the Clerk and the following action taken:

H.R. No. 98, entitled: "HOUSE RESOLUTION CONGRATULATING THE KAILUA HIGH SCHOOL GIRLS' SOFTBALL TEAM ON WINNING THE 2002-03 STATE SOFTBALL CHAMPIONSHIP," was jointly offered by Representatives Waters, Ito, Meyer, Pendleton, Takumi, Chang, Karamatsu, Magaoay, Kahikina, Shimabukuro, Arakaki, Nakasone, Thielen, Kaho'ohalahala, Tamayo, Caldwell, Takai, Hamakawa, B. Oshiro, Morita, Kanoho, Souki, and M. Oshiro.

Representative Waters, moved that H.R. No. 98 be adopted, seconded by Representative Pendleton.

Representative Waters introduced the following members of the Kailua High School Girls' Softball Team who were seated on the floor of the House:

Team members, Ms. Jaushlyn Mansinon, Ms. Kainoa Hughes, Ms. Danielle Young, Ms. Loke Lastimosa, Ms. Tanisha Milca, Ms. Kamaile Hughes, Ms. Courtney Kessell; and

Head Coach, Mr. Bernard Victor.

Representative Waters also recognized other team members and supporters who were seated in the gallery:

Team members, Ms. Erin Guerrero, Ms. Chante Mundon, Ms. Kealalani Iaea, Ms. Alisha Vegas and Ms. Shyenne Hussey;

Team members who were not present, Ms. Pikake Choy Foo, Ms. Sharde Marshall, Ms. Cienna Costa, Ms. Rusty Ann Borges, and Ms. Kalena Chasity Scott;

Assistant Coaches, Mr. Don Feireira, Mr. Eddie Mitsuda, Mr. Dean Hughes, and Ms. Hauoli Hughes;

Athletic Director, Mr. Melvin Imai; and

Scorekeepers, Mrs. B. Victor and Ms. Kapu Hughes.

Representative Waters also recognized Representatives Pendleton and Thielen who also represent the Kailua area.

The motion was put to vote by the Chair and carried, and H.R. No. 98 was adopted with Representatives Nakasone and Nishimoto being excused.

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

The House of Representatives reconvened at 12:30 o'clock p.m.

LATE INTRODUCTION

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

Representative Abinsay, on behalf of the Filipino Caucus, Representatives Finnegan, Magaoay, Mindo, Pendleton Sonson, Tamayo and himself, introduced Mr. Jerry Singson, Vice Governor of Ilocos Sur, of the Republic of the Philippines; and Mr. Danny Villruz, President of the Ilocos Surian Association of Hawaii. They were accompanied by Representative Abinsay's staff member, Mr. Stanford Sasaki.

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 Moses and Stonebraker were excused.)

UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 863) recommending that H.B. No. 808, as amended in HD 1, pass Third Reading.

Representative Takamine moved that the report of the Committee be adopted, and that H.B. No. 808, HD 1, pass Third Reading, seconded by Representative Kawakami.

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

"Mr. Speaker, I rise to speak in support of this measure. Thank you, Mr. Speaker. HB 200, HD 1 ..."

The Chair then stated:

"Representative Takamine, we are on H.B. No. 808, the Judiciary Budget."

At 12:33 o'clock p.m., Representative Takamine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 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. 808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Herkes and Nishimoto being excused.

The Chair directed the Clerk to note that H.B. No. 808, HD 1 passed Third Reading at 12:34 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 864) recommending that H.B. No. 1300, HD 1, as amended in HD 2, pass Third Reading.

Representative Takamine moved that the report of the Committee be adopted, and that H.B. No. 1300, HD 1, pass Third Reading, seconded by Representative Kawakami.

At 12:34 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 12:34 o'clock p.m.

Representative Takamine corrected his motion and moved that the report of the Committee be adopted, and that H.B. No. 1300, HD 2, pass Third Reading, seconded by Representative Kawakami.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1300, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Herkes and Nishimoto being excused.

The Chair directed the Clerk to note that H.B. No. 1300, HD 2 passed Third Reading at 12:36 o'clock p.m.

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 865 and H.R. No. 21:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 866 and H.C.R. No. 20:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 867 and H.R. No. 34:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 868 and H.C.R. No. 29:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 869 and H.R. No. 53:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 870 and H.C.R. No. 50:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 871 and H.R. No. 33:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 872 and H.C.R. No. 28:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 873 and H.R. No. 38:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 874 and H.C.R. No. 35:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 875 and H.R. No. 55, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 876 and H.C.R. No. 52, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 877 and H.R. No. 26, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 878 and H.C.R. No. 22, HD 1:

By unanimous consent, action was deferred one legislative day.

THIRD READING

H.B. No. 200, HD 1:

Representative Takamine moved that the report of the Committee be adopted, and that H.B. No. 200, HD 1, pass Third Reading, seconded by Representative Kawakami.

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

"I rise to speak in support of this measure. Mr. Speaker, H.B. No. 200, HD 1, Relating to the State Budget, makes appropriations for the operating and construction budget for the Executive Branch of the State of Hawaii.

"Mr. Speaker, first of all, you know from experience that many, many hours of work goes into the budget process. And it is the result of a collective effort. Therefore, I'd like to acknowledge some of the people who played key roles and brought us to this point. Vice Chair, Bertha Kawakami, thank you for your help in managing the process and the entire effort that was necessary. The Finance Committee members, thank you for the many, many long hours you put into reviewing and evaluating and analyzing the tremendous amount of data and information submitted to the Committee. Finance staff, thank you very much for your countless hours of hard work and dedication to the process.

"Mr. Speaker, I would like to also thank the Subject Matter Chairs for their critical input, and to the other members of the House that made suggestions ..."

Representative Pendleton rose and stated:

"Mr. Speaker. I rise on a point of personal privilege. The gentleman's audio mic could use some adjustment. Perhaps we

could recess and have that fixed, or have some other microphone available to him."

At 12:38 o'clock p.m., Representative Pendleton requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:39 o'clock p.m.

Representative Takamine continued, stating:

"Thank you, Mr. Speaker. Thank you for the adjustment too. Mr. Speaker, I would like to also thank the Subject Matter Chairs, as I indicated, for their critical input, and to the other Members of the House for the suggestions and thoughts that were transmitted to the Committee.

"Mr. Speaker, I would like to also acknowledge the efforts of the Director of Budget and Finance, Georgina Kawamura, as well as Stan Shiraki, Neal Miyahira, and the rest of the Budget and Finance Staff. Considering the parameters set by the Governor, the challenges of balancing a state budget are considerable, and the efforts of Ms. Kawamura and her staff should be noted.

"To provide a bit of background and history, Mr. Speaker, your Committee went through a rather different budget process this year. On December 16, Governor Lingle submitted a biennium budget. At the time of her transmittal, the Governor indicated that changes would be forthcoming because the budget was actually formulated by the previous Governor. Based on communications with the Governor's office in December, your Committee on Finance expected a completely revised financial plan and budget on January 14. However the Administration was only able to provide a conceptual financial plan, with no balanced budget. The Finance Committee, as a result, was required to wait for additional information as to the specifics of the Governor's new budget. These details finally came in the form of seven Governor's messages over a span of two weeks between January 30 and February 13. Since that time, your Committee has worked diligently to analyze both these new Governor message items, and the original December budget transmittal.

"Mr. Speaker, the document you see before you today is a combination of the budget cuts and priorities of the new Governor, as well as suggestions from your Committee on Finance. This budget is composed of approximately \$54 million in cuts from Governor Lingle, and \$14 million in further reductions by the Finance Committee.

"Mr. Speaker, we are in a time of great uncertainty. During times like these we need to come together as policymakers and leaders and demonstrate clearly that what is first and foremost is protecting the interest of the people of Hawaii. Indeed, an excellent example of this is your House Select Committee on War Preparedness and its special efforts to prepare the State for the consequences of a potential war with Iraq. Much as precautionary measures must be taken in these times, prudent action must also be taken to address the fiscal impacts such an event would have on our economy. As such, your Committee on Finance has followed the example of the War Preparedness Committee in assembling the House version of the State budget.

"As noted in the Committee Report, we have some very serious concerns regarding many of the budget cuts proposed by the Governor. We believe that the \$54.6 million in cuts to the budget made by the Governor will have significant impact

to some of the most vulnerable in our State. These cuts will have direct impact in the areas of public education."

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

Representative Takamine continued, stating:

"These cuts will have direct impact in the areas of public education, both to the Department of Education and the University of Hawaii, and to Health and Human Service programs. The cuts proposed by the Governor will have serious impact. There is no way to 'sugar-coat' or deny that. We must therefore, honestly communicate this with the people of Hawaii.

"In the spirit of working together, the Finance Committee has been able to identify approximately \$14 million in alternative budget reductions, beyond the \$54.6 million identified by the Governor. Our natural inclination was to use the \$14 million to restore the budget cuts made by the Governor to those areas where we fundamentally disagree with the Governor's cuts. Those areas where funding is needed the most. These will primarily be those cuts to our social safety-net and those cuts in education. Under normal circumstances we would have provided funding to restore those cuts to education, health and human services, as it is now proposed by the Governor. However, this is not the case this year.

"Mr. Speaker, given the extraordinary circumstances and the uncertainties that we face, to restore the budget cuts to education, health and human services would not be the most appropriate action. During such times, a prudent approach is to hope for the best and be prepared for the worst. And it is our responsibility to ensure that the people are prepared.

"Mr. Speaker, after years of fiscal discipline and budget cutting, we have trimmed the fat, cut into the muscle and are now at the point of sawing the bone. The possibility of war may not allow us to restore the cuts made by the Governor at this time. But should conditions change, your Committee will be the first to suggest such restorations utilizing the alternative \$14 million in budget cuts identified by the Finance Committee as one of the first steps.

"The path ahead of us will not be easy. But like a family coming together during tough times, it is incumbent upon us to communicate honestly with the people so they can best plan for the challenges that lie ahead. Indeed, in the coming month and a half, following the lead of your House Select Committee on War Preparedness, we will continue to work with both the Senate and the Governor to help the people of our State prepare for any contingency. Thank you very much, Mr. Speaker."

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

"I rise to speak in support of H.B. 200, HD 1 the State Budget. Mr. Speaker, thanks to your leadership and vision, your Select Committee on War Preparedness began its work about five weeks ago. We started by hearing from the State's economist about the impact a war would have on the State.

"Then, we followed it by hearing from various industries, the airline industry, the shipping industry, the food distributors, the unions, the military and others. The message has been quite unified and clear. When we go to war, the State will be quite impacted. The uncertainty will lie on the length of the war. The longer the war, the greater the impact.

"Today we are passing over the State Budget. This budget adopts the across-the-board cuts made by Governor Lingle and

her Administration. Cuts to the University, cuts to education, cuts to health and human services. However, given limited options due to the uncertainty of war at this time, this budget bill is the responsible thing to do. It is a prudent thing to do. Thank you."

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

"Thank you very much, Mr. Speaker. I rise in support of this measure with reservations. You know, Mr. Speaker, I'm reminded of a time when I was a young man, and I found myself on the outskirts of Cebu, and I was trying to catch a taxi cab. And this taxi came by and it was all dented up and the lights were broken and the muffler was hanging off the car with sparks coming out the back. And I was left with the choice, Mr. Speaker. I could continue waiting, or jump into that taxi since it was the only taxi available. And with it was with great reluctance, I got in. Well it is with the same reluctance that I'm supporting this measure because, like that taxi, it's the only vehicle available.

"Mr. Speaker, I believe that a budget, at its essence is a moral document. It gets to the heart of who we are as a people. It reflects the values and ideals that we believe in. It gets beyond the rhetoric, the posturing, the finger-pointing and the name calling. Here it is, in black and white.

"What does this budget do? It cuts the budget for the Department of Education. I suspect there will be attempts to spin this one. Someone will say the DOE's actually getting an increase from the previous biennium budget. And I suppose this will only prove the saying that statistics are numbers looking for an argument. But I believe there is no argument on this one.

"Mr. Speaker, this budget cuts deep into our schools. Here are the numbers. A \$3 million cut this fiscal year. A \$7.4 million cut next year. A \$12.8 million cut in the following year. Furthermore Mr. Speaker, these numbers don't really reflect the additional cuts that the Department will have to absorb. Let me give you two examples. The Department are obligated to pay to the Department of Hawaiian Home Lands roughly \$400,000 for lease rent for Nanaikapono School. They must pay this lease rent. The Charter schools' budget was increased by over \$5.4 million over the next two years. Just on these two budget items alone, the Department is being told, "Just take it out of your base budget." And these are cuts, over and beyond the cuts I had earlier mentioned.

"And I'm not even going to go into details about funding for school safety managers, school supplies, textbooks, student transportation, No Child Left Behind. Mr. Speaker, these total almost \$40 million, and again, over and beyond the cuts I had mentioned earlier.

"I should, however mention the libraries, Mr. Speaker. It may be unprofessional for me to say this, but the cut to the library system is also very real. I just visited the Pearl City library and talked to the people there. You know, last year the library was open seven days a week for a total of 52 hours, and its book budget was \$96,000. This year they will be open only 39 hours total, five days a week, and their book budget is \$66,000. You know, Mr. Speaker. Despite the fact that I went to public school, I can see that this is a cut. And I want to thank the Finance Committee members for restoring half of the projected cuts to the library system over the next two years so at least sparing them some of the pain that they will have to endure.

"Mr. Speaker, over the past few weeks, I've been visiting different schools in my district, just to get a firsthand view of

what the impact of this proposed budget will be. And at one elementary school, they cannot hire adult supervisors on the playgrounds, compromising the safety of our kids. At another school, they can't hire another ESL teacher despite the increase in ESL students. And I suppose we don't have to say these are cuts. It's merely trimming the fat, some will assert. I say it's 'fiscal anorexia'. We can euphemistically say that these are just economic challenges. We are merely belt-tightening and right-sizing the Department, or that we are seeking financial equilibrium, budget equity or pecuniary prudence. Call it what you will. But when I see schools unable to purchase toilet paper, the Department unable to implement No Child Left Behind mandates, and cafeteria managers running out of funds for school lunches, I say this budget is cutting the DOE. And a cut, is a cut, is a cut. Thank you."

Representative Moses rose and stated:

"Thank you, Mr. Speaker. I'm listening and learning as I go, I guess, because most of these things have never been told to us."

At this time Representative Lee rose to a point of order, stating:

"Is the speaker for or against the measure?"

Representative Moses continued in support of the measure with reservations, stating:

"I'm rising with reservations, grave reservations. I object to the method by which this bill is being ram-rodged through the House. This bill, which sets out the finances of the State for the coming year is one of the most important bills which will be considered by the House. And yet, virtually no one in this Chamber had the opportunity to even read this bill. I object that this bill was heard and passed in the Finance Committee without members even having seen the final draft on their desks. It was not given to us until two days ago. This bill is now being heard today 48 hours after it was delivered.

"This bill is 184 pages long, Mr. Speaker. The budget worksheets that go with it are over 780 pages long. No one could read or fully understand this bill in that short time. Just the cursory examination reveals that the funding for Kapolei Library has been omitted. That is without any discussion in the Finance Committee. We heard all the talk about the library on this floor already. We've got a whole sector out there that doesn't have a library. Who knows what else has been included or excluded that should not have been. Certainly few of us do.

"I object to the way we are being asked to vote on something that few legislators either know or understand. The budget of this State should be formulated with the concurrence and full understanding of the entire Finance Committee. Members should have early and full access to the budget worksheets, and open and complete briefings by the budget analysts. Budget decisions should be made in the open by the Legislators, not covertly by the analysts. I object that this budget has been drawn up in secret by a small group of people, none of whom are elected by the people of the State. The finances of our State are too important to be treated in such a manner.

"Mr. Speaker, the Constitution of Hawaii established the Legislature as a democracy. Not the dictatorship of an oligarchy, of a chosen few, or of a single political party. If you allow a vote on this bill today, Mr. Speaker, you will have abdicated your responsibilities as a legislator, and betray the trust of those who elected you. I ask that this bill be deferred until the budget decking deadline of March 18 so it can be studied and understood by all of the legislators. And that in the future, no budget be produced in this manner.

"Mr. Speaker, in summary, I object to the manner in which this bill was created with every fiber of my being. On behalf of the Members of the Finance Committee, I object to a small, unelected group creating the budget in secret. I object to the Finance Committee not having open budget analyst briefings with full Committee discussion. I object to not seeing a draft of this bill before it passed the Finance Committee. I object to receiving a worksheet with over 780 pages so late that no one could read it and understand it before voting on this draft. I object that the Kapolei library and other important items are not in the budget. I object to this bill being rammed through the Finance Committee.

"On behalf of this House, I object to only having 48 hours to digest and vote on a 184-page budget. I object to the fact that virtually no one here has read this bill. I object to being asked to vote on a bill, the implications of which, virtually no one understands.

"I object to the way the States finances are set out of this bill. I object to the way this bill is being rammed through the House. I object to being forced to vote on this bill today.

"On behalf of the people of this State, Mr. Speaker, I object to the way the Governor has been treated in this process. I object to the way taxpayers are being forced to accept a secret budget. I object to the most important bill we will pass being treated this way. I object to the underhanded way tax dollars are being spent. And Mr. Speaker, I object to single party rule.

"I object to committee totalitarianism. I object to the betrayal of trust by those who elected us..."

Representative Kahikina rose and stated:

"Point of personal privilege. Mr. Speaker, is this speaker talking about the bill? Or is he talking about me not reading the bill?"

The Chair responded, stating:

"He's talking about the bill, Representative Kahikina. And how the process has evolved."

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

Representative Moses continued, stating:

"Again, and finally Mr. Speaker, I ask that this bill be deferred until March 18th so it can be studied and understood by all legislators, and that in the future that no budget be produced in this manner. Mr. Speaker, I move to recommit this bill to the Finance Committee. Thank you, Mr. Speaker."

At this time Representative Moses moved that H.B. No. 200, HD 1, be recommitted to the Committee on Finance, seconded by Representative Stonebraker.

At 12:57 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 announced:

"The motion before the House is to recommit the measure, if I'm correct Representative Moses. And there is a second by

Representative Stonebraker. There is limited debate on the recommittal, is there is any discussion at this point.

"Any discussion should just be on the motion for the recommittal, that is the debatable issue. On the process of recommittal."

Representative Jernigan rose to speak in support of the motion, stating:

"Mr. Speaker, I rise in support of the motion. I sit on Finance and I am a freshman. I'm amazed at the lack of information that comes to the Committee and the decisions that are made in the back room as the previous speaker noted. I was going to give a similar speech, but the previous speaker said it all. I would like his words..."

The Chair then stated:

"We're not on that motion yet. We're on the recommittal."

Representative Waters rose to speak in opposition to the motion, stating:

"I rise in opposition to the motion. Mr. Speaker, as a freshman on the Finance Committee, I'd just like to point out that we spent two months listening to budget briefings, exhaustive budget briefings I might add, and numerous transmittals from the Governor. And the decision-making was made, in the large part, based on these transmittals by the Governor. And therefore, I oppose the motion. Thank you."

Representative Fox rose to speak in support of the motion, stating:

"Thank you, Mr. Speaker. Just in favor of recommittal on the basis that we have time. It is not necessary to approve the budget today. We do have until the 20th to send the bill to the Senate, so I think it might be wise to use this time to study the budget further. Thank you."

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

"I rise in support of the motion. I've served for, this is my fifth year, with the broken up couple years that I wasn't on the Finance Committee. This is not new, the lack of information and the whole Body to vote on a very large budget that is so very important. The Minority Leader has brought up the point that we do have time.

"Another thing that's coming up is the quarterly meeting of the Council on Revenues which is of extreme importance to the preparation of the budget. It would just seem more prudent to give more time. There seems to be no reason why we should make this decision today. For that reason Mr. Speaker, I'm very much in favor of this motion. Thank you."

At this time Representative Stonebraker requested a roll call vote.

Representative Blundell rose to speak in support of the motion, stating:

"I rise in favor of the recommittal. I think I owe it to my constituents, at least, that I understand the budget, so I can go back to them and speak with some authority on it. And at this point, I haven't had time to digest that. Thank you, Mr. Speaker."

Representative Kaho'ohalahala rose to speak in opposition to the motion, stating:

"Thank you, Mr. Speaker. I rise in opposition to the recommittal. I'm also a freshman on the Finance Committee, and I have to say that we have had a very, very thorough review with the Departments at our briefings. What has been straining on the Committee though, is the timeliness in which information was forwarded to our Committee for consideration. And that has left us in a very difficult position as a Finance Committee, to have information left out of these discussions. So while we are trying to deliberate with these briefings on all of the Departments, what is very clear is that the Departments themselves had very little information about what was about to happen to their own Departments. So it left us all lacking information.

"I think considering we are lacking that information, that this Committee, along with the leadership and the Chair and all the Members, including the members of the Minority have had ample time to ask these questions of the Departments, to examine the budget, and to have had ample opportunity to review it. And that some of these statements about objecting to it being 'ram-rodged', objecting to the fact that this 'short time-frame'. And I'm even more surprised that they are using terms like 'covert analysts' that are involved. I think the analysts had served very well to give us, all the Committee members, ample information to come to these decisions and conclusions.

"So, I am objecting also that this recommittal comes to the floor at this time, and now under the guise that there is ample time to review the budget. We have already been delayed and perhaps what we are now allowing to happen is that this budget bill pass through on Third Reading so that the Senate also might have ample time to consider what it is that we are faced with."

At 1:06 o'clock p.m., Representative Sonson requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:08 o'clock p.m.

Representative Wakai rose to speak in opposition to the motion, stating:

"I stand in opposition to this motion for recommittal. As a freshman lawmaker, I learned in a month and half, a lot about the budgetary process, and I have a few observations and comments with regard to what has been going on in the Finance Committee over the past month and a half.

"The budget as you see sitting before you, has been on your desks for the past 48 hours. It's also been on the internet. All members of the Finance Committee had access to the worksheets since Thursday night. All adjustments to the Governor's budget were discussed at length within the Finance Committee. The Chair of Finance asked the Majority Leader and the Minority Leader for any suggestions regarding the budget, and none was received. We received seven of the Governor's messages concerning the budget, the last of which came on February 13th. The Director of Budget and Finance has appeared before the Committee to specifically speak about the financial plan three times. The Department of Education was before the Committee on two occasions. The University of Hawaii was before the Committee twice, as well. In addition, each Department has testified before the Committee on Finance about the budget. Even before all of this, the Program and Financial Plan was submitted by the Governor to the Legislature on December 16th.

"So I feel that after hearing and stating all of that, I fail to see where there has been a lack of information. And true, this is an extraordinary document. But really these are extraordinary times. And I think what is represented in budget will serve the people of Hawaii well, under the circumstances just mentioned."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I think that this Body fails to understand. I'm not talking about the Departments didn't come and talk to us. I'm not talking about our letters being sent back and forth asking very, very funny questions by the way, Mr. Speaker. I finally got a copy of them. I never got them from the Finance Committee. But what I'm talking about is the process. I'm talking about we never had anyone come to us in the Finance Committee and say, "You know what. We're going to have to cut..."

Representative Souki rose to a point of order, stating:

"Point of order, Mr. Speaker. My good colleague from Kapolei, I don't believe is speaking on the motion. Thank you."

The Chair then stated:

"Representative Moses, can you confine your remarks to the recommittal."

Representative Moses continued, stating:

"Thank you, and speaking as to why we need the recommittal, Mr. Speaker. Everybody else has said that we had ample information and I'm trying to explain that we didn't have the information necessary to make a decision.

"Nobody came and said that we need to cut this for this reason and let us discuss it. That never happened. At the end, we get this budget document which has the cuts and it has the Committee Report. That's when we learn what is cut. But we never had any discussion of why we should cut it. Thank you, Mr. Speaker."

Representative Sonson rose to speak in opposition to the motion, stating:

"I would like to stand in opposition to this motion for recommittal. I am also a freshman. I suppose that means something. It means that sometimes I don't get into proper Committees like Finance. But for those of us who are not in Finance, we have to trust in the work that they do.

"Mr. Speaker, the objections coming from the movement of this motion is better placed at a time when it makes a difference. You must object at the right time. And that time has passed. As a member of the Finance Committee, it is your responsibility to be present. If you are not there to make an objection, it is has passed. For those of us who are not there, who are not members of the Committee, we have to trust that this Committee will do this very important work for us. Therefore we must oppose this motion.

"We have lot of work to do. This motion is indeed big. But we have 48 hours to absorb it. We must do what we can given the time that we have. I also object that I don't have that much time, but frankly we can't afford it."

Representative Saiki rose to speak in opposition to the motion, stating:

"Mr. Speaker, I rise in opposition to this motion. Putting aside the two months worth of budget briefings, it has been

made clear that there has been ample opportunity for each Member of this Body to ask questions about the budget. If they have specific concerns or problems, they should have asked. The Finance Committee held a budget briefing last Thursday, for the members of Finance Committee. They held a hearing on Friday. Decision-making was on Monday. Second Reading on this floor was on Monday. And we had 48 hours since Monday to get to this point which is Third Reading. If any Member of this Body had a question about this document, they should have asked. As far as I'm concerned, the motion that is before us this afternoon is pure grandstanding. Thank you."

The request for a roll call vote was approved by unanimous consent, and the motion that H.B. No. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," be recommitted to the Committee on Finance was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 34: Representatives Abinsay, Arakaki, Caldwell, Chang, Evans, Hale, Hamakawa, Hiraki, Ito, Kahikina, Kaho'ohalahala, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Mindo, Morita, Nakasone, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tamayo, Wakai, and Waters.

Ayes, 15: Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker, and Thielen.

Excused, 2: Representatives Herkes and Nishimoto.

MAIN MOTION

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

"Thank you, Mr. Speaker. I rise in support of this budget bill with reservations.

"The budget as proposed by the Governor, and now memorialized in HB 200, HD 1 will cut through the skin, will go through the muscle and go into the bone. There's nothing else. Let me be very clear. The \$3.2 million reduction in general funds that the Governor is proposing will eliminate warm bodies, will reduce classes, will jeopardize graduations for many students, and will limit access to our University. The Governor is balancing the budget by cutting education.

"There has been so much said about the University becoming a world-class university and an economic engine for the State over the years, and most recently during the last campaign. Well, I'm here to tell you that if we pass a budget like this, the University will not aspire to be world class, but will ensure mediocrity, at best.

"Vice President Deane Neubauer recently said, and I quote, "At some point, however, as an institution, we need to make clear that our ability to create and sustain a modern, complex institution of post-secondary instruction, research and service can only be severely compromised by further cuts in our general fund base support."

"Additionally, my colleagues need to be aware that last year, the 10 campuses participated in the development of a system-wide strategic plan – a plan that raises the University of Hawaii system to new levels of excellence. Based on the plan, the Board of Regents submitted a budget to the Governor and to this Legislature requesting general fund increases of \$99 million in the first year and \$117 million in second year.

"Governor Cayetano's budget proposal provided for an additional funding to the University's base budget of \$5 million each year for the next two years. A separate bill providing for \$450,000 to support sustainable agriculture in the College of Tropical Agriculture and Human Resources which is part of the University's legislative package, was also stricken from the Governor's legislative package.

"This budget bill in front of us today not only eliminates all additional funding proposed, but calls for cuts from the University of Hawaii base budget of more than \$3.2 million for next year and the following year.

"Originally, the Governor restricted \$6.9 million in this year and in the next two years. In addition, \$5 million per year in additional fund approved by the previous Administration was also eliminated. The total cut for the University was nearly \$31 million. After discussions between the Administration and the University and with the help of Finance Committee and Chair, the Administration reduced the cut from \$31 million to \$19 million.

"However, we are still left with a \$19 million budget *puka*. The Governor has mandated the current restrictions as five percent of non-instructional spending, which is termed discretionary. There is no such thing as discretionary in this context. It is a misnomer. Given the history of the University's budgetary experience over the past decade, reduced funding in the face of increasing needs, the University does not have a discretionary pool of money from which it can withdraw money in ways that will not impact the core activities of the University. And, these cuts reduce the base budget, meaning that the effect will play out year after year after year.

"Excellence at the University of Hawaii." "The University of Hawaii at the core of our economic diversification." "The University of Hawaii, the economic engine for our economy." How many times have we heard these words echoed throughout our community? We all believe them. We all support those aspirations.

"But according to Vice President Neubauer, "If the University bears the further brunt of tough economic times, excellence will be just mere words." Thank you, Mr. Speaker.

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

"Thank you, Mr. Speaker. In support of the motion. Mr. Speaker, I accept the invitation to spin facts, and to deal with the budget as I really see it. I would appreciate it if we give some attention to the budget as we really see it.

"The budget started with the previous Governor submitting a document that the current Governor was given to work with. This document was, I am sure, sincerely offered. The previous Governor really did want to spend that money that was in that budget. And we know that he was sincerely committed to taking the money out of the Hurricane Relief Fund and using it to support government programs. That is not the stand of the current Governor.

"The budget was reduced to deal with the need to move money out of the Hurricane Relief Fund. But I think we should just look at the basic facts. The budget that is submitted that we are dealing with this year, is a 4.8% increase in general funds over the budget that was passed last year. A 4.8% increase.

"There are two departments that have gotten the most attention because they aren't directly part of the Executive Branch, and thus were free to come up here and to talk about

cuts in the worst areas to cut. The frontline cuts. The equivalent of taking the police off the beats so people could be scared into not supporting the cuts. That is the Department of Education. The budget of the Department of Education is up \$114 million. An increase of 8.73%. The University of Hawaii, we've just heard great talks about how severely the University of Hawaii is being affected by this budget. The budget of the University of Hawaii is up 7.3% from the previous budget.

"So let's spin. Let's talk about how increases are cuts. Let's talk about how a larger budget for the University of Hawaii, and a larger budget for the Department of Education, and a larger budget for the general fund for the State as whole is cutting, not through the fat, not through muscle, but all the way to the bone. Let's spin. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of this measure. The previous speaker spoke about facts so I'd like to bring up some of my concerns. In the Governor's Message signed and dated on February 7, 2003, the Governor cut \$11,015,863 to our public schools' funding for fiscal years 2004 and 2005."

Representative Stonebraker rose and stated:

"Mr. Speaker. Is the speaker speaking in support or in opposition?"

The Chair responded, stating:

"He is speaking in support of the main motion."

Representative Stonebraker: "With reservations?"

Speaker Say: "In support."

Representative Karamatsu continued, stating:

"As stated, the Governor cut \$11,015,863 to our public schools' funding for fiscal years 2004 and 2005. However, seventeen days later, on February 24, 2003, on *CNN Inside Politics*, Governor Lingle was asked whether she cut education to balance the State budget. The Governor responded, quote:

"We did not cut education funding at all in the State of Hawaii. It's just what the previous governor proposed as an increase was not realized in the budget that we submitted."

"It is one thing to speak rhetoric on all the promises she hopes to do that is not fiscally feasible, but now she is going further by sending lies out to the general public on her cuts to public education.

"Despite this, Mr. Speaker, we are pushing the Governor's proposals forward because we want to work with her and will continue to work with her. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise to speak in support of HB 200, HD 1. I have some grave concerns about the Executive Budget, but I need to express my appreciation for the Finance Committee Chair, Vice Chair, members and the staff for struggling with some difficult decisions to accept the cuts made by the Governor in order to balance the Executive Budget. Make no mistake Mr. Speaker and colleagues, despite efforts to downplay the effects of the cuts, the Executive reductions do not just trim fat, and they do cut to the bone, especially in the

area of health. It is sad that the results of the cuts will affect the most vulnerable in our communities. And for some it may be the difference between life and death.

"Mr. Speaker, you once quoted Hubert Humphrey in an Opening Day speech when he said, quote:

The moral test of government is how government treats those who are at the dawn of life -- our children. Those who are at the twilight of life -- the elderly. And those who are in the shadows of life -- the sick, the needy and the disabled."

"The preamble of our State Constitution reads:

We reaffirm our belief in a government of the people, by the people, and for the people, and with a compassionate heart towards all people of the earth.

"Thus we are provided with the moral standards to use as a measuring stick for the purpose of government. And unfortunately the budget bill before us, by those measures, the Governor's budget and our government fall short of meeting the many needs of the most vulnerable in our population. The Executive budget before us fails to provide funds for primary care services for approximately 6,750 uninsured and under-insured clients.

"If you recall Mr. Speaker and colleagues, the Administration was about to cut \$1.65 million dollars, which the Legislature appropriated for community health centers from the current budget and was planning to use the funds as savings to help balance the budget. But they quickly restored it after realizing that the funds were tied to services provided for the thousands of uninsured who obtain safety-net health services at our community health centers. Unfortunately, the Administration failed to provide for the next two fiscal years. Mr. Speaker, it may be hard for some of our colleagues to realize that this document may mean life or death to some of our citizens.

"But ask people like Janel Ailyn, a patient at Kalihi Palama Health Center who worries about how she will get treatment for diabetes and high blood pressure. Or PJ Wilson of Waianae, once a successful accountant who now cannot find a job because she blacks-out several times a day due to her diabetic condition, and therefore cannot obtain health insurance. These women owe their lives to the community health centers. And we are taking away that safety net.

"This Executive budget also fails ..."

Representative Fox rose to a point of order, stating:

"Point of order. He is discussing an item that is not in the budget."

Representative Arakaki responded, stating:

"Exactly. And it should be in the budget."

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

Representative Arakaki continued, stating:

"Thank you. This Executive budget also fails the underserved areas of our State especially on the neighbor islands, Mr. Speaker."

Representative Moses rose and stated:

"Mr. Speaker, point of information. Are we talking about the Executive budget or the House draft?"

The Chair responded, stating:

"The House draft which has the cuts reflected by Chair Arakaki."

Representative Arakaki continued, stating:

"You know, Mr. Speaker. Two weeks ago, your Health Chair and two of our Minority members visited the Big Island to check on our State Hospitals, our community health centers and the proposed Veterans' Hospital. It was an eye-opening experience for all of us. But one thing that was apparent. The facilities and equipment available at our hospitals could not match those of the urban hospitals. And conditions are not much different here on Oahu. However, the result of the Executive budget failing to provide continuing funding to rural hospitals, critical access medical centers such as Hana Community Center, Waianae Coast Comprehensive Center, Molokai General Hospital and Kahuku Hospital, many clients in the rural areas of our State will face reduced services and staffing.

"This Executive budget is 'penny wise and pound foolish'. The Governor wants us to get tough on crime, which makes for a good political rhetoric. But those of us grounded in reality and have seen the result of mandatory sentencing know that it usually results in crisis of prison beds, shortages, and consent decrees. For me Mr. Speaker, I would rather invest in building brain cells rather than prison cells.

"A recent budget analysis by Hawaii Kids Count showed that almost \$1.8 billion is spent on Hawaii's children, youth and families annually. Of that, 45.1% is spent of development or education and community programs and 49.7% is spent on treatment, rehabilitation and incarceration. Only 5.4% Mr. Speaker, is spent on prevention. In other words, we are not investing wisely in the future, and more than likely, being good politicians, choosing to react to crisis or being forced to expend funds for incarceration and treatment because of lawsuits and consent decrees.

"If you want an example of this, this Executive budget reduces over \$2 million in funds for programs such as for the developmentally disabled, child and adolescent mental health, community health nursing, and child and adolescent services. The failure to provide adequate home and community based services for the developmentally disabled puts the State in serious jeopardy of being sued by the federal government because we failed to be in compliance with Olmstead Act. It also fails to maintain efforts required by the *Makin* Settlement, The *Makin* Settlement requires us to provide a comprehensive array of services that are community based for individuals discharged or diverted from the State institutions.

"This Executive budget plays a 'shell game' that violates the legislative intent of the Tobacco Settlement Fund by supplanting \$5.34 million for Healthy Hawaii Initiatives, as well as smoking cessation programs and prevention programs for youth. The monies will be diverted to the Healthy Start program which should be general funded because they are permanent programs.

"Substance abuse continues to be a cancer in Hawaii's social fabric and we should all be embarrassed to be known as the 'ice capital' of the United States. Our prisons are already filled with young men and women who are incarcerated for substance abuse related crimes. With these facts Mr. Speaker, it is just hard to imagine why the Governor eliminated \$4.4 ..."

Representative Meyer rose and stated:

"Is he speaking to the bill?"

The Chair responded, stating:

"Yes, he is speaking to the bill that is reflecting the cuts from the Department of Health. Yes."

Representative Arakaki continued, stating:

"As I said Mr. Speaker, with these statistics it is hard to imagine why the Governor eliminated \$4.4 million dollars in her budget for school-based substance abuse treatment, intervention, and prevention programs. It makes no sense at all.

"Mr. Speaker, in closing, I know you and I believe in providence. Well, I just came from a ceremony at Pearl Harbor. We were talking about child abuse prevention. And I don't think it is any mistake that they gave me a cup because I think it contains a message that maybe I should share with all of you. And it says:

A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be different because I was important in the life of a child.

"It is time for compassion to be joined with wisdom and courage, to look at the public dollars spent as an investment in the vision that, not just balances the bottom line, but thoughtfully benefits our children, grandchildren and generations to come. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, I've been listening, and I wasn't planning to speak. But I've been listening to some of what has been said on this floor and I just find myself wanting to add in.

"I support this budget because I honestly believe that the Administration is honestly trying to run this State prudently and fiscally sound. I honestly believe that the Finance Committee is working hard. The Finance staff is working hard to try to balance the budget and do what it can to serve the social needs of this State. I think that this House in general, we all want to do what is right for the budget and for this State.

"But what I hear, and what kind of bothers me in some ways, is that everyone I hear is speaking to the Executive budget. This isn't the Executive budget. It is the House draft. This is our budget. We had the opportunity to change the Executive budget if we had the will to do it. We chose not to. We chose to adopt the Executive budget. So anybody speaking in support of the cuts that we've been talking to about on this floor is supporting the cuts. And let's 'call a spade a spade'. Don't hide behind the rhetoric that you are speaking to. All I hear is rhetoric on this floor, and posturing. If you support this House draft, then you're supporting the cuts. That is all I have to say, Mr. Speaker. Thank you."

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

"I rise in support of the measure. Thank you, Mr. Speaker. I think that this is a very healthy discussion. This process of democracy amazes me each and every year, and everyday that I spend in this Chamber. Mr. Speaker, I also agree with the previous speaker that all of us have good intentions here. We all were elected to serve the State of Hawaii and our nation with the best intentions.

"I support this measure because I see that we all come to the conclusion that our State is in a dire need. We hear the unmet needs of education. We hear the unmet needs of health. Let's hear about the unmet needs of human services and housing, because you know Mr. Speaker, I am not going to blame anybody. But I want to bring to this Body that we have a systemic problem here. The systemic problem is that we're not getting enough income to pay for all of the services that we all hold very dear to our hearts.

"We heard about the reductions in health. Let's hear about some of the reductions that we are forced to support in this budget. Like in HMS 605, Community-Based Residential Support. The reduction of the \$900,000 will result in no services for these people that our Chair of Health had mention. Mr. Speaker, I'd like to bring to your attention that in this morning's newspaper, Section B, there is an article about the disabled winning \$7 million in a settlement. This is talking about the *Makin*. This community-based residential program, which we call the RACC, Residential Alternative Community Care, which has been affected by the cuts, would also expose us to more court decrees. Besides that, child welfare, Mr. Speaker, substance abuse treatment has been eliminated.

"Two weeks ago, my Vice Chair and I visited a Kapolei social services program. We shared with the staff there some of the potential cuts. The Child Protective Services, and I am going to quote this worker. This worker said, "Representative," after she heard all these cuts to her programs especially in services. She said, "You just tied our hands behind our backs, threw a ball bearing on my leg, and threw me in the river. Why even have us around if we cannot provide the services?" This is to Child Protective Services.

"About a week ago, the Chair of Health, myself and the Senate Chair of Human Services held a briefing on the safety-net. In the safety-net, real people came down and shared their testimony. Like for instance, in one of our hearings, this 12 year-old boy named Rex who stayed home for 2 to 3 years from school because he was caring for his younger siblings. Those are the kinds of programs that are going to be cut. Right now, there might be a young man right now in A'ala Park, or might be down in Waikiki, because everybody talks about Waianae. There is a whole bunch of them in Waianae and Nanakuli, but there are also some in other parts of the State. There may be others at home right now because their parents are irresponsible. It is not their fault. And we can't even go out there and give them services.

"Mr. Speaker, I believe that all of us have recognized that we have come to the point that real compassionate leadership must arise. Yes, I heard about the process in democracy legislation. You know Mr. Speaker, for nine years I've been telling people, "No more money." For nine years. Nine years I've spent here and nobody ever came to me with a platter and said, "Representative, here this is what is going on in the budget." You have to hire good staff. You have to go and do homework. You have to ask questions, and especially attend the hearings because that is where you ask the questions. But as the Chair of Finance said, we move this vehicle on with hope for the best, and to prepare for the worst.

"Mr. Speaker, it is not if we go to war. It is when we go to war. All these programs will be affected. Like general assistance, a reduction of \$1.5 million. It will affect our very poor people. According to the Department, the reductions they say, can be taken because they set the maximum payment of General Assistance at \$418 a month. Who can live on \$418 a month?"

"The youth residential programs will be cut at Ho'okipa Mauka, and these are the youth service correctional services to the girls ..."

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

Representative Kahikina continued, stating:

"Thank you, Representative. More cuts that they affect on us. For youth services, in administration, we are talking about not enough qualified people to serve our constituents. We are cutting \$64,000 that will train our people to work with these young people. Childcare payments, a total reduction of a \$162,000 to childcare. How we are going to get single parent moms educated if we cannot even help them to take care of their children?"

"Oh, and a big one was the overtime in administrative expenses. But Vice Chair and I learned that a lot of the overtime was needed, especially in the field of child protective services. We don't know when the child is going to call and say that their mom or my dad or somebody else is abusing them. It might be 2:00 in the morning and sometimes the staff works 24 hours because of that compassion.

"Mr. Speaker, some grants-in-aid that were affected, for instance, Hale Mahaolu that serve disable and chronically ill adults on the island of Maui. Mr. Speaker, I think what hasn't been said is the solution. Yes, we need time. But time is of an essence here.

"We know that time is judged by our Constitution with 60 legislative days to balance the budget and to make any adjustments, or introduce new laws. But Mr. Speaker, I want to say that I will be bold enough, because I was called a bafoon, because I feel that we have compassion. And that the compassionate thing to do is to look at the unmet needs because this, the budget here does meet needs.

"But what about the unmet needs? Because I wanted to ask my Chairs of the departments what are we doing to meet the unmet needs since the new Administration. I want to know what are the plans to meet the expanding the QUEST coverage for more children so none of our children go without medical coverage. What about providing prescription drug coverage to more people through the expanded Medicaid program, Act 75? What about providing more home and community based services to the elderly and the disabled like we mentioned in the RACC? What about their plans to provide more foster parent training and support? What about plans they have to provide more youth prevention programs? And please, I need to have an explanation. How do they plan to maximize the federal funds, in what areas? And on what time-line? Because people are dying out there.

"Mr. Speaker, nobody wants to say the bad word, 'tax'. But I am going to say it. There is not enough money coming into the coffer to pay for all of the needed services that we need. The Governor said she is not going to entertain a tax increase. She said we are not going to use the Hurricane or Tobacco Funds. We don't have a safety-net. So I am reaching out to this Body for a compassionate leadership. The Senate sent us over half compassion with an increase of the general excise to address the educational shortfalls. But we are saying what about the health, human services and housing needs? We need to look at alternatives. People say that, wow, because we have a different party in the Administration, a different Party who controls legislation. Let me tell you something, in the State of Massachusetts ..."

Representative Thielen rose and stated:

"Mr. Speaker I believe that the speaker has exceeded his five minutes and I believe he is straying from the actual budget itself into rather broad areas."

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

Representative Kahikina continued, stating:

"Thank you, Mr. Speaker. Thank you, Representative. I am talking about solutions that nobody wants to talk about. I am talking about the real problem which is a systemic problem. We don't have enough taxes coming in to pay for the needed services. I am talking about real solutions. These are the kind of discussions that we need to have because we had cuts for nine years. We cut to the bone. This is my 10th year. And you were here before me, Mr. Speaker. You were cutting way before I was, because you identified that we had a systemic problem coming out. Yes, we gave the highest reduction in personal income tax, but it was supposed to be offset by the increase of the general excise tax, which we couldn't do back then, for whatever reasons.

"Mr. Speaker, I just wanted to say in closing, we have other states with similar situations like the State of Massachusetts with a Republican Governor and a Democratic legislature. They are approving 57 new fees. That's 57 new fees. We talk about the general excise tax being all of this pyramiding, and all of that. I'd rather pay one general excise tax rather than 57 other user fees, because our general excise tax pays for all of those services that 57 user fees would.

"In the State of Maryland, the legislature and the Governor are seriously discussing the use of slot machines. So what we are going to talk about perhaps is that gambling will be the way to bring in more money. So the discussion must be serious and must be put on the table. And I really want to call on compassionate leadership and responsible tax increases because we don't have enough taxes to come in for all of these services that we need.

"Mr. Speaker, in closing, I thank the Governor. I thank all of the Committee members and the Chair and Vice Chair of Finance, and you, Mr. Speaker, and for leadership, because we have identified in all of these cuts, the unmet needs of the State of Hawaii, and I ask all of our colleagues to support this measure."

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

"I rise in support of this budget. I appreciate the fact that the Finance Committee has done a difficult job. As the Committee Report will reveal, there are a lot of concerns about the budget. But I think the Committee has shown real discipline. They have not brought in any new sources of revenue. They pretty much stuck with the Governor's restrictions. In fact they have gone beyond.

"I do feel, as the Representative from Kapolei, that this is a very large budget. It is very complex and it requires a lot of study. The Finance Committee did provide us with some summaries, but it doesn't tell the whole story. For some people that might be listening to this debate, they have a sense that we have cut the budget drastically. I just want to correct that assumption. The budget that we passed in 2002 was, the general fund budget, \$3,550,000 to round it off. This budget that we're looking at today, now that I've lost my place, is \$3,739,000,000 that is an increase over '02 of almost \$192 million. That is not a cut. That is more than we had anticipated.

"The budget ceiling, because we had collective bargaining increases, that brought up the figure from '02 by almost \$180 million. There were other non-recurring costs that were subtracted, and in the end, you ended up with a ceiling of \$3,690,000,000 as a ceiling to start off to start your budget with '04. So the budget, taking that ceiling, this budget before us increases spending in just general fund spending by approximately \$50 million.

"We've heard from you know a lot of sincere concerned Representatives here on the floor about very important social programs. I too share their concerns for community health clinics, rural hospitals, drug treatment, funds for programs for the disabled, all these things are very important. But as the Chairman of Finance has repeated often, and it a wise statement, this is a bill in process. A work in progress. And we do have to keep that in mind. We can get very emotional but it is a work in progress.

"I believe last year we struggled with the same concern for these social programs. We were able to provide adequate funding for those programs by using money out of the 'Rainy Day' Fund, and it is my hope that we'll be able to do the same thing this year. But I think it is important that we don't make these statements that are off the mark. This is an increase and in fact, if Representatives on this floor are concerned and truly believe that we are now cutting into the bone with a saw, our Finance Committee reduced spending almost five and a half million from the Governor's budget. So you know, an \$8.9 million in '05, so it comes up to about \$14 million. These are additional cuts, although I shouldn't say additional because some things have been added, some things have been subtracted. These are the details that are hard to put your fingers on because they are in those worksheets, and you have to put the ledger sheet out. It all comes out in the end, and what we have now is a budget that is \$14 million, a biennium budget that is \$14 million less than the Governor sent down to us.

"So we all have our work to do, but I think it is important that we be accurate and not make charges that are not true and try to pull together and work together for this most important bill. Thank you, Mr. Speaker."

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 support of the state budget with reservations. This is House Bill 200, House Draft 1.

"Mr. Speaker, I have never voted no on our state budget bill. I have never voted aye on our state budget. I have always voted with reservations because I have never been entirely happy with every detail of every budget we have passed.

"This is understandable that I would not agree with every detail of the budget, because we basically have a consensus document. We have the entire House Finance Committee, we have 51 members in the House who have a say on this, and we have a Governor who has significant input on this document. Every one gets a little. Not everyone gets everything they want.

"The Governor, I think got the bulk of what she asked for. She wanted no tax increases, fee increases, or use of the Hawaii Hurricane Fund. As I understand this budget, this is the case. And so I am happy about this.

"What I have serious concerns about is the fact that there were major changes to the Governor's initial vision of the state budget. Note that this is a House Draft one. This is a budget which has been tinkered with by the House. We have made changes. We have made adjustments.

"I don't agree with everything here. I am particularly concerned about the cuts in terms of our libraries. I don't know all of the details. But I know that Kailua Public Library, for example, has had greatly reduced hours. This is unfortunate. I oppose these reduced hours. I want to do everything I can to restore those hours.

"But I will not vote no on the entire state budget simply to make that point. There are many good, necessary, and important programs in this budget which I support, and which need funding. I vote yes with reservations to make the case regarding the libraries.

"Now before I close, Mr. Speaker, I want to set the record straight. There was significant discussion regarding cuts. The members in one particular caucus decry the "cuts of the Governor." But this is the House draft. This is not the Governor's budget as she would have us have it. This is a draft which was passed out of the House Finance Committee and presented to us for our consideration.

"For the record, and according to my understanding of the bill, this bill increases education funding 8.73 percent. The general public can refer to the article in the *Pacific Business News* dated February 21, 2003, for a layman's description of this budget. That newspaper confirms my understanding.

"Also, with respect to the University of Hawaii, we are talking about a 7.3 percent increase. See again the same issue of *Pacific Business News* if you cannot understand this from the budget document itself.

"Hence in those two critical areas, we are growing the budget. This is a 3 billion 500 million dollar budget document. So I think it needs to be said, and I want to say this as diplomatically and clear as possible: we are growing the budget. The cuts we are supposedly making have to do with decreases in proposed budgetary increases.

"Again, what we are talking about is decreasing the rate of increase. That is what is mentioned in terms of cuts.

"I work in the private sector. A cut there means we are spending fewer dollars next year than we are presently spending. We don't adjust for inflation. We don't take into account what our hopes for next fiscal year were. We compare. We ask what we are spending now. We look at what we will spending next year. If the latter figure is less, then that is a cut.

"When you use that real world process here at the Legislature, you see that we are not cutting, at least not in education. We support our public schools and UH. We need to be clear about that. We are not cutting in real world terms.

"I am concerned that members of this House are simply using this bill as an occasion to slam the Governor. They are using this as a way to argue with her. This is our House Draft 1. This is our House draft.

"Earlier we had a motion to recommit. We could have used that time to revise and redraft the bill if we are so concerned over it. Yet we defeated that effort. We are going to vote on this bill today.

"My prediction is that we will find 100 percent of our House members voting for this document. Yet many will bewail and

bemoan the "cuts." Well, we had an opportunity to fix those matters.

"I support this budget with reservations. My reservations have to do with our libraries."

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

"Mr. Speaker, I rise in support this measure. I have a couple of points. The first is very brief. As the Minority Floor Leader just indicated, we should be very accurate when we stand on the floor and make speeches on measures like this. One of the statements that she had just made was that we cut \$5.5 million from the Governor's budget. I don't think it is correct. I am going to ask the Minority Floor Leader to please provide us with the documentation that shows that \$5.5 million cut.

"The second point is in follow up ..."

At 1:53 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:54 o'clock p.m.

Representative Saiki continued, stating:

"Thank you, Mr. Speaker. I'd like to thank the Minority Floor Leader for the documentation that she just provided to me which does show a reduction in the Governor's State budget. I was referring to the Governor's office budget.

"The second point is in follow up to the Republican Leader's allegation that we not spin comments on the floor. I totally agree with that because we should separate fact from fiction when we give our floor speeches. The fact of the matter is that the Governor is balancing her budget by cutting education. I would suggest or submit that it is really the Governor who is spinning her way out of that reality."

Representative Fox rose to a point of order, stating:

"Point of order, Mr. Speaker. We are getting to motive."

The Chair responded, stating:

"At this point, Representative Saiki has the floor. You may proceed on."

Representative Saiki continued, stating:

"As the Republican Leader knows, in this business it is really what we do that counts. It is not what we say. I'd like to make a couple of points based on the impact that this budget submitted by the Governor will have on education. We need to separate fact from fiction."

Representative Thielen rose and stated:

"Mr. Speaker, point of information. Isn't this the House budget? This is what we are discussing? This is the House budget that has come out of the House Finance Committee?"

The Chair responded, stating:

"Yes. Please proceed Representative Saiki."

Representative Saiki continued, stating:

"Mr. Speaker, the point is that it is what we do that counts, and not what we say. That standard applies not only to the Members of this Body, but it also applies to the Governor. And I'd like to explain ..."

Representative Thielen rose and stated:

"Mr. Speaker, I think we really should be addressing the budget bill before us, which is the House budget, rather than trying to attack to the Governor. I don't think that it is appropriate in this Body, and it is certainly not on our agenda. Maybe the Majority Leader would like to have an agenda item for next time where there can be comments directly aimed at the Governor. I think it is very inappropriate. We are talking about the budget, Mr. Speaker. It has been a very lengthy."

Representative Lee rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the speaker is out of order. She is attacking the Majority Leader."

At this time, the Chair stated:

"Representative Thielen, please sit down and I will address the Majority Leader at this point. Please proceed on and confine your remarks to the impact of the HD 1 to the Executive budget that was submitted to the Members of this House in January."

Representative Saiki continued, stating:

"Mr. Speaker, as the Finance Chair has stated earlier, the House, for the most part, did adopt the Governor's recommendations in crafting this budget. We wanted to give the Governor a chance. We wanted to work within the parameters set by the Governor, which is basically not to raise taxes, not to lay-off workers, and not to use the Hurricane Relief Fund. So what we have before us, for the most part, is the Governor's version of the budget. We need to separate fact from fiction. Because the fact of the matter is ..."

Representative Thielen rose and stated:

"Mr. Speaker, again, I will say it. Mr. Speaker, point of information. This is the House budget. He cannot 'wash his hands' from that fact. This is the House budget, out of the House Finance Committee. And I think that the Speaker should address that, and acknowledge that."

The Chair then stated:

"Representative Thielen, the speaker is addressing the House draft of HB 200, in reference to the financial plan that you all got, tied the assumptions that were made to the Executive budget that has since been taken off the assumptions. Such as what he just stated here.

"There is no use for the Hurricane Relief Fund. There is no tax increase. There is no fee increase. But it reflects the Executive budget in reference to all other emergency appropriations that this House has received as messages. And the facts of the cuts and restrictions provided by the Department of Budget and Finance, and the Director, Ms. Georgina Kawamura. So I am allowing the speaker to continue on to make his presentation to this House in regards to the debate and discussion on this House budget. Please proceed."

Representative Saiki continued, stating:

"Thank you, Mr. Speaker. I am really trying to follow up on what the Republican Leader challenged us to do this morning,

and that is to not spin on the floor, but really to stick to the facts and to make an accurate case to the public.

"I think that what is important to note is that, the fact of the matter is that the Governor balanced her budget by cutting education. That is not what she told the public, and I'd like to go through a couple of instances where we really should distinguish fact from fiction.

"As the Representative from Waikale just mentioned, a few weeks ago on February 24th, the Governor appeared on CNN and told the CNN anchor ..."

Representative Thielen rose and stated:

"Mr. Speaker, I really object to this. Mr. Speaker, this is just a direct attack on the Governor. It is inappropriate."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, please be seated."

Representative Thielen: "I beg your pardon?"

Speaker Say: "Please be seated. This discussion may continue on because the Chair has been very fair with all of you on the floor of this House. Yes, there is a reference that is made to a commentary that was done by the Governor, in reference to clearing the air, and information for the general public. The speaker at this point may continue on in this particular discussion."

Representative Thielen: "Mr. Speaker, point of information. Are we not ..."

Representative Lee rose to a point of order, stating:

"Mr. Speaker, the speaker is out of order."

Speaker Say: "Representative Thielen, please be seated at this point."

Representative Thielen: "May I have my point of information?"

Representative Lee: "The Chair has made his ruling on this issue and she should allow the present speaker to continue."

Speaker Say: "Please be seated. Representative Saiki, please proceed on."

Representative Saiki continued, stating:

"Thank you, Mr. Speaker. The Governor told the CNN anchor in response to the question, whether the Governor has balanced the state budget by cutting education. "We did not cut education funding ..."

Representative Stonebraker rose and stated:

"Mr. Speaker, is the speaker speaking to the House draft of the bill?"

The Chair responded, stating:

"He is speaking to the House draft. Yes."

Representative Stonebraker: "Why is he making reference to the Governor if that is the case?"

Speaker Say: "Representative Stonebraker, this is in regards to the statement that she made."

Representative Stonebraker: "Isn't that the House Finance Committee's ..."

Speaker Say: "This is in regards to the statement that was made in clarifying ..."

Representative Lee rose to a point of order, stating:

"Point of order. Mr. Speaker, the Chair has made his ruling."

At 2:00 o'clock p.m., Representative Bukoski requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:07 o'clock p.m.

At this time, the Chair stated:

"At this point, in apology to Representative Stonebraker, the Chair recognizes you on your point of inquiry. I did not forget you as far as standing up and rising on a point of inquiry."

Representative Stonebraker rose and stated:

"Thank you, Mr. Speaker. I didn't need an apology, necessarily. I know that things get rough on the floor sometimes, and even outside.

"I am wondering how the Majority Leader can get away with using words like 'Republican' and 'Governor' repeatedly over and over and over and over, and over and over and over again. I don't understand how you, in your wisdom, can allow him such rhetoric on the floor. And at this time, if I could request that we refrain from futhering this sort of inflammatory debate, we would appreciate it on the Minority side. Thank you."

The Chair responded, stating:

"That was the discussion was during the recess. For the Members of this House, I think we've had a long debate, but the Chair recognizes Representative Saiki as the last speaker."

Representative Saiki continued, stating:

"Mr. Speaker, since we've been debating this issue for almost two hours, I will end my speech at this point, and I'd like to call for the question but ask that Members be allowed to insert written comments. Thank you."

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

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

Representative Bukoski's written remarks are as follows:

"In support of HB 200, HD 1. In addition to my earlier comments in support, I would like to reiterate that this bill reflects the House's position to adopt the proposed Budget Draft offered by the Administration, it is not the Executive Budget in any way.

"Debate on the floor leads one to believe that the 'supposed' cuts in the House Draft 1 are solely attributed to the Governor's Office. Again, I would like to clarify, that we as the

Legislative Body of the State of Hawaii has the ability and authority to disagree with the proposed budget and offer any changes that we deem justifiable. If those that say reducing the education budget or health budget is unacceptable, then they have the ability to find the funding to fund those areas and make the reflective changes in the House Draft being discussed today. It's obvious they chose not to pursue this direction.

"I feel that testimony being offered today pinning the reductions solely on the lap of the Executive is nothing more than a cop-out and pitiful attempt to provide for 'political cover' in the next election. Rather than hiding behind the veil of the Governor's proposed budget, we as elected officials should stand behind our votes and take full responsibility for them and not cowardly 'pass the buck', so to speak.

"A vote in favor of this budget says that we, as individual legislators, support the proposed reductions in budget requests. In the times we currently face, it is simply the prudent thing to do. We cannot entertain increases in taxes until we can prove fiscal responsibility, and we cannot prove fiscal responsibility until we get a strong grasp on a budget and on our departmental spending. The Auditor has testified to the fact that several of our departments cannot be audited. Until we rectify this situation, we will continue to find ourselves in fiscal disarray.

"I believe that although this budget is not a perfect budget as we see it today, it is a work in progress and I am confident that between now and the end of session, it will be one that we can all support."

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 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 support for HB 200, HD 1.

"Mr. Speaker and colleagues, I'd like to address the lack of exemptions for the DOE. The Governor implemented 5% reductions to all the Departments. However, Departments were allowed to petition for waivers for these reductions. For this year's budget, ten (10) of twenty (20) Departments were granted waivers, which included the University of Hawaii. Unfortunately the Department of Education was not one of them. For next year's budget, eleven (11) Departments were granted waivers, and in the year after that, ten (10) Departments were granted waivers. Again, the Department of Education was not included in these waivers.

"The Department of Education has had to take its full cut and was granted no waivers by the Governor. You might argue that \$3 million is only a small portion of the DOE's budget, but any cut is a reduction to the education of our children."

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

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

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I rise to speak in support of H.B. 200 HD1, relating to the State Budget.

"Mr. Speaker and colleagues, your Finance Committee is faced with unprecedented challenges and stark uncertainty. Our financial outlook seems to become more and more dependent by the day on President Bush's foreign policy initiatives. And our neediest citizens, the most vulnerable individuals of our society, may have to be turned away. We cannot let that happen.

"Mr. Speaker and colleagues, as stated in the Committee Report, this measure reflects the overall direction of the new Administration. With decreasing revenues and a significantly compressed timeframe, your Committee, and its staff of budget analysts put in countless hours dissecting every Program ID and every line item to identify possible savings. The result is a budget that still imposes cuts across the board and does not take into account the unmet needs of our communities.

"Mr. Speaker, and colleagues, let me emphasize that last sentence: "the unmet needs of our communities". With additional cuts looming as we send this measure over to the Senate, I am afraid that needs currently being met ... will go unmet. People now receiving services will be turned away and our children and youth and our young adults will be directly impacted by cuts to their educational infrastructure. We face a real dilemma.

"I sincerely hope that the Administration has already begun its emergency planning to consider every available source of funding as well as directed each of its departments to further identify cost savings within the bureaucracy to preserve essential programs and services to the public. In the past, it has often been said that State government was bloated. Well, Mr. Speaker and colleagues, if that were really the case, the Administration would have proposed cuts far in excess of 5%. All we need to do is to look at the disruption anticipated by the key departments in current services to know that even 5% was too much. That's why their requests for waivers from the Administration were granted.

"As we await further direction from the Administration, I support this bill as a work in progress and look forward to conference negotiations with the Senate.

"In closing, I would like to quote Patrick Overton as we acknowledge the challenges which lie ahead:

When we walk to the edge of all the light we have and take the step into the darkness of the unknown, we must believe that one of two things will happen. There will be something solid for us to stand on or we will be taught to fly.

"Thank you, Mr. Speaker."

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:

"I rise in support but express some concerns about cuts in education. The Governor implemented 5% reductions to all the Departments; however, Departments were allowed to petition for waivers for these reductions.

"For this year's budget, ten (10) of twenty (20) departments were granted waivers. The Department of Education was not one of them.

"For next year's budget, eleven (11) departments were granted waivers, and in the year after that, ten (10) departments were granted waivers. Again, the Department of Education was not included in these waivers.

"The Department of Education has had to take its full cut and was granted no waivers by the Governor. You might argue that \$3 million is only a small portion of the DOE's budget, but any cut is a reduction to the education of our children."

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:

"Governor's Message Documents Lingle's Education Cuts

"Mr. Speaker, as I look at this Governor's Message, signed and dated February 7, 2003, it states:

"For School Based Budgeting – "Reduce general funds by \$2,741,118 in FY 04 and \$2,739,609 in FY 05 ..."

"For School Based Budgeting – "Reduce general funds by \$5,000,000 in each year of FB 04-05 for lump sum funding for program improvements."

"For Instructional Support – "Reduce general funds for \$93,492 in FY 04 and \$93,794 in FY 05 ..."

"For State and District Administration – "Reduce general funds by \$143,555 in FY 04 and \$144,460 in FY 05 ..."

"For School Support – "Reduce general funds by \$3,000,000 in each year of FB 04-05 for lump sum funding for program needs."

"Reduce general funds by \$37,698 in FY 04 and \$38,000 in FY 05 ..."

"These represent Governor Lingle's cuts to our public schools' funding.

"If I did my math correctly, the add up to \$11,015,863 in both FY 04 and FY 05. Mr. Speaker, how is this not a cut?"

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

"Reservations due to the cuts in education and human services, and I request permission to insert written comments in the Journal," and the Chair "so ordered."

Representative Sonson's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on House Bill 200, HD 1

"I would like to commend the Finance Committee for putting together this balanced budget – in light of projected revenue shortfalls, a tremendously difficult task. However I do have some concerns.

"The cuts in education are very disconcerting. We have school buildings that are in dire need of repair, overcrowded classrooms and poorly paid teachers who supplement their classroom supplies out of their pay. The cuts will impact such programs such as A+ after school care, school libraries, classroom curriculum development, and most unsettling, the DOE's ability to do criminal history checks. We are faced with approving a budget that will directly effect the ability of the

Department of Education to identify potential employees with a history of predatory behavior toward children.

"The proposed cuts to the University of Hawaii's budget will seriously undermine the quality of education that we can offer to our young men and women. We talk about turning UH into a world-class university, but this will certainly be difficult to achieve if faculty salaries and academic programs reflect these budget cuts. Moreover, if tuition is raised to cover the shortfalls, how can we expect local students to continually pay more to stay home when the cost of "home" education competes with the high price of "mainland" education? Even more troubling is the prospect of qualified Hawaii kids simply not going to college because it costs too much or because the UH has cut programs our young people want and need.

"Yes, we have a shortfall in the State Treasury. The Governor's answer to that is to propose draconian cuts in education. Although, I understand the need to trim the "fat" out of the State budget, education in my opinion does not represent "fat." And frankly, I do not understand the Governor's reluctance to dip into the Hurricane Relief Fund. What we face now is no less destructive than a Hurricane. We are in trouble here and we need that money now, not in the ambiguous future. The only thing that is stopping us from using that money is the Governor's campaign promises.

"Mr. Speaker, what we need most is to develop new sources of revenue. We should look long and hard at shipboard gambling or a state lottery with 100% of the proceeds going towards education.

"Thank you, Mr. Speaker."

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

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

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

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

Representative Leong 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 Leong's written remarks are as follows:

"Mr. Speaker, I wish to register a with reservations vote.

"I realize the Finance Committee has had a difficult job in working with the budget. It appears, however, that much of the dissertation rests on statements that the Governor's request to decrease the budget of all involved, is a reflection of her deficiency in knowledge. This is so unfair, especially since she came into this position of responsibility striving for fairness. There appears to be much dissent and negative feelings against her budget, when actually she holds a fundamental belief in striving for the best."

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

Representative M. Oshiro 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 M. Oshiro's written remarks are as follows:

"Factoring Out DOE's Fixed Costs

"The Minority Leader is correct, but he is not entirely accurate about the \$113 million increase in the DOE budget. It is a fallacy to believe that there are not cuts to education. To say there is a \$113 million increase demonstrates a lack of understanding (and concern) for our Public School System.

"First, one must recognize that teachers' and other school employees' raises from the previous biennium account for \$83.5 million of the so-called increase. The Minority Leader, along with others of his Caucus should remember that they also voted for the pay raises for public employees last year.

"Then one must look at non-discretionary fixed-costs, such as payments to ERS, Social Security, Medicare, Health Fund Premiums, and Debt Service account for another \$13.9 million.

"On top of that, money from the Health Department was transferred to the Department of Education to provide services to children with autism and other *Felix* Consent Decree related costs to the tune of \$26.7 million.

"If I add all that up, I get \$124.1 million. \$124.1 million in just these fixed costs alone.

"This total is before one child gets on a bus, before a classroom light switch is turned on, before any textbook is purchased, before any new computer is bought.

"So, if someone says that, "Our public school budget is increasing by \$113 million," you need to look at the whole picture.

"By this calculation, Lingle's so-called increase is really a cut to Education of \$11.1 million.

"I vote with reservations."

Representative Morita rose in support of the measure with reservations, and asked that the remarks of Representatives Takumi and Takai be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Ontai's written remarks are as follows:

"Thank you, Mr. Speaker. In support of HB 200.

"The Council on Revenues recently revised its forecast for projected revenue growth downward to 4.1%. House bill prudently plans expenditures consistent with this new projection. With the uncertain times ahead, this budget bill demonstrates wisdom, despite the hard choices that have to be made. Taxpayers expect us to spend their money wisely, just as any family plans to spend within their means. One's income should dictate one's expenditures.

"Finally, I would like to point out that the education amount in this House bill increases the education amount spent last fiscal year. This, I believe, is an increase, by definition. The comment by some of our colleagues that the Governor is cutting education appears wrong and disingenuous.

"Thank you, Mr. Speaker."

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

Representative Waters' written remarks are as follows:

Mr. Speaker, fellow colleagues, I rise in support of HB 200, HD 1. Mr. Speaker, HB 200, HD 1 is based in large part on the Governor's recommendations. This bill is a clear message that the Legislature is working with the Governor and is willing to give her a chance. We are willing to give her "New Beginning" a fair shake. Voters want us to work together and we are responding."

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

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

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

Representative Wakai's written remarks are as follows:

"I write in support of this measure. House Bill 200 is the most important legislation we will be passing this Session. The \$3.6 billion budget is a product of much scrutiny and compromise. It is by no means a perfect document, but it is a measure which will provide essential services during these difficult times. The Administration says tax increases, layoffs, and raiding of the Hurricane Relief Fund are not options. Such mandates leave those of us on the Finance Committee with our hands tied. All we can do is cut programs. As a result, government is providing fewer services, with the same number of bodies. Government is becoming more inefficient. As our economy hits the skids, someone will need to swallow hard and make the tough decisions to move this State ahead. Members of the Finance Committee have taken hits for trimming into the meat of the budget. I hope as HB 200 moves ahead others will display similar fortitude."

At 2:11 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 2:13 o'clock p.m.

At this time, the Chair announced:

"Is everyone in their seats before the vote is cast on HB 200, HD 1? Okay, everyone is here except some individuals."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 48 ayes, with Representatives Herkes, Kaho'ohalahala and Nishimoto being excused.

The Chair directed the Clerk to note that H.B. No. 200, HD 1 passed Third Reading at 2:14 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 86 through 97 and 99 through 182) and concurrent resolutions (H.C.R. Nos. 89 through 231) were referred to Printing and further action was deferred:

H.R. No. 86, entitled: "HOUSE RESOLUTION SUPPORTING THE RALPH BUNCHE CENTENARY CELEBRATION," was offered by Representative Hale.

H.R. No. 87, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. SMALL BUSINESS ADMINISTRATION TO RE-EXAMINE THE CRITERIA FOR DESIGNATING HUBZONES UNDER THE HUBZONE EMPOWERMENT CONTRACTING PROGRAM AS IT APPLIES TO THE STATE OF HAWAII," was jointly offered by Representatives Shimabukuro, Mindo, Takumi, Arakaki, Magaoay, Caldwell, Herkes, Kanoho, Evans, Tamayo and Saiki.

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO ENACT A PROGRAM TO LOWER THE COST OF PRESCRIPTION DRUGS FOR SENIOR CITIZENS," was jointly offered by Representatives Marumoto, Arakaki, Ito, B. Oshiro, M. Oshiro, Fox, Chang, Thielen, Leong, Ontai, Hale, Kanoho, Hiraki and Takumi.

H.R. No. 89, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND HEALTH TO CONDUCT A JOINT FEASIBILITY STUDY ON THE RETURN OF UNUSED DRUGS BY NURSING HOMES FOR FUTURE DISPENSING TO INDIGENT PATIENTS," was jointly offered by Representatives Marumoto, Arakaki, Kahikina, Shimabukuro, Finnegan, Pendleton, Evans, Thielen, Hale and Magaoay.

H.R. No. 90, entitled: "HOUSE RESOLUTION REQUESTING INCREASED FEDERAL FUNDING FOR SUBSTANCE ABUSE TREATMENT PROGRAMS," was jointly offered by Representatives Arakaki, Marumoto, Karamatsu, Luke, Magaoay, Shimabukuro, Moses, Meyer, Hale, Ching, Ito, Fox, Finnegan, Stonebraker, B. Oshiro, Waters, M. Oshiro, Kanoho, Thielen, Hiraki, Ontai, Takumi, Chang, Leong and Jernigan.

H.R. No. 91, entitled: "HOUSE RESOLUTION URGING THE ESTABLISHMENT OF A TEACHER CADET PROGRAM TO RECRUIT HAWAII'S BRIGHTEST AND BEST PUBLIC HIGH SCHOOL STUDENTS FOR TEACHING CAREERS IN THE HAWAII PUBLIC SCHOOL SYSTEM," was jointly offered by Representatives Takai, Takumi and Tamayo.

H.R. No. 92, entitled: "HOUSE RESOLUTION REQUESTING A RECODIFICATION OF THE HIGHER EDUCATION STATUTES," was jointly offered by Representatives Takai and Tamayo.

H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP WAYS TO INCREASE PARENTAL INVOLVEMENT IN EDUCATION ON A SCHOOL-BY-SCHOOL BASIS," was jointly offered by Representatives Nishimoto, Arakaki, Takai, Kahikina, Karamatsu, Shimabukuro, Wakai, Hale, Mindo, Morita, Tamayo, Schatz, Takumi and Evans.

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO ASSIST IN THE DEVELOPMENT OF STANDARDIZED POWER PURCHASE AGREEMENTS TO REDUCE THE APPROVAL PROCESS TIME FOR THE IMPLEMENTATION OF NEW RENEWABLE ENERGY SYSTEMS," was jointly offered by Representatives Thielen and Morita.

H.R. No. 95, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF PROVIDING A TAX DEDUCTION TO SMALL BUSINESSES FOR MEDICAL INSURANCE PREMIUM COSTS," was offered by Representative Thielen.

H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO REVIEW THE CONCEPT OF TERM LIMITS FOR CONDOMINIUM BOARD MEMBERS," was jointly offered by Representatives Thielen and Hiraki.

H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM APRIL 19 AS PATRIOT'S DAY," was offered by Representative Thielen.

H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING A STUDY BY THE LEGISLATIVE REFERENCE BUREAU CONCERNING BLIND TRUST ACCOUNTS IN ELECTION CAMPAIGNS," was jointly offered by Representatives Schatz, and B. Oshiro.

H.R. No. 100, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INCLUDE IN ITS "RENEWABLE ENERGY RESEARCH, DEVELOPMENT, COMMERCIALIZATION, AND EXPORT PROMOTION PLAN FOR HAWAII", A PLAN FOR THE ISSUANCE OF REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES," was jointly offered by Representatives Schatz, Waters and Morita.

H.R. No. 101, entitled: "HOUSE RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO INVEST AT LEAST TWO PERCENT OF ITS INVESTMENT PORTFOLIO IN HAWAII-BASED FIRMS," was jointly offered by Representatives Schatz, B. Oshiro, Wakai, Abinsay, Herkes, Chang, Karamatsu, Sonson, Magaoay and Tamayo.

H.R. No. 102, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO A REAL ESTATE TRANSACTION AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was offered by Representative Nakasone.

H.R. No. 103, entitled: "HOUSE RESOLUTION REQUESTING THAT THE STATE OF HAWAII PURSUE A WIRELESS E911 INTERIM WORKING GROUP," was offered by Representative Hiraki.

H.R. No. 104, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO CONVENE A TASK FORCE TO ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR TRANSITIONAL HOUSING FACILITIES ON OAHU," was offered by Representative Hiraki.

[Note: The following resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 o'clock p.m. closing of the Journal this legislative day]

H.R. No. 105, entitled: "HOUSE RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE AN AD HOC COMMITTEE TO STUDY THE VIABILITY OF ESTABLISHING AN ENVIRONMENTAL COURT IN THIS STATE," was jointly offered by Representatives Morita, B. Oshiro, Kaho'ohalahala, Hamakawa, Thielen, Schatz and Waters.

H.R. No. 106, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF AND RECOMMENDATIONS ON POLICIES TO ALIGN WORKFORCE DEVELOPMENT EDUCATION TO RESPOND TO ECONOMIC AND WORKFORCE NEEDS," was offered by Representative Takumi.

H.R. No. 107, entitled: "HOUSE RESOLUTION REQUESTING TELECOMMUNICATIONS AND CALL CENTERS TO INITIATE CUSTOMER RIGHT TO KNOW PROCEDURES REGARDING ALL INBOUND AND OUTBOUND COMMUNICATIONS," was offered by Representative Takumi.

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY (HEMIC)," was offered by Representative Herkes.

H.R. No. 109, entitled: "HOUSE RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO ESTABLISH AN ADVISORY COMMISSION ON HAWAII PALLIATIVE CARE AND PAIN MANAGEMENT," was offered by Representative Hamakawa.

H.R. No. 110, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGISTRATION OF PRIVATE PROCESS SERVERS AND CIVIL COURT OFFICERS," was offered by Representative Hamakawa.

H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE HAWAII STATE JUDICIARY, DIVISION OF DRIVER EDUCATION," was offered by Representative Hamakawa.

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO ESTABLISH A TASK FORCE TO DEVELOP AN EMERGENCY ACTION PLAN TO ASSIST AND EMPOWER THE WAI'ANA'E COMMUNITY AND OTHER COMMUNITIES AROUND THE STATE TO FOSTER GREATER SELF-SUFFICIENCY," was jointly offered by Representatives Shimabukuro, Kawakami, Hale, Arakaki, Kahikina, Magaoay, Karamatsu, Chang, Marumoto, Ching and Herkes.

H.R. No. 113, entitled: "HOUSE RESOLUTION RELATING TO RECOMMENDATIONS FOR PUBLIC ASSISTANCE," was jointly offered by Representatives Mindo, Shimabukuro, Arakaki, Kahikina, Magaoay, Karamatsu, M. Oshiro, Chang, Takumi, Caldwell, Souki, Abinsay, Kanoho and Hiraki.

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES CONDUCT A STUDY OF LANDS LOCATED WITHIN OR NEAR THE CONSERVATION DISTRICT TO EVALUATE AND PROPOSE SYSTEMATIC MEASURES TO BE TAKEN TO MITIGATE DAMAGES THAT MAY BE CAUSED BY THE NATURAL EROSION OF LAND," was jointly offered by Representatives Ito, Morita and Kanoho.

H.R. No. 115, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES PRESIDENT TO SUBMIT THE KYOTO PROTOCOL TO THE UNITED STATES SENATE FOR RATIFICATION," was offered by Representative Morita.

H.R. No. 116, entitled: "HOUSE RESOLUTION ESTABLISHING A WORKING GROUP TO ASSESS THE ETHICAL, HEALTH, AND ECOLOGICAL CONSEQUENCES OF CROSSING THE SPECIES BOUNDARY AND CREATING GENETICALLY ENGINEERED ORGANISMS IN HAWAII," was jointly offered by Representatives Morita, B. Oshiro, Waters and Mindo.

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO OBTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE MANDATES OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001," was jointly offered by Representatives Takai, Takumi, Tamayo, Evans, Morita, Schatz, Hale, Ontai, Kahikina, Arakaki, Blundell and Leong.

H.R. No. 118, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION TO DECLINE ANY FURTHER PARTICIPATION IN THE "NO CHILD LEFT BEHIND ACT OF 2001" AND TO RETURN ALL TITLE I PROGRAM MONEYS CONDITIONED ON THE IMPLEMENTATION OF THE ACT BY THE STATE OF HAWAII," was jointly offered by Representatives Takai, Takumi, Tamayo, Kahikina, Schatz, Morita, Hale, Evans and Leong.

H.R. No. 119, entitled: "HOUSE RESOLUTION STRONGLY URGING THE DEPARTMENT OF HEALTH TO REQUIRE THE FULL IMMUNIZATION AGAINST THE HEPATITIS B VIRUS OF ALL PERSONS IN THE STATE WHO ATTEND ANY INSTITUTION OF HIGHER EDUCATION," was jointly offered by Representatives Takai, Lee and Arakaki.

H.R. No. 120, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII TO REQUIRE ALL STUDENTS AT THE UNIVERSITY OF HAWAII SYSTEM TO SHOW PROOF OF FULL IMMUNIZATION AGAINST THE HEPATITIS B VIRUS PRIOR TO ENROLLMENT," was jointly offered by Representatives Takai, Lee and Arakaki.

H.R. No. 121, entitled: "HOUSE RESOLUTION CONVENING AN ECONOMIC SUMMIT," was offered by Representative Schatz.

H.R. No. 122, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE PROVISIONS OF THE MEDICAL MARIJUANA LAW," was jointly offered by Representatives Arakaki, Kahikina, Shimabukuro, Karamatsu, Chang, Takai, Kanoho, Takumi, Caldwell, Souki, Abinsay, and M. Oshiro.

H.R. No. 123, entitled: "HOUSE RESOLUTION URGING A JOINT EFFORT BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STOP THE IMPORTATION OF ALIEN AQUATIC ORGANISMS THAT COULD BECOME INVASIVE," was jointly offered by Representatives Morita, Waters, Kaho'ohalahala, and M. Oshiro.

H.R. No. 124, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO PERMANENTLY PROHIBIT OIL DEVELOPMENT, EXPLORATION, AND PRODUCTION IN THE ARCTIC NATIONAL WILDLIFE REFUGE," was jointly offered by Representatives Morita, Shimabukuro, Hale, B. Oshiro, Schatz, Caldwell, Kahikina, Thielen, Waters, Kaho'ohalahala, Wakai and Karamatsu.

H.R. No. 125, entitled: "HOUSE RESOLUTION DESIGNATING APRIL 2003 AS "FINANCIAL LITERACY FOR YOUTH IN HAWAII MONTH," was jointly offered by Representatives Caldwell, M. Oshiro, Schatz, Kaho'ohalahala, Tamayo, B. Oshiro, Takai, Bukoski, Lee, Luke, Karamatsu, Arakaki, Kahikina, Shimabukuro, Chang, Finnegan, Stonebraker, Moses, Souki, Ito, Leong, Abinsay, Herkes, Takumi, Magaoay, Kawakami, Hiraki, Nakasone, Marumoto, Hale and Fox.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was offered by Representative Hale.

H.R. No. 127, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF PROVIDERS OF DEATH SERVICES," was jointly offered by Representatives B. Oshiro, Takai, Hamakawa, Takamine and Hiraki.

H.R. No. 128, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A PUBLIC EDUCATIONAL CAMPAIGN ON THE DANGERS OF CRYSTAL METHAMPHETAMINE," was jointly offered by Representatives Herkes, Lee, Caldwell, Sonson, B. Oshiro, Kahikina, Magaoay, Schatz, Arakaki, Waters, M. Oshiro, Hale, Hiraki and Nakasone.

H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE KALAUPAPA SETTLEMENT OPERATIONS AND EXPENDITURES," was jointly offered by Representatives Nakasone and Arakaki.

H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE PRESIDENT'S CALL FOR LEGAL REFORM," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Blundell, Fox, Moses, Meyer, Ching, Finnegan, Ito, Chang, Bukoski and Marumoto.

H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO ABOLISH THE ALTERNATIVE MINIMUM TAX," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Blundell, Bukoski, Moses, Marumoto, Meyer, Ching, Finnegan, Leong, Sonson and Fox.

H.R. No. 132, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO ABOLISH THE DEATH TAX PERMANENTLY," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Ito, Kahikina, Blundell, Fox, Moses, Marumoto, Meyer, Ching, Finnegan, Chang, Magaoay, Sonson, Bukoski and Halford.

H.R. No. 133, entitled: "HOUSE RESOLUTION REQUESTING THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII WORK TO DEPLOY A NATIONAL MISSILE DEFENSE SYSTEM," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Blundell, Fox, Bukoski, Moses, Marumoto, Meyer, Finnegan, Sonson and Halford.

H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII WORK TO PASS PRESIDENT BUSH'S 2003 ECONOMIC GROWTH AND TAX RELIEF PLAN," was jointly offered by Representatives Ontai, Stonebraker, Finnegan, Fox, Bukoski, Moses, Marumoto, Meyer, Ching, Jernigan, Leong, Blundell and Halford.

H.R. No. 135, entitled: "HOUSE RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION WORK TO PROTECT AMERICA'S SAVINGS PERMANENTLY," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Fox, Moses, Ching, Finnegan, Ito, Kahikina, Chang, Sonson, Blundell, Bukoski, Marumoto, Meyer and Halford.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO FORM AN AD HOC ADVISORY GROUP TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING THE IMPLEMENTATION OF STANDARD OFFER CONTRACTS AND STANDARDIZED INTERCONNECTION AGREEMENTS TO FACILITATE THE PURCHASE OF ELECTRICITY FROM RENEWABLE ENERGY PRODUCERS IN HAWAII," was jointly offered by Representatives Morita, Thielen, Evans, Waters, Kaho'ohalahala and Caldwell.

H.R. No. 137, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A PILOT PROJECT TO ASSESS THE FEASIBILITY OF A COMMUNITY-BASED MARINE RESERVE ADVISORY PROCESS TO SUPPORT THE DEPARTMENT IN THE IDENTIFICATION, DESIGNATION, AND STEWARDSHIP OF MARINE RESERVE SITES AND TO CONDUCT A SURVEY TO IDENTIFY AREAS OF THE MARINE ENVIRONMENT WHERE MANAGEMENT AND RESOURCE PROTECTION NEEDS ARE THE GREATEST," was jointly offered by Representatives Morita, B. Oshiro, Mindo, Schatz, Kanoho, Caldwell, M. Oshiro, Waters and Hiraki.

H.R. No. 138, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE ON THE COMPLIANCE WITH AND IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING ENTERED INTO ON OCTOBER 24, 2002, BETWEEN THE STATE AND THE NORTH WEST CRUISESHIP ASSOCIATION," was jointly offered by Representatives Morita, B. Oshiro, Waters, Schatz and Caldwell.

H.R. No. 139, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF AN EMISSIONS TASK FORCE TO MEASURE THE STATE'S POWER PLANT AND MOTOR VEHICLE EMISSIONS AND DEVELOP COMPREHENSIVE STRATEGIES TO REDUCE EMISSIONS," was jointly offered by Representatives Morita, B. Oshiro and Caldwell.

H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF EXISTING LEGISLATION REGULATING CRUISE SHIPS AND THEIR ENVIRONMENTAL EFFECTS," was jointly offered by Representatives Morita, Waters, and B. Oshiro.

H.R. No. 141, entitled: "HOUSE RESOLUTION REQUESTING THE CRUISE SHIP INDUSTRY TO PAY THE FULL COST OF DEVELOPING AND OPERATING A WASTEWATER INFRASTRUCTURE SYSTEM," was jointly offered by Representatives Morita, B. Oshiro and Waters.

H.R. No. 142, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO COORDINATE A PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU," was offered by Representative Pendleton.

H.R. No. 143, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT AN EPIDEMIC PREVENTION PROGRAM TO PREVENT THE POTENTIAL ENTRY OF COMMUNICABLE DISEASE VECTORS THAT MAY CAUSE AN EPIDEMIC IN HAWAII," was jointly offered by Representatives Tamayo, Shimabukuro, Wakai, Mindo and Waters.

H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE RELOCATION OF THE QUEEN LILPUOKALANI STATUE TO WASHINGTON PLACE," was jointly offered by Representatives Waters, Kaho'ohalahala, Kanoho, Kahikina, Caldwell, Magaoay, Lee, B. Oshiro, Evans, Morita and Wakai.

H.R. No. 145, entitled: "HOUSE RESOLUTION SUPPORTING EFFORTS BY THE KO'OLAU GREENBELT AND HERITAGE TRAILS SYSTEM TO PROVIDE A HOLISTIC APPROACH TO WATERSHED PROTECTION FOR THE ENTIRE KO'OLAU SYSTEM AND TO FACILITATE PARTNERSHIPS TO DETERMINE THE FUTURE OF WINDWARD OAHU'S NATURAL AND HUMAN RESOURCES," was offered by Representative Waters, by request.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF LABOR AND INDUSTRIAL RELATIONS AND HEALTH TO CONDUCT A STUDY RELATING TO THE OCCUPATIONAL AND HEALTH RISKS OF COUNTY GARBAGE COLLECTION WORKERS," was jointly offered by Representatives Waters, Kahikina, Mindo, Shimabukuro, M. Oshiro, Hamakawa, Takumi, Kaho'ohalahala, Caldwell, Magaoay and Morita.

H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO CONDUCT AN ANALYSIS OF ITS CURRENT EFFORTS TO DETERMINE TO WHAT EXTENT IT IS UTILIZING PROMISING ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGIES IN ITS DEVELOPMENT DISTRICTS," was jointly offered by Representatives Morita and Kanoho.

H.R. No. 148, entitled: "HOUSE RESOLUTION RECOGNIZING THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY," was jointly offered by Representatives Takai, Tamayo and Takumi.

H.R. No. 149, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT CAREER PATHWAYS AS A PART OF A SCHOOL REFORM MODEL TO INCLUDE THE REDESIGN OF CAREER AND TECHNICAL EDUCATION THAT IS REFLECTIVE OF ECONOMIC DEVELOPMENT INITIATIVES AND PRIORITIES," was jointly offered by Representatives Takamine and Takumi.

H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK FOR THE CONSTRUCTION OF THE PAHOA SCHOOL GYMNASIUM," was offered by Representative Hale.

H.R. No. 151, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO SEEK GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF HEALTH RURAL HOSPITAL FLEXIBILITY PROGRAM," was jointly offered by Representatives Lee, Takai, M. Oshiro, Ontai, Karamatsu, Magaoay, Takumi and Wakai.

H.R. No. 152, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF ESTABLISHING FLYER STOPS WITHIN THE RIGHT-OF-WAY OF OAHU'S H-2 FREEWAY AND CONNECTING TO PARK-AND-RIDE FACILITIES," was jointly offered by Representatives Lee, Magaoay, Ontai, Wakai, Sonson, Takai, M. Oshiro and Karamatsu.

H.R. No. 153, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RECOGNIZE ON-LINE COURSES FROM ACCREDITED INSTITUTIONS," was jointly offered by Representatives Lee, Shimabukuro, Karamatsu, Hamakawa, Evans, Wakai, Magaoay, Nakasone, Schatz, Arakaki, M. Oshiro and Hale.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF EDUCATION TO COMPLY WITH CRITERIA FOR HURRICANE-RESISTANT SHELTERS ESTABLISHED BY THE ADJUTANT GENERAL," was jointly offered by Representatives Lee and Ontai.

H.R. No. 155, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE HAWAII TOURISM AUTHORITY TO COLLABORATE IN PRESERVING AND PROTECTING HAWAII'S BEACHES FOR RESIDENTS AND VISITORS," was offered by Representative Evans.

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF HARNESSING METHANE GAS FROM METHANE MITIGATION EFFORTS AT HONOLULU HARBOR TO BE USED AS A VIABLE ENERGY RESOURCE," was jointly offered by Representatives Evans, Shimabukuro, Morita, Souki, Wakai, Bukoski, Blundell, Karamatsu, Waters and Kanoho.

H.R. No. 157, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII DEPARTMENT OF PSYCHIATRY TO EXPAND ITS RESEARCH AND EDUCATION ON DEPRESSION DIAGNOSIS AND MANAGEMENT," was jointly offered by Representatives Evans, Shimabukuro, Waters, Pendleton, Arakaki, Hale, Ching, Finnegan, Hiraki, Wakai, Morita, Tamayo, Abinsay, Kaho'ohalahala, Caldwell, Marumoto, Moses, Sonson, Say, Kahikina, Magaoay, Saiki and Herkes.

H.R. No. 158, entitled: "HOUSE RESOLUTION REQUESTING THE LONG-TERM CARE OMBUDSMAN IN THE EXECUTIVE OFFICE ON AGING TO ESTABLISH AN OUTREACH PROGRAM THAT ENCOURAGES VOLUNTEERS AND FAMILY MEMBERS TO VISIT ADULT RESIDENTIAL CARE HOMES, LICENSED ASSISTED LIVING FACILITIES, AND NURSING CARE FACILITIES AND TO REPORT ANY ABUSE, NEGLECT, OR MISTREATMENT OF THE ELDERLY AND DEPENDENT ADULTS," was jointly offered by Representatives Evans, Shimabukuro, Pendleton, Takai, Waters, Arakaki, Hale, Ching, Finnegan, Hiraki, Wakai, Sonson, Herkes, Morita, Tamayo, Lee, Abinsay, Takumi, Kaho'ohalahala, Caldwell, Marumoto, Moses, Stonebraker, Say, Kahikina, Magaoay and Saiki.

H.R. No. 159, entitled: "HOUSE RESOLUTION SUPPORTING THE PRESERVATION OF THE HAWAIIAN LANGUAGE AND THE PERPETUATION OF ITS STUDY AND USE," was offered by Representative Kahikina.

H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING THE MAUI COUNTY DEPARTMENT OF WATER SUPPLY TO CONDUCT A STUDY ON THE FEASIBILITY AND AVAILABILITY OF GROUND WATER RESOURCES IN UPCOUNTRY MAUI IN ORDER TO ELIMINATE THE NEED FOR LEAD TREATMENT AND CHEMICAL ADDITIVES IN THE UPCOUNTRY MAUI WATER SYSTEM," was offered by Representative Bukoski.

H.R. No. 161, entitled: "HOUSE RESOLUTION SUPPORTING PRESIDENT BUSH'S LEADERSHIP IN HIS EFFORTS TO DEFEND THE UNITED STATES AGAINST SADDAM HUSSEIN," was jointly offered by Representatives Ontai, Jernigan, Ching, Bukoski, Blundell, Moses and Meyer.

H.R. No. 162, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF CREATING PUBLIC-PRIVATE PARTNERSHIPS TO PROVIDE COST-EFFECTIVE REHABILITATION SERVICES TO LOW INCOME AND MEDICAID ELIGIBLE INDIVIDUALS AND GOVERNMENT EMPLOYEES," was jointly offered by Representatives Arakaki, Kahikina, Morita, Mindo, Souki, Kanoho, Karamatsu, Hale, Takumi, and M. Oshiro.

H.R. No. 163, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, WITH THE ASSISTANCE OF THE HAWAII CONGRESSIONAL DELEGATION, TO RESTORE THE DISPROPORTIONATE SHARE OF HOSPITAL PAYMENTS FOR COMPENSATION FOR CARE PROVIDED TO THE UNINSURED," was offered by Representative Arakaki.

H.R. No. 164, entitled: "HOUSE RESOLUTION REAFFIRMING THE VALUE AND MEANING OF ALOHA IN THE FACE OF POTENTIAL MILITARY ACTION AGAINST IRAQ," was jointly offered by Representatives Kaho'ohalahala, Kahikina, Kanoho, Abinsay, Waters, Ito, Takai, Shimabukuro, Hale, Morita, Arakaki, B. Oshiro, Herkes, Hamakawa, Lee, Blundell, Leong, Say, Evans, M. Oshiro, Takamine, Kawakami, Sonson, Hiraki, Souki, Ching, Karamatsu, Luke, Magaoay, Moses, Finnegan, Chang, Wakai and Meyer.

H.R. No. 165, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was jointly offered by Representatives Marumoto, Evans, Pendleton, Karamatsu, Thielen, Lee, Arakaki, Kahikina, Morita, Souki, Wakai, Waters, Kanoho, Kawakami, Finnegan and Caldwell.

H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING ACTIONS IN THE INTERIM TO ADDRESS THE ISSUES AND FEASIBILITY SURROUNDING THE COLLECTION OF DNA SAMPLES FROM CLASS A AND B FELONS," was jointly offered by Representatives Marumoto, Pendleton, B. Oshiro, Stonebraker, Evans, Kanoho, Wakai, Kahikina, Arakaki, Souki, Karamatsu, Magaoay, Kawakami, Chang, Saiki and Morita.

H.R. No. 167, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, IN PARTNERSHIP WITH THE EAST-WEST CENTER AND THE UNIVERSITY OF HAWAII, TO ESTABLISH A TASK FORCE ON ASIA-PACIFIC EDUCATION IN HAWAII TO DEVELOP HAWAII CITIZENS' ASIA-RELATED KNOWLEDGE AND EXPERTISE AS A MEANS TO ENSURE HAWAII'S ECONOMIC COMPETITIVENESS AND PROSPERITY AND TO PROMOTE MUTUAL UNDERSTANDING AND COOPERATION BETWEEN THE UNITED STATES AND THE ASIA-PACIFIC REGION," was jointly offered by Representatives Ching, Shimabukuro, Moses, Marumoto, Thielen, Sonson, Bukoski, Ontai, Finnegan, Morita, Wakai, Tamayo, Chang, Kawakami, Lee, Luke, B. Oshiro, Leong, Meyer, Evans, Hiraki, Magaoay, Abinsay, Kahikina, Stonebraker and Blundell.

H.R. No. 168, entitled: "HOUSE RESOLUTION SUPPORTING THE MANY BENEFITS OF HAWAII GROWN CHOCOLATE TO OUR STATE AND DIVERSIFIED AGRICULTURE," was jointly offered by Representatives Ching, Hale, Shimabukuro, Meyer, Evans, Thielen, Moses, B. Oshiro, Tamayo, Wakai, Hiraki, Ontai, Finnegan, Magaoay, Abinsay, Kahikina, Leong, Stonebraker, Blundell and Bukoski.

H.R. No. 169, entitled: "HOUSE RESOLUTION REQUESTING THE DOE IMPLEMENT A PILOT PROJECT TO DISTRIBUTE SURPLUS SUPPLIES," was jointly offered by Representatives Ching, B. Oshiro, Hale, Shimabukuro, Thielen, Meyer, Evans, Wakai, Finnegan, Magaoay, Abinsay, Kahikina, Leong, Blundell, Bukoski, Moses, Ontai and Hiraki.

H.R. No. 170, entitled: "HOUSE RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HEALTH CARE ROUNDTABLE TO PROMOTE IMPROVEMENTS IN HAWAII'S HEALTH CARE SYSTEM," was jointly offered by Representatives Ching, Shimabukuro, Blundell, Wakai, Moses, Meyer and Leong.

H.R. No. 171, entitled: "HOUSE RESOLUTION SUPPORTING THE RESTORATION AND MAINTENANCE OF THE SANJU PAGODA IN NUUANU VALLEY," was jointly offered by Representatives Ching, Wakai, Shimabukuro, Evans, Moses, Blundell, Bukoski, Meyer and Leong.

H.R. No. 172, entitled: "HOUSE RESOLUTION REQUESTING THE JOHN A. BURNS SCHOOL OF MEDICINE TO HOST A SYMPOSIUM ON COMPLEMENTARY AND ALTERNATIVE MEDICINES," was jointly offered by Representatives Ching, Shimabukuro, Evans, Moses, Blundell, Bukoski and Leong.

H.R. No. 173, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HUMAN RESOURCES DEVELOPMENT TO ESTABLISH A VOLUNTARY PUBLIC TRANSIT BENEFIT PROGRAM FOR STATE EMPLOYEES," was offered by Representative Luke.

H.R. No. 174, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO PROMOTE WATER CONSERVATION BY ADOPTING RULES AND REGULATIONS TO REQUIRE RESTAURANTS TO SERVE WATER ONLY UPON REQUEST," was jointly offered by Representatives Luke, Caldwell, Ito, Schatz, Hale, Morita, Mindo, Arakaki and Takumi.

H.R. No. 175, entitled: "HOUSE RESOLUTION URGING THE RESPECTIVE MAYORS TO IMPLEMENT AN EXPEDITED PERMIT PROCESS FOR LARGE QUALIFIED PROJECTS," was offered by Representative Luke, by request.

H.R. No. 176, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE SPECIFIC ACTIONS TO HELP THE AIRLINES SERVING THE STATE OF HAWAII IN THE EVENT OF A WAR," was jointly offered by Representatives Luke, Ito, Schatz, Caldwell and Thielen.

H.R. No. 177, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO EXPAND ITS BRUNCH ON THE BEACH AND SUNSET ON THE BEACH PROGRAM TO ACTIVELY WELCOME AND INCLUDE THE PARTICIPATION OF MILITARY FAMILIES," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.R. No. 178, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO DEVELOP AND IMPLEMENT A PROGRAM TO PROVIDE MILITARY FAMILIES STATIONED IN HAWAII WITH AN AFFORDABLE OPPORTUNITY TO SEE THE STATE," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.R. No. 179, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT PROGRAMS TO DEMONSTRATE TO THE CHILDREN OF ARMED SERVICES MEMBERS THAT THE PEOPLE OF HAWAII VALUE AND APPRECIATE THE SACRIFICES OF THE ARMED SERVICES MEMBER AND THEIR FAMILIES," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.R. No. 180, entitled: "HOUSE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY, IN CONJUNCTION WITH THE AIRLINE AND HOTEL INDUSTRY, TO IMPLEMENT A PROGRAM WHICH GIVES REDUCED PRICES FOR AIRFARE AND HOTEL ACCOMMODATIONS TO VISITING RELATIVES AND FAMILIES OF MILITARY PERSONNEL TO SHOW OUR ALOHA FOR THEIR SACRIFICE," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.R. No. 181, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT TO CONSIDER THE LIMITED RESOURCES OF HAWAII CONTRACTORS IN ITS PROCUREMENT PROCEDURES FOR GOODS, SERVICES, AND CONSTRUCTION IN HAWAII," was jointly offered by Representatives Luke, Schatz, Caldwell and Thielen.

H.R. No. 182, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO DEVELOP AND IMPLEMENT A PLAN, IN CONJUNCTION WITH THE HAWAII TOURISM AUTHORITY, TO SEND AND LEAD A DELEGATION TO JAPAN TO EXPEDITE THE RECOVERY OF THE JAPANESE TOURISM MARKET IN HAWAII AFTER THE COMMENCEMENT OF ARMED CONFLICT BETWEEN THE UNITED STATES AND IRAQ," was jointly offered by Representatives Luke, Schatz, Caldwell and Thielen.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RALPH BUNCHE CENTENARY CELEBRATION," was offered by Representative Hale.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. SMALL BUSINESS ADMINISTRATION TO RE-EXAMINE THE CRITERIA FOR DESIGNATING HUBZONES UNDER THE HUBZONE EMPOWERMENT CONTRACTING PROGRAM AS IT APPLIES TO THE STATE OF HAWAII," was jointly offered by Representatives Shimabukuro, Mindo, Arakaki, Magaoay, Karamatsu, Chang, Takumi, Caldwell, Herkes, Kanoho, Hiraki, Tamayo, Kawakami and Saiki.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A STATE OFFICE OF INTERNATIONAL RELATIONS," was jointly offered by Representatives M. Oshiro, Souki, Mindo, Caldwell, Nakasone and Hale.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, IN CONJUNCTION WITH HAWAII'S HEALTH PLANS, TO EXPLORE OPTIONS FOR PROVIDING MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS TO HAWAII'S BUSINESSES UNDER HAWAII'S PREPAID HEALTH CARE ACT," was jointly offered by Representatives M. Oshiro, Souki, Mindo, Caldwell and Nakasone.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF MEDICAL SAVINGS ACCOUNTS," was jointly offered by Representatives M. Oshiro, Nakasone, Mindo and Caldwell.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY, IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH AND THE EMPLOYEES' RETIREMENT SYSTEM, TO DETERMINE THE EFFECTS OF ALLOWING EMERGENCY MEDICAL TECHNICIANS TO RETIRE AFTER TWENTY-FIVE YEARS OF SERVICE," was jointly offered by Representatives M. Oshiro, Souki, Mindo, Caldwell and Nakasone.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO STUDY THE FEASIBILITY OF A DEFERRED RETIREMENT OPTION PLAN BENEFIT FOR FIRE FIGHTERS AND POLICE OFFICERS," was jointly offered by Representatives M. Oshiro, Souki, Mindo, Caldwell and Nakasone.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was jointly offered by Representatives Saiki, Kawakami, Ito, Leong, B. Oshiro and Marumoto.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO CONDUCT A STUDY ON THE FEASIBILITY OF A HYBRID RETIREMENT PLAN," was offered by Representative M. Oshiro.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO ENACT A PROGRAM TO LOWER THE COST OF PRESCRIPTION DRUGS FOR SENIOR CITIZENS," was jointly offered by Representatives Marumoto, Arakaki, Ito, B. Oshiro, M. Oshiro, Fox, Chang, Thielen, Hiraki, Leong, Finnegan, Ontai, Hale, Kanoho and Takumi.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND HEALTH TO CONDUCT A JOINT FEASIBILITY STUDY ON THE RETURN OF UNUSED DRUGS BY NURSING HOMES FOR FUTURE DISPENSING TO INDIGENT PATIENTS," was jointly offered by Representatives Marumoto, Arakaki, Kahikina, Shimabukuro, Evans, Thielen, Hale, Magaoay, Finnegan and Pendleton.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING INCREASED FEDERAL FUNDING FOR SUBSTANCE ABUSE TREATMENT PROGRAMS," was jointly offered by Representatives Arakaki, Marumoto, Karamatsu, Luke, Magaoay, Shimabukuro, Moses, Meyer, Hale, Ching, Fox, B. Oshiro, Thielen, Ontai, Finnegan, Stonebraker, Blundell, Ito, Kanoho, Waters, M. Oshiro, Takumi, Hiraki, Chang, Leong and Jernigan.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A TEACHER CADET PROGRAM TO RECRUIT HAWAII'S BRIGHTEST AND BEST PUBLIC HIGH SCHOOL STUDENTS FOR TEACHING CAREERS IN THE HAWAII PUBLIC SCHOOL SYSTEM," was jointly offered by Representatives Takai, Takumi and Tamayo.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A RECODIFICATION OF THE HIGHER EDUCATION STATUTES," was jointly offered by Representatives Takai and Tamayo.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP PUBLIC HEALTH STRATEGIES TO ADDRESS THE HEPATITIS C PROBLEM," was jointly offered by Representatives Nishimoto, Arakaki, Takai, Mindo, Kahikina, Evans, Wakai, Karamatsu, Shimabukuro, Hale and Takumi.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ACTIVELY RECRUIT NONRESIDENT STUDENTS," was jointly offered by Representatives Nishimoto, Arakaki, Takai, Kahikina, Karamatsu, Shimabukuro, Wakai, Hale, Mindo, Evans, Morita, Tamayo, Schatz and Takumi.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADMINISTRATION TO BASE ITS MANAGEMENT PRACTICES ON A UNIFORM SET OF PROVEN PROJECT MANAGEMENT PRINCIPLES WHICH INCLUDE PROJECT COST MANAGEMENT," was jointly offered by Representatives Stonebraker, Moses, Bukoski, Leong, Ontai, Jernigan, Finnegan and Tamayo.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON ASIA-PACIFIC EDUCATION TO ENSURE THAT HAWAII'S STUDENTS MEET HIGH PERFORMANCE STANDARDS IN EDUCATION ABOUT ASIA AND THE PACIFIC AND UNDERSTAND THE IMPACT OF THE STATE'S RELATIONSHIP WITH THE REGION," was offered by Representative Hale.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CLARIFY THE STATUS OF BENEFICIARIES UNDER THE HAWAIIAN HOMES COMMISSION ACT TO REHABILITATE NATIVE HAWAIIANS AND ENSURE EQUAL HOUSING OPPORTUNITIES TO PEOPLE OF HAWAIIAN ANCESTRY IN AN EFFICIENT AND AFFORDABLE MANNER," was jointly offered by Representatives Kahikina, Morita, Bukoski, Chang, Magaoay, Kawakami and Ontai.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY THE CONTINUATION OF SERVICES AFTER THE PLANNED CLOSING OF THE CASEY FAMILY FOUNDATION OFFICES IN HAWAII," was jointly offered by Representatives Kahikina, Chang, Magaoay, Kawakami and Ontai.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REVIEW ITS INVESTMENT PRACTICES, DETERMINE WHETHER ANY INVESTMENTS ARE BEING MADE WITH COMPANIES BASED IN COUNTRIES THAT SUPPORT TERRORISM, AND RETHINK ITS INVESTMENT POLICIES REGARDING THESE COMPANIES," was offered by Representative M. Oshiro.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO ASSIST IN THE DEVELOPMENT OF STANDARDIZED POWER PURCHASE AGREEMENTS TO REDUCE THE APPROVAL PROCESS TIME FOR THE IMPLEMENTATION OF NEW RENEWABLE ENERGY SYSTEMS," was jointly offered by Representatives Thielen and Morita.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF PROVIDING A TAX DEDUCTION TO SMALL BUSINESSES FOR MEDICAL INSURANCE PREMIUM COSTS," was offered by Representative Thielen.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO REVIEW THE CONCEPT OF TERM LIMITS FOR CONDOMINIUM BOARD MEMBERS," was jointly offered by Representatives Thielen and Hiraki.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM APRIL 19 AS PATRIOT'S DAY," was offered by Representative Thielen.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY BY THE LEGISLATIVE REFERENCE BUREAU CONCERNING BLIND TRUST ACCOUNTS IN ELECTION CAMPAIGNS," was jointly offered by Representatives Schatz, and B. Oshiro.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INCLUDE IN ITS "RENEWABLE ENERGY RESEARCH, DEVELOPMENT, COMMERCIALIZATION, AND EXPORT PROMOTION PLAN FOR HAWAII", A PLAN FOR THE ISSUANCE OF REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES," was jointly offered by Representatives Schatz, Morita and Waters.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO INVEST AT LEAST TWO PERCENT OF ITS INVESTMENT PORTFOLIO IN HAWAII-BASED FIRMS," was jointly offered by Representatives Schatz, B. Oshiro, Abinsay, Wakai, Herkes, Chang, Karamatsu, Sonson, Magaoay and Tamayo.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO A REAL ESTATE TRANSACTION AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was offered by Representative Nakasone.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO OBTAIN REASONABLE COMPENSATION FOR THE USE OF THE LANDS ON MAUNA KEA BY THE ASTRONOMICAL OBSERVATORIES," was jointly offered by Representatives Kanoho, Kahikina, Morita, Kawakami, Kaho'ohalahala, Waters and Takamine.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REVIEW THE SALE OF LEASES AND SUBMIT RECOMMENDATIONS TO THE LEGISLATURE FOR THE ADOPTION OF POLICIES THAT ARE FAIR TO AWARDEES, LEASE PURCHASERS, AND TO THE STATE," was jointly offered by Representatives Kanoho and Kahikina.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE OF HAWAII PURSUE A WIRELESS E911 INTERIM WORKING GROUP," was offered by Representative Hiraki.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO CONVENE A TASK FORCE TO ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR TRANSITIONAL HOUSING FACILITIES ON OAHU," was offered by Representative Hiraki.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR CONCERNING THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was offered by Representative Hiraki.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS," was offered by Representative Herkes.

[Note: The following concurrent resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 o'clock p.m. closing of the Journal this legislative day]

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE AN AD HOC COMMITTEE TO STUDY THE VIABILITY OF ESTABLISHING AN ENVIRONMENTAL COURT IN THIS STATE," was jointly offered by Representatives Morita, B. Oshiro, Kaho'ohalahala, Hamakawa, Thielen, Schatz and Waters.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REVIEW THE FEASIBILITY OF HAWAII BECOMING A MEMBER OF THE CHICAGO CLIMATE EXCHANGE AND THE FEASIBILITY OF REQUIRING THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A RENEWABLE ENERGY CREDITS TRADING PROGRAM IN HAWAII," was jointly offered by Representatives Morita, Waters, Kaho'ohalahala and Schatz.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL AND THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF UTILIZING BIOSOLIDS AS A SOURCE OF NUTRIENTS IN AGRICULTURE," was jointly offered by Representatives Morita and Herkes.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REVIEW OF AND RECOMMENDATIONS ON POLICIES TO ALIGN WORKFORCE DEVELOPMENT EDUCATION TO RESPOND TO ECONOMIC AND WORKFORCE NEEDS," was offered by Representative Takumi.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING TELECOMMUNICATIONS AND CALL CENTERS TO INITIATE CUSTOMER RIGHT TO KNOW PROCEDURES REGARDING ALL INBOUND AND OUTBOUND COMMUNICATIONS," was offered by Representative Takumi.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY (HEMIC)," was offered by Representative Herkes.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ECONOMIC IMPACT OF REPEALING ARTICLE VII, SECTIONS 5 AND 6, OF THE STATE CONSTITUTION, RELATING TO EXPENDITURE CONTROLS AND THE DISPOSITION OF EXCESS REVENUES," was offered by Representative Takamine.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S FEDERAL SECTION 8 VOUCHER PROGRAM," was jointly offered by Representatives Kawakami, Kahikina, Shimabukuro, Hamakawa and Hiraki.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO ESTABLISH AN ADVISORY COMMISSION ON HAWAII PALLIATIVE CARE AND PAIN MANAGEMENT," was offered by Representative Hamakawa.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGISTRATION OF PRIVATE PROCESS SERVERS AND CIVIL COURT OFFICERS," was offered by Representative Hamakawa.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE HAWAII STATE JUDICIARY, DIVISION OF DRIVER EDUCATION," was offered by Representative Hamakawa.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO ESTABLISH A TASK FORCE TO DEVELOP AN EMERGENCY ACTION PLAN TO ASSIST AND EMPOWER THE WAI'ANAЕ COMMUNITY AND OTHER COMMUNITIES AROUND THE STATE TO FOSTER GREATER SELF-SUFFICIENCY," was jointly offered by Representatives Shimabukuro, Kawakami, Hale, Arakaki, Kahikina, Magaoay, Karamatsu, Chang, Marumoto, Ching and Herkes.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATEWIDE TRAFFIC COMMANDERS TO COORDINATE AND IMPLEMENT RESPONSES TO WAIANAЕ COAST TRAFFIC CONCERNS," was jointly offered by Representatives Shimabukuro, Kawakami, Hale, Arakaki, Kahikina, Magaoay, Karamatsu, Chang, Marumoto, Ching, Herkes, Takumi, Caldwell and Souki.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECOMMENDATIONS FOR PUBLIC ASSISTANCE," was jointly offered by Representatives Mindo, Shimabukuro, Arakaki, Kahikina, Magaoay, Karamatsu, M. Oshiro, Chang, Takumi, Caldwell, Souki, Abinsay, Kanoho and Hiraki.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES CONDUCT A STUDY OF LANDS LOCATED WITHIN OR NEAR THE CONSERVATION DISTRICT TO EVALUATE AND PROPOSE SYSTEMATIC MEASURES TO BE TAKEN TO MITIGATE DAMAGES THAT MAY BE CAUSED BY THE NATURAL EROSION OF LAND," was jointly offered by Representatives Ito, Morita and Kanoho.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A MARINE PROTECTED AREA IN KANEOHE BAY AS MANDATED BY THE KANEOHE BAY MASTER PLAN," was jointly offered by Representatives Ito and Morita.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON REAL PROPERTY LEASES," was offered by Representative Say.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO RECONSIDER THE EXISTING KALAELOA REDEVELOPMENT PLAN AND MAKE REVISIONS AS NECESSARY TO MAXIMIZE THE SOCIAL AND ECONOMIC DEVELOPMENT POTENTIAL OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was jointly offered by Representatives Say and Kanoho.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY PREDATORY HOME LENDING IN HAWAII, EXISTING AND PROPOSED LAWS AND PROTECTIONS AGAINST PREDATORY HOME LENDING PRACTICES, AND MAKE RECOMMENDATIONS TO PROTECT HAWAII'S HOMEOWNERS FROM PREDATORY HOME LENDING PRACTICES," was jointly offered by Representatives Hiraki, Kahikina, M. Oshiro, Hamakawa and Caldwell.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES PRESIDENT TO SUBMIT THE KYOTO PROTOCOL TO THE UNITED STATES SENATE FOR RATIFICATION," was offered by Representative Morita.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A WORKING GROUP TO ASSESS THE ETHICAL, HEALTH, AND ECOLOGICAL CONSEQUENCES OF CROSSING THE SPECIES BOUNDARY AND CREATING GENETICALLY ENGINEERED ORGANISMS IN HAWAII," was jointly offered by Representatives Morita, B. Oshiro, Waters and Mindo.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE UTILIZATION OF RECYCLABLE PLASTICS AND OTHER ALTERNATE ENERGY SOURCES FOR THE GENERATION OF POWER," was offered by Representative Morita.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO OBTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE MANDATES OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001"," was jointly offered by Representatives Takai, Takumi, Tamayo, Evans, Morita, Blundell, Kahikina, Hale, Ontai, Ching, Arakaki, Schatz and Leong.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION TO DECLINE ANY FURTHER PARTICIPATION IN THE "NO CHILD LEFT BEHIND ACT OF 2001" AND TO RETURN ALL TITLE I PROGRAM MONEYS CONDITIONED ON THE IMPLEMENTATION OF THE ACT BY THE STATE OF HAWAII," was jointly offered by Representatives Takai, Takumi, Tamayo, Kahikina, Schatz, Morita, Arakaki, Hale, Evans and Leong.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF HEALTH TO REQUIRE THE FULL IMMUNIZATION AGAINST THE HEPATITIS B VIRUS OF ALL PERSONS IN THE STATE WHO ATTEND ANY INSTITUTION OF HIGHER EDUCATION," was jointly offered by Representatives Takai, Lee and Arakaki.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII TO REQUIRE ALL STUDENTS AT THE UNIVERSITY OF HAWAII SYSTEM TO SHOW PROOF OF FULL IMMUNIZATION AGAINST THE HEPATITIS B VIRUS PRIOR TO ENROLLMENT," was jointly offered by Representatives Takai, Lee and Arakaki.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING AN ECONOMIC SUMMIT," was offered by Representative Schatz.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM TASK FORCE ON UNIVERSAL HEALTH CARE," was jointly offered by Representatives Arakaki, Kahikina, Shimabukuro, Magaoay, Karamatsu, Chang, Takai, Abinsay, Hiraki, Hale, Say, Takumi, Caldwell, Souki, Lee, M. Oshiro, Kawakami and Saiki.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH A MENTAL HEALTH COURT IN HAWAII," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina, Lee, Abinsay, Hamakawa, B. Oshiro, Kawakami, Takai, Ching and Finnegan.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTUARIAL STUDY ON HEALTH INSURANCE PARITY FOR THE TREATMENT OF ALCOHOL DEPENDENCY AND DRUG DEPENDENCY," was jointly offered by Representatives Arakaki, Kahikina, Shimabukuro, Magaoay, Karamatsu, Chang, Takai, Abinsay, Takumi, Caldwell, Souki, Kanoho, Hiraki, and M. Oshiro.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO RESEARCH OPTIONS FOR ESTABLISHING A DEDICATED FUNDING MECHANISM TO IMPLEMENT THE PUBLIC PURPOSE AND RESPONSIBILITIES AS SPECIFIED IN ACT 77, SESSION LAWS OF HAWAII 1997, RELATING TO EARLY CHILDHOOD EDUCATION AND CARE," was jointly offered by Representatives Arakaki, Kahikina, Shimabukuro, Takai, Abinsay, Magaoay, Karamatsu, Chang, Takumi, Caldwell, Souki, Kanoho and Hiraki.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ALLOCATION OF RESOURCES TO ENSURE MEANINGFUL LANGUAGE ACCESS FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY TO FEDERALLY-ASSISTED PROGRAMS AND SERVICES, AS REQUIRED BY FEDERAL LAW," was jointly offered by Representatives Arakaki, Kahikina, Shimabukuro, Magaoay, Karamatsu, Chang, Takai, Abinsay, Takumi, Caldwell, Souki, Kanoho, Hiraki, and M. Oshiro.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ABUSES OF ACT 221 SESSION LAWS OF HAWAII 2001, AND MAKE RECOMMENDATIONS TO CORRECT THOSE ABUSES," was offered by Representative Saiki.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND LAND USE WORKING GROUP IN ADDRESSING THE MANDATE OF ARTICLE XI, SECTION 3 OF THE STATE CONSTITUTION AND RELATED AGRICULTURAL AND LAND ISSUES," was jointly offered by Representatives Kanohe, Abinsay, Sonson, Schatz, Mindo, Waters, Morita, B. Oshiro, M. Oshiro, Chang, Evans, Tamayo, Bukoski and Say.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING A JOINT EFFORT BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STOP THE IMPORTATION OF ALIEN AQUATIC ORGANISMS THAT COULD BECOME INVASIVE," was jointly offered by Representatives Morita, Waters, Kaho`ohalahala, and M. Oshiro.

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO PERMANENTLY PROHIBIT OIL DEVELOPMENT, EXPLORATION, AND PRODUCTION IN THE ARCTIC NATIONAL WILDLIFE REFUGE," was jointly offered by Representatives Morita, Shimabukuro, Hale, B. Oshiro, Schatz, Caldwell, Kahikina, Thielen, Waters, Kaho`ohalahala, Wakai and Karamatsu.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING APRIL 2003 AS "FINANCIAL LITERACY FOR YOUTH IN HAWAII MONTH," was jointly offered by Representatives Caldwell, Arakaki, Shimabukuro, Chang, Schatz, Kaho`ohalahala, B. Oshiro, Finnegan, Takai, M. Oshiro, Lee, Bukoski, Luke, Tamayo, Kahikina, Moses, Souki, Ito, Abinsay, Herkes, Karamatsu, Takumi, Magaoay, Kawakami, Hiraki, Nakasone, Leong, Marumoto, Hale, Stonebraker and Fox.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was offered by Representative Hale.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF PROVIDERS OF DEATH SERVICES," was jointly offered by Representatives B. Oshiro, Takai, Hamakawa, Takamine and Hiraki.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE HAWAII HOMEOWNERSHIP CENTER," was jointly offered by Representatives Kahikina, Takai, Shimabukuro, Arakaki, Hale and Ching.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A PUBLIC EDUCATIONAL CAMPAIGN ON THE DANGERS OF CRYSTAL METHAMPHETAMINE," was jointly offered by Representatives Herkes, Lee, Caldwell, Sonson, B. Oshiro, Kahikina, Magaoay, Schatz, Arakaki, Waters, M. Oshiro, Hale, Hiraki and Nakasone.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE KALAUPAPA SETTLEMENT OPERATIONS AND EXPENDITURES," was jointly offered by Representatives Nakasone and Arakaki.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE PRESIDENT'S CALL FOR LEGAL REFORM," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Ito, Blundell, Fox, Moses, Marumoto, Meyer, Ching, Finnegan, Chang and Bukoski.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO ABOLISH THE ALTERNATIVE MINIMUM TAX," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Bukoski, Moses, Marumoto, Meyer, Ching, Finnegan, Leong, Sonson, Blundell and Fox.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO ABOLISH THE DEATH TAX PERMANENTLY," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Ito, Kahikina, Blundell, Fox, Moses, Marumoto, Meyer, Ching, Finnegan, Chang, Sonson, Bukoski and Halford.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII WORK TO DEPLOY A NATIONAL MISSILE DEFENSE SYSTEM," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Blundell, Fox, Bukoski, Moses, Marumoto, Meyer, Finnegan, Sonson and Halford.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII WORK TO PASS PRESIDENT BUSH'S 2003 ECONOMIC GROWTH AND TAX RELIEF PLAN," was jointly offered by Representatives Ontai, Stonebraker, Finnegan, Fox, Bukoski, Moses, Marumoto, Meyer, Ching, Jernigan, Leong, Blundell and Halford.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION WORK TO PROTECT AMERICA'S SAVINGS PERMANENTLY," was jointly offered by Representatives Ontai, Stonebraker, Jernigan, Leong, Fox, Moses, Ching, Finnegan, Ito, Kahikina, Chang, Sonson, Blundell, Bukoski, Marumoto, Meyer and Halford.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO FORM AN AD HOC ADVISORY GROUP TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING THE IMPLEMENTATION OF STANDARD OFFER CONTRACTS AND STANDARDIZED INTERCONNECTION AGREEMENTS TO FACILITATE THE PURCHASE OF ELECTRICITY FROM RENEWABLE ENERGY PRODUCERS IN HAWAII," was jointly offered by Representatives Morita, Thielen, Evans, Waters, Kaho'ohalahala and Caldwell.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A PILOT PROJECT TO ASSESS THE FEASIBILITY OF A COMMUNITY-BASED MARINE RESERVE ADVISORY PROCESS TO SUPPORT THE DEPARTMENT IN THE IDENTIFICATION, DESIGNATION, AND STEWARDSHIP OF MARINE RESERVE SITES AND TO CONDUCT A SURVEY TO IDENTIFY AREAS OF THE MARINE ENVIRONMENT WHERE MANAGEMENT AND RESOURCE PROTECTION NEEDS ARE THE GREATEST," was jointly offered by Representatives Morita, B. Oshiro, Mindo, Schatz, Kanoho, Caldwell, Waters and Hiraki.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE ON THE COMPLIANCE WITH AND IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING ENTERED INTO ON OCTOBER 24, 2002, BETWEEN THE STATE AND THE NORTH WEST CRUISESHIP ASSOCIATION," was jointly offered by Representatives Morita, B. Oshiro and Caldwell.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN EMISSIONS TASK FORCE TO MEASURE THE STATE'S POWER PLANT AND MOTOR VEHICLE EMISSIONS AND DEVELOP COMPREHENSIVE STRATEGIES TO REDUCE EMISSIONS," was jointly offered by Representatives Morita, B. Oshiro and Caldwell.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF EXISTING LEGISLATION REGULATING CRUISE SHIPS AND THEIR ENVIRONMENTAL EFFECTS," was jointly offered by Representatives Morita and Waters.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CRUISE SHIP INDUSTRY TO PAY THE FULL COST OF DEVELOPING AND OPERATING A WASTEWATER INFRASTRUCTURE SYSTEM," was jointly offered by Representatives Morita and Waters.

H.C.R. No. 178, 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 offered by Representative Pendleton.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT AN EPIDEMIC PREVENTION PROGRAM TO PREVENT THE POTENTIAL ENTRY OF COMMUNICABLE DISEASE VECTORS THAT MAY CAUSE AN EPIDEMIC IN HAWAII," was jointly offered by Representatives Tamayo, Shimabukuro, Wakai, Mindo and Waters.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE RELOCATION OF THE QUEEN LIL'UOKALANI STATUE TO WASHINGTON PLACE," was jointly offered by Representatives Waters, Kaho'ohalahala, Kanoho, Kahikina, Caldwell, Magaoay, Lee, B. Oshiro, Evans, Morita and Wakai.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY THE KO'OLAU GREENBELT AND HERITAGE TRAILS SYSTEM TO PROVIDE A HOLISTIC APPROACH TO WATERSHED PROTECTION FOR THE ENTIRE KO'OLAU SYSTEM AND TO FACILITATE PARTNERSHIPS TO DETERMINE THE FUTURE OF WINDWARD OAHU'S NATURAL AND HUMAN RESOURCES," was offered by Representative Waters, by request.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF LABOR AND INDUSTRIAL RELATIONS AND HEALTH TO CONDUCT A STUDY RELATING TO THE OCCUPATIONAL AND HEALTH RISKS OF COUNTY GARBAGE COLLECTION WORKERS," was jointly offered by Representatives Waters, Kahikina, Mindo, Shimabukuro, M. Oshiro, Hamakawa, Takumi, Kaho'ohalahala, Caldwell, Magaoay and Morita.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO CONDUCT AN ANALYSIS OF ITS CURRENT EFFORTS TO DETERMINE TO WHAT EXTENT IT IS UTILIZING PROMISING ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGIES IN ITS DEVELOPMENT DISTRICTS," was jointly offered by Representatives Morita and Kanoho.

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY," was jointly offered by Representatives Takai, Tamayo and Takumi.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT CAREER PATHWAYS AS A PART OF A SCHOOL REFORM MODEL TO INCLUDE THE REDESIGN OF CAREER AND TECHNICAL EDUCATION THAT IS REFLECTIVE OF ECONOMIC DEVELOPMENT INITIATIVES AND PRIORITIES," was jointly offered by Representatives Takamine and Takumi.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK FOR THE CONSTRUCTION OF THE PAHOA SCHOOL GYMNASIUM," was offered by Representative Hale.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO SEEK GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF HEALTH RURAL HOSPITAL FLEXIBILITY PROGRAM," was jointly offered by Representatives Lee, Ontai, Takai, M. Oshiro, Karamatsu, Wakai, Magaoay and Takumi.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF ESTABLISHING FLYER STOPS WITHIN THE RIGHT-OF-WAY OF OAHU'S H-2 FREEWAY AND CONNECTING TO PARK-AND-RIDE FACILITIES," was jointly offered by Representatives Lee, Magaoay, Ontai, Wakai, Sonson, Takai, M. Oshiro and Karamatsu.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RECOGNIZE ON-LINE COURSES FROM ACCREDITED INSTITUTIONS," was jointly offered by Representatives Lee, Shimabukuro, Kahikina, Karamatsu, Hamakawa, Evans, Wakai, Magaoay, Nakasone, Schatz, Arakaki, M. Oshiro and Hale.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF EDUCATION TO COMPLY WITH CRITERIA FOR HURRICANE-RESISTANT SHELTERS ESTABLISHED BY THE ADJUTANT GENERAL," was jointly offered by Representatives Lee and Ontai.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE SUBMERGED AND TIDAL LANDS OF THE HONOKOHAU SMALL BOAT HARBOR TO PRIVATE ENTITIES FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, AND RESEARCH PURPOSES," was offered by Representative Kanoho.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE HAWAII TOURISM AUTHORITY TO COLLABORATE IN PRESERVING AND PROTECTING HAWAII'S BEACHES FOR RESIDENTS AND VISITORS," was offered by Representative Evans.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF HARNESSING METHANE GAS FROM METHANE MITIGATION EFFORTS AT HONOLULU HARBOR TO BE USED AS A VIABLE ENERGY RESOURCE," was jointly offered by Representatives Evans, Shimabukuro, Morita, Souki, Wakai, Bukoski, Blundell, Karamatsu, Waters and Kanoho.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII DEPARTMENT OF PSYCHIATRY TO EXPAND ITS RESEARCH AND EDUCATION ON DEPRESSION DIAGNOSIS AND MANAGEMENT," was jointly offered by Representatives Evans, Shimabukuro, Marumoto, Waters, Pendleton, Arakaki, Hale, Ching, Finnegan, Hiraki, Wakai, Morita, Tamayo, Abinsay, Kaho'ohalahala, Caldwell, Moses, Sonson, Magaoay, Kahikina, Say, Saiki and Herkes.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LONG-TERM CARE OMBUDSMAN IN THE EXECUTIVE OFFICE ON AGING TO ESTABLISH AN OUTREACH PROGRAM THAT ENCOURAGES VOLUNTEERS AND FAMILY MEMBERS TO VISIT ADULT RESIDENTIAL CARE HOMES, LICENSED ASSISTED LIVING FACILITIES, AND NURSING CARE FACILITIES AND TO REPORT ANY ABUSE, NEGLECT, OR MISTREATMENT OF THE ELDERLY AND DEPENDENT ADULTS," was jointly offered by Representatives Evans, Pendleton, Shimabukuro, Takai, Waters, Arakaki, Hale, Ching, Finnegan, Hiraki, Wakai, Stonebraker, Marumoto, Herkes, Lee, Saiki, Morita, Tamayo, Abinsay, Kaho'ohalahala, Say, Takumi, Caldwell, Moses, Sonson, Kahikina and Magaoay.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TEMPORARY BIOPROSPECTING ADVISORY COMMISSION TO DEVELOP A COMPREHENSIVE PLAN FOR THE PRESERVATION AND USE OF THE BIOLOGICAL DIVERSITY AND BIOLOGICAL RESOURCES OF TRUST LANDS," was jointly offered by Representatives Mindo and Shimabukuro.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONJUNCTION WITH THE CITY AND COUNTY OF HONOLULU, TO DETERMINE THE FEASIBILITY OF CONSTRUCTING A MULTI-USE PATH ALONG THE WAIANAE COAST FROM MAILE BEACH PARK TO MAKAHA SURFING BEACH," was offered by Representative Shimabukuro.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PRESERVATION OF THE HAWAIIAN LANGUAGE AND THE PERPETUATION OF ITS STUDY AND USE," was offered by Representative Kahikina.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE MAUI COUNTY DEPARTMENT OF WATER SUPPLY TO CONDUCT A STUDY ON THE FEASIBILITY AND AVAILABILITY OF GROUND WATER RESOURCES IN UPCOUNTRY MAUI IN ORDER TO ELIMINATE THE NEED FOR LEAD TREATMENT AND CHEMICAL ADDITIVES IN THE UPCOUNTRY MAUI WATER SYSTEM," was offered by Representative Bukoski.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PRESIDENT BUSH'S LEADERSHIP IN HIS EFFORTS TO DEFEND THE UNITED STATES AGAINST SADDAM HUSSEIN," was jointly offered by Representatives Ontai, Jernigan, Ching, Bukoski, Meyer, Blundell and Moses.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION ON THE STATE AND COUNTIES' LAND USE POLICIES WITH REGARD TO SOLID WASTE MANAGEMENT PROGRAMS," was offered by Representative Say.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF CREATING PUBLIC-PRIVATE PARTNERSHIPS TO PROVIDE COST-EFFECTIVE REHABILITATION SERVICES TO LOW INCOME AND MEDICAID ELIGIBLE INDIVIDUALS AND GOVERNMENT EMPLOYEES," was jointly offered by Representatives Arakaki, Kahikina, Mindo, Morita, Souki, Karamatsu, Hale, Takumi, and M. Oshiro.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, WITH THE ASSISTANCE OF THE HAWAII CONGRESSIONAL DELEGATION, TO RESTORE THE DISPROPORTIONATE SHARE OF HOSPITAL PAYMENTS FOR COMPENSATION FOR CARE PROVIDED TO THE UNINSURED," was offered by Representative Arakaki.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONSIDERATION OF ALTERNATIVES TO DISPOSING SLUDGE FROM THE ALA WAI CANAL INTO THE AIRPORT REEF RUNWAY, AND TO ENSURE MAXIMUM COMMUNITY PARTICIPATION AND THAT ALL ENVIRONMENTAL PROTECTIONS BE TAKEN," was jointly offered by Representatives Arakaki and Abinsay.

H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A SELF-DETERMINATION DEMONSTRATION PROJECT USING CONSUMER-DIRECTED APPROACHES," was jointly offered by Representatives Arakaki, Kahikina, Shimabukuro and Hale.

H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT IN HAWAII OF A CENTER FOR THE HEALTH, WELFARE, AND EDUCATION OF CHILDREN, YOUTH, AND FAMILIES OF THE UNITED STATES, ASIA, AND THE PACIFIC AND REQUESTING SUPPORT FOR THE CENTER FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES," was jointly offered by Representatives Arakaki, Hale and Shimabukuro.

H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY, TO CONDUCT A STUDY REGARDING MEDICAL IMAGING FOR DIAGNOSIS IN HAWAII," was offered by Representative Arakaki.

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS TO RECOGNIZE THE MERITS AND SUCCESSES OF THE HEAD START PROGRAM AND TO REJECT ANY PROPOSAL TO LIMIT THE PROGRAM'S SCOPE OR TO MOVE IT FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE U.S. DEPARTMENT OF EDUCATION," was jointly offered by Representatives Arakaki, Mindo, M. Oshiro, Kahikina, Souki, Kanoho, Karamatsu, Waters, Hale, Morita and Takumi.

H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE INFORMATION ON THE PETER BOY KEMA CASE THAT COULD FACILITATE LOCATING THE MISSING CHILD," was jointly offered by Representatives Arakaki, Kahikina, Mindo, Souki, Kanoho, Karamatsu, Waters, Hale, Morita, Takumi, and M. Oshiro.

H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE UNIVERSITY OF HAWAII'S SPECIAL AND REVOLVING FUNDS," was jointly offered by Representatives Takai and Tamayo.

H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING THE VALUE AND MEANING OF ALOHA IN THE FACE OF POTENTIAL MILITARY ACTION AGAINST IRAQ," was jointly offered by Representatives Kaho'ohalahala, Kahikina, Kanoho, Abinsay, Ito, Waters, Morita, Takai, Shimabukuro, Hale, B. Oshiro, Arakaki, Finnegan, Wakai, Herkes, Hamakawa, Lee, Blundell, Say, Evans, M. Oshiro, Takamine, Kawakami, Sonson, Hiraki, Souki, Ching, Karamatsu, Luke, Magaoay, Moses, Chang and Meyer.

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW EXISTING POLICIES AND PROCEDURES AND WORK WITH THE DEPARTMENT OF PSYCHIATRY AT THE UNIVERSITY OF HAWAII, SCHOOL OF MEDICINE TO IMPROVE ACCESS TO MENTAL HEALTH SERVICES BY MEDICAID AND HAWAII QUEST PARTICIPANTS," was jointly offered by Representatives Arakaki, Kahikina, Souki, Kanoho, Karamatsu, Waters, Hale, Morita, Mindo, Takumi, and M. Oshiro.

H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was jointly offered by Representatives Marumoto, Evans, Pendleton, Karamatsu, Thielen, Lee, Arakaki, Kahikina, Morita, Souki, Wakai, Waters, Kanoho, Kawakami, Finnegan and Caldwell.

H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ACTIONS IN THE INTERIM TO ADDRESS THE ISSUES AND FEASIBILITY SURROUNDING THE COLLECTION OF DNA SAMPLES FROM CLASS A AND B FELONS," was jointly offered by Representatives Marumoto, B. Oshiro, Pendleton, Stonebraker, Evans, Wakai, Kanoho, Kahikina, Chang, Souki, Karamatsu, Magaoay, Saiki, Kawakami, Arakaki and Morita.

H.C.R. No. 215, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, IN PARTNERSHIP WITH THE EAST-WEST CENTER AND THE UNIVERSITY OF HAWAII, TO ESTABLISH A TASK FORCE ON ASIA-PACIFIC EDUCATION IN HAWAII TO DEVELOP HAWAII CITIZENS' ASIA-RELATED KNOWLEDGE AND EXPERTISE AS A MEANS TO ENSURE HAWAII'S ECONOMIC COMPETITIVENESS AND PROSPERITY AND TO PROMOTE MUTUAL UNDERSTANDING AND COOPERATION BETWEEN THE UNITED STATES AND THE ASIA-PACIFIC REGION," was jointly offered by Representatives Ching, Marumoto, Thielen, Shimabukuro, Moses, Sonson, Bukoski, Ontai, Finnegan, Morita, Wakai, Tamayo, Chang, Kawakami, Lee, Luke, B. Oshiro, Leong, Meyer, Evans, Hiraki, Magaoay, Abinsay, Kahikina, Stonebraker and Blundell.

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE MANY BENEFITS OF HAWAII GROWN CHOCOLATE TO OUR STATE AND DIVERSIFIED AGRICULTURE," was jointly offered by Representatives Ching, Hale, Shimabukuro, Meyer, Evans, Thielen, Moses, B. Oshiro, Tamayo, Wakai, Hiraki, Ontai, Blundell, Leong, Finnegan, Magaoay, Abinsay, Kahikina, Stonebraker and Bukoski.

H.C.R. No. 217, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DOE IMPLEMENT A PILOT PROJECT TO DISTRIBUTE SURPLUS SUPPLIES," was jointly offered by Representatives Ching, B. Oshiro, Hale, Shimabukuro, Thielen, Meyer, Evans, Wakai, Hiraki, Ontai, Finnegan, Magaoay, Abinsay, Kahikina, Leong, Blundell, Bukoski and Moses.

H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HEALTH CARE ROUNDTABLE TO PROMOTE IMPROVEMENTS IN HAWAII'S HEALTH CARE SYSTEM," was jointly offered by Representatives Ching, Shimabukuro, Blundell, Wakai, Moses, Meyer and Leong.

H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RESTORATION AND MAINTENANCE OF THE SANJU PAGODA IN NUUANU VALLEY," was jointly offered by Representatives Ching, Wakai, Shimabukuro, Evans, Moses, Blundell, Bukoski, Meyer and Leong.

H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JOHN A. BURNS SCHOOL OF MEDICINE TO HOST A SYMPOSIUM ON COMPLEMENTARY AND ALTERNATIVE MEDICINES," was jointly offered by Representatives Ching, Shimabukuro, Evans, Moses, Blundell, Bukoski and Leong.

H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN RESOURCES DEVELOPMENT TO ESTABLISH A VOLUNTARY PUBLIC TRANSIT BENEFIT PROGRAM FOR STATE EMPLOYEES," was offered by Representative Luke.

H.C.R. No. 222, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO PROMOTE WATER CONSERVATION BY ADOPTING RULES AND REGULATIONS TO REQUIRE RESTAURANTS TO SERVE WATER ONLY UPON REQUEST," was jointly offered by Representatives Luke, Caldwell, Ito, Schatz, Hale, Morita, Mindo, Arakaki and Takumi.

H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RESPECTIVE MAYORS TO IMPLEMENT AN EXPEDITED PERMIT PROCESS FOR LARGE QUALIFIED PROJECTS," was offered by Representative Luke, by request.

H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PETITION THE UNITED STATES CONGRESS AND PRESIDENT TO ASSIST IN INCREASING FEDERAL CONTRACTING OPPORTUNITIES FOR NATIVE HAWAIIAN ORGANIZATION OWNED 8(a) SMALL BUSINESSES," was jointly offered by Representatives Luke, Kahikina, Morita, Tamayo, Mindo, B. Oshiro, Magaoay, Kanoho, Caldwell, Ito, Schatz, Souki, Takumi and Hiraki.

H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE SPECIFIC ACTIONS TO HELP THE AIRLINES SERVING THE STATE OF HAWAII IN THE EVENT OF A WAR," was jointly offered by Representatives Luke, Ito, Schatz, Caldwell and Thielen.

H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO EXPAND ITS BRUNCH ON THE BEACH AND SUNSET ON THE BEACH PROGRAM TO ACTIVELY WELCOME AND INCLUDE THE PARTICIPATION OF MILITARY FAMILIES," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO DEVELOP AND IMPLEMENT A PROGRAM TO PROVIDE MILITARY FAMILIES STATIONED IN HAWAII WITH AN AFFORDABLE OPPORTUNITY TO SEE THE STATE," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.C.R. No. 228, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT PROGRAMS TO DEMONSTRATE TO THE CHILDREN OF ARMED SERVICES MEMBERS THAT THE PEOPLE OF HAWAII VALUE AND APPRECIATE THE SACRIFICES OF THE ARMED SERVICES MEMBER AND THEIR FAMILIES," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.C.R. No. 229, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY, IN CONJUNCTION WITH THE AIRLINE AND HOTEL INDUSTRY, TO IMPLEMENT A PROGRAM WHICH GIVES REDUCED PRICES FOR AIRFARE AND HOTEL ACCOMMODATIONS TO VISITING RELATIVES AND FAMILIES OF MILITARY PERSONNEL TO SHOW OUR ALOHA FOR THEIR SACRIFICE," was jointly offered by Representatives Luke, Schatz, Caldwell, Ito and Thielen.

H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO CONSIDER THE LIMITED RESOURCES OF HAWAII CONTRACTORS IN ITS PROCUREMENT PROCEDURES FOR GOODS, SERVICES, AND CONSTRUCTION IN HAWAII," was jointly offered by Representatives Luke, Schatz, Caldwell and Thielen.

H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DEVELOP AND IMPLEMENT A PLAN, IN CONJUNCTION WITH THE HAWAII TOURISM AUTHORITY, TO SEND AND LEAD A DELEGATION TO JAPAN TO EXPEDITE THE RECOVERY OF THE JAPANESE TOURISM MARKET IN HAWAII AFTER THE COMMENCEMENT OF ARMED CONFLICT BETWEEN THE UNITED STATES AND IRAQ," was jointly offered by Representatives Luke, Schatz, Caldwell and Thielen.

ANNOUNCEMENTS

Representative Ito: "Mr. Speaker, may I ask for the waiver of the 48-hour notice to hear certain Senate bills? The reason for requesting this waiver is to ensure that this Administration bill will be heard and considered by your Committees within the legislative timetable. In order to meet next Friday's Second Lateral deadline, this triple referral bill must be heard this Friday by your first referred Committees, Public Safety and Military Affairs, and Labor and Public Employment Committees.

"SB 1393, SD 2, will be heard jointly by your Committees on Public Safety and Military Affairs, and Labor and Public Employment on Friday March 14th at 8:30 a.m. in conference room 309. SB 1393, SD 2 relates to a new Department of Law Enforcement and transfers public safety employees to the Department of Corrections, and transfers DOE security contracts to the new Department of Law Enforcement. Thank you."

LATE INTRODUCTIONS

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

Representative Morita introduced Ms. Carol Bain, a videographer with Kauai Worldwide Communications.

Representative Kahikina, on behalf of Representative Shimabukuro and himself, introduced Ms. Monique Ocampo, President of Island Tenants on the Rise.

ANNOUNCEMENTS

Representative Hiraki: "Just a notice that our CPC hearing that was supposed to begin at 1:30 will begin immediately after session. Thank you."

Representative Finnegan: "Thank you, Mr. Speaker. Voyager Public Charter Schools will be hosting a legislative continental breakfast, tomorrow in room 407 from 8:00 to 10:30 a.m. There will be students, teachers, parents and board members attending, eager to share their experiences and answer any questions that you may have. Thank you."

Representative Lee moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving resolutions and concurrent resolutions for introduction, seconded by Representative Meyer, and carried. (Representatives Herkes, Kaho`ohalahala and Nishimoto were excused)

RECESS

At 2:57 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 o'clock noon tomorrow, Thursday, March 13, 2003. (Representatives Herkes, Kaho`ohalahala and Nishimoto were excused)

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 13, 2002.

THIRTY SECOND DAY

Thursday, March 13, 2003

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

The invocation was delivered by Reverend Bruce Nakamura of the Jikoen Hongwanji Mission, after which the Roll was called showing all members present with the exception of Representatives Herkes, Kaho'ohalahala, Nishimoto, and M. Oshiro, who were excused.

On motion by Representative Lee, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Nineteenth, Twentieth, Twenty-First, Twenty-Second, Twenty-Third and Twenty-Fourth Days were approved. (Representatives Herkes, Kaho'ohalahala, Nishimoto, and M. Oshiro were excused.)

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 211) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 211, transmitting Errata sheets for the Multi-Year Program and Financial Plan and Executive Budget for the Period 2003 to 2009 which was submitted in December 2002.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 439 through 440) were received and announced by the Clerk:

Sen. Com. No. 439, transmitting S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF HEALTH'S QUALITY ASSURANCE FOR PROVIDERS OF SERVICES TO THE DEVELOPMENTALLY DISABLED," which was adopted by the Senate on March 12, 2003.

Sen. Com. No. 440, transmitting S.C.R. No. 12, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON GRADUATED PARENTING," which was adopted by the Senate on March 12, 2003.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 80 through 81 and 83 through 93) and concurrent resolutions (H.C.R. Nos. 82 through 105) were referred to committee by the Speaker:

H.R.
Nos.Referred to:

80 Committee on Education
81 Committee on Health
83 Committee on Legislative Management, then to the Committee on Finance

84 Committee on Tourism and Culture, then to the Committee on Finance
85 Committee on Transportation, then to the Committee on Finance
86 Committee on International Affairs
87 Committee on Economic Development and Business Concerns
88 Committee on Consumer Protection and Commerce
89 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
90 Committee on Health, then to the Committee on Finance
91 Committee on Higher Education, then to the Committee on Finance
92 Committee on Higher Education, then to the Committee on Finance
93 Committee on Education

H.C.R.
Nos.Referred to:

82 Committee on Health
83 Committee on Legislative Management, then to the Committee on Finance
84 Committee on Tourism and Culture, then to the Committee on Finance
85 Committee on Human Services and Housing, then to the Committee on Finance
86 Committee on Transportation, then to the Committee on Finance
87 Committee on Health
88 Committee on Consumer Protection and Commerce, then to the Committee on Finance
89 Committee on International Affairs
90 Committee on Economic Development and Business Concerns
91 Committee on International Affairs, then to the Committee on Finance
92 Committee on Labor and Public Employment, then to the Committee on Finance
93 Committee on Labor and Public Employment, then to the Committee on Finance
94 Committee on Labor and Public Employment, then to the Committee on Finance

95	Committee on Labor and Public Employment, then to the Committee on Finance	528, SD 2	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
96	Committee on Legislative Management	534, SD 2	Committee on Higher Education, then to the Committee on Finance
97	Committee on Labor and Public Employment, then to the Committee on Finance	542, SD 1	Committee on Agriculture, then to the Committee on Consumer Protection and Commerce
98	Committee on Consumer Protection and Commerce	550, SD 1	Committee on Agriculture, then to the Committee on Finance
99	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance	614, SD 1	Committee on Consumer Protection and Commerce, then to the Committee on Judiciary
100	Committee on Health, then to the Committee on Finance	684, SD 2	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
101	Committee on Higher Education, then to the Committee on Finance	739	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Judiciary
102	Committee on Higher Education, then to the Committee on Finance	931, SD 2	Committee on Labor and Public Employment, then to the Committee on Finance
103	Committee on Health, then to the Committee on Finance	1152, SD 1	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
104	Committee on Higher Education	1134, SD 1	Committee on Finance
105	Committee on Labor and Public Employment, then to the Committee on Finance	1135, SD 1	Committee on Finance

COMMITTEE REASSIGNMENTS

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

S.B. Nos.

Re-referred to:

14, SD 1	Committee on Labor and Public Employment, then to the Committee on Finance	1333, SD 1	Committee on Labor and Public Employment, then to the Committee on Finance
24, SD 2	Committee on Labor and Public Employment, then to the Committee on Finance	1367, SD 2	Committee on Health, then to the Committee on Labor and Public Employment, then to the Committee on Judiciary
44, SD 2	Committee on Transportation, then to the Committee on Finance	1411, SD 1	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
209, SD 3	Committee on Labor and Public Employment, then to the Committee on Finance	1469, SD 1	Committee on Health
296, SD 1	Committee on Legislative Management, then to the Committee on Judiciary	1492, SD 1	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Consumer Protection and Commerce
363	Committee on Labor and Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	1496	Committee on Finance
374, SD 1	Committee on Consumer Protection and Commerce		
394	Committee on Consumer Protection and Commerce		

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

H.R. Nos.

Re-referred to:

21	Committee on Public Safety and Military Affairs
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- 51 Committee on Tourism and Culture, then to the Committee on Finance
- 61 Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce and the Committee on Judiciary

H.C.R.
Nos.

Re-referred to:

- 20 Committee on Public Safety and Military Affairs
- 48 Committee on Tourism and Culture, then to the Committee on Finance
- 59 Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce and the Committee on Judiciary

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 183 and 184) were announced by the Clerk and the following action taken:

H.R. No. 183, entitled: "HOUSE RESOLUTION RECOGNIZING NATHAN HO'OPONO JACKSON," was jointly offered by Representatives Shimabukuro, Kahikina, Arakaki, Nishimoto, Abinsay, Morita, Wakai, Mindo, B. Oshiro, Finnegan, Luke, Sonson, Ching, Fox, Bukoski, Moses, Takumi, Leong, Stonebraker, Souki, Ito, Herkes, Waters, Nakasone, Marumoto, Karamatsu, Chang, Hamakawa, Jernigan, Meyer, Caldwell, Takai, Hale, M. Oshiro, Arakaki, Kanoho, Hiraki, Kawakami and Ontai.

Representative Shimabukuro, moved that H.R. No. 183 be adopted, seconded by Representative Kahikina.

Representative Shimabukuro introduced the honoree, Mr. Nathan Ho'opono Jackson and his wife, Mrs. Shereen Jackson, who were seated on the floor of the House.

Representative Shimabukuro then introduced Mr. Jackson's friends, and University of Hawaii Baseball Head Coach, Mike Trapasso and the Football Assistant Coach, Dan Morrison, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 183 was adopted with Representatives Herkes, Kaho'ohalahala, Nakasone, Nishimoto and M. Oshiro being excused.

H.R. No. 184, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING ED CHEVY FOR HIS LEADERSHIP AND COMMUNITY SPIRIT," was jointly offered by Representatives Tamayo and Mindo.

Representative Tamayo, moved that H.R. No. 184 be adopted, seconded by Representative Mindo.

Representative Tamayo introduced the honoree, Mr. Ed Chevy and his sign language interpreter, Ms. Donna Benedictos, who was seated on the floor of the House:

Representative Tamayo then introduced Mr. Chevy's friend, Mr. Brian Shaughnessy, as well as her legislative staff, Ms.

Erika Moon and Mr. Sai Tagovailoa, who were seated in the gallery:

The motion was put to vote by the Chair and carried, and H.R. No. 184 was adopted with Representatives Herkes, Kaho'ohalahala, Kanoho, Nakasone, Nishimoto and M. Oshiro being excused.

At 12:31 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

At this time, the Chair announced:

"Members, we are moving on to Unfinished Business. Members, please refer to the Committee Referral Sheet on your desks. Please note that on page 7, HCR No. 20, and on page 8, HR No. 21 have been re-referred just to the Committee on Public Safety and Military Affairs. That being said, Representative Saiki."

UNFINISHED BUSINESS

Representative Ito, for the Committee on Public Safety and Military Affairs presented two reports:

(Stand. Com. Rep. No. 865), recommending that H.R. No. 21 be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 866), recommending that H.C.R. No. 20 be referred to the Committee on Judiciary.

Representative Saiki moved that notwithstanding the reports of the Committee, H.R. No. 21, and H.C.R. No. 20, be adopted, seconded by Representative Lee.

The Chair then announced:

"Members, for clarification, HR 21, and HCR 20, will be for adoption as opposed to being referred to the Committee on Judiciary. Is there any discussion?"

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

"Madame Speaker, I stand in strong support of this resolution. I introduced a similar resolution, H.R. 25, that was not heard. But this resolution is much better. It is better worded than mine which was, in my humble opinion, probably because of myself, it was just too direct.

"I support this resolution Madame Speaker, because I don't think that too many of you here were knowledgeable about World War II. Very few of us here are old enough to remember that time. I remember very vividly, because I lived in the State of California, the fact that all Japanese-American citizens, and all Japanese, were forcibly relocated from the State of California into concentration camps.

"Later, 20 years later or more, I can't remember exactly when, there was an apology and some compensation given to those people who were still alive. But Madame Speaker, the \$20,000 or whatever they got, could never have compensated for the emotional, traumatic and very financially. It took their property, it took their lives, and took their whole families and forcibly transported out of the State of California.

"This didn't happen in Hawaii so most of you who were born here didn't probably realize the affect of this because there were too many citizens here of Japanese-American citizenship and Japanese background that it would have disrupted the whole economy of Hawaii to have done that. But it was done in the State of California in the name of defense, in the name of protecting us from, whatever. I feel, Madame Speaker, that this bill that was passed, the so-called Patriot Act sets up for the same kind of retribution against people that may not be very popular at the time. To me, this is a tragic travesty of the American spirit, the American Constitution, the Bill of Rights, the things that we supposedly are going to war to protect. We are undermining with this very law and I fully support this, and I hope that we will get unanimous support from our colleagues. Thank you."

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

"Thank you, Madame Speaker. I've seen enough of this resolution to know that I will not be voting for it. However, I have some real questions about material in the resolution simply because I don't understand it. It seems to me that on page 2, at the top, there is an implication that when the United States Constitution comes in conflict with decisions by the United Nations, that we are to be guided by the decisions of the United Nations Charter, the International Covenant on Civil and Political Rights, the Convention Against Torture, and other Cruel, Inhumane and Degrading Treatment or Punishment, and the Convention on Elimination of Racial Discrimination. Those things are listed in the same paragraph that discusses the Constitution of the United States, it suggests to me that it is going to be relevant that when the Constitution of the United States is not violated, but we run afoul of one of these UN things that, that should be a grave concern to us. And I think probably we should be guided by the Constitution of the United States. But maybe I misunderstand that I am not a lawyer.

"The next paragraph mentions two American citizens being held incommunicado, without charge or access to defense council, in violation of their rights. I have no knowledge of who these people are. They may be prominent. They may not be. But it just hasn't come into my field of vision that there are such two individuals.

"Two Whereas later says that the Patriot Act grants unchecked power to the Secretary of State. Well, I worked in the State Department and the Secretary of State has very limited power in the area of controlling people in the United States. It says that he can designate domestic groups as terrorist organizations. Madame Speaker, I think in the aftermath of 9/11 it is quite proper that the Secretary of State be involved in designating certain terrorist organizations in the United States. That seems to me to be an appropriate thing to do. It doesn't mean that anybody is arrested or anything. It means that somebody who is in a position to know, would tell you what a terrorist organization is.

"Then on page 3, there is the implication that many leading activists and dissidents were killed by the federal government in the 1960s and 70s. I would be interested in knowing who the individuals are that the federal government killed in the 60s and 70s. And if it is not about the federal government, I don't understand what this language is about.

"Finally, the second paragraph from the bottom, on page 3, talks about the fact that law enforcement officials in Hawaii should not violate the Constitution of the United States. I would hope that is true in all instances anywhere in the country. Thank you, Madame Speaker."

At 1:02 o'clock p.m., Representative Kahikina requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:03 o'clock p.m.

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

"Thank you very much, Madame Speaker. I rise in support of these two measures. Madame Speaker, I think it is important to point out what are we talking about. I refer the Members to a March 4th editorial in the *Honolulu Advertiser*, which describes just one section of the Patriot Act, Section 215. That Section makes it very simple for the government to demand records of your reading and viewing habits from any bookstore, video rental store, public library. You don't have to be suspected of a crime. The *Honolulu Advertiser* described this Section as 'frightening'. In the Homeland Security Act, businesses now have a new way to evade liability for safety violations, hazards to consumers and other abuses. They need merely to report the information ..."

Representative Moses rose and stated:

"Point of information. Are we talking about the Homeland Security Act or the Patriot Act?"

The Chair responded, stating:

"We are talking about these two resolutions, relating to the substance of these resolutions."

Representative Moses: "The Patriot Act."

Vice Speaker Luke: "Yes, the Patriot Act. Representative Takumi is referring to the editorial relating to that Section. Representative Takumi, please proceed."

Representative Takumi continued, stating:

"They need merely to report the information about their behavior, even totally unclassified activities, to the federal government and say it is related to homeland security. Republican US Senator Orin Hatch from Utah said, "When I was reading *1984* I could never have imagine that it would become real."

"The conservative Eagle Forum, the organization founded by Phyllis Schlafly, asserts:

We do not want an American society where everyone is treated as a terrorist, a money launderer, drug trafficker or criminal. Only totalitarian regimes monitor the private actions of law-abiding citizens. This is not a Republican of Democrat issue. It is a liberty issue.

"I agree. However, I know issues of national security, there is a tendency to talk until one is red, white, and blue in the face. If this issue is about who is patriotic, then I will assert that a true patriot will fight to defend the principles and values upon which this country has founded. Madame Speaker, you don't defend the Bill of Rights by being forced to buy a bill of goods. You defend the Bill of Rights by speaking up for the Bill of Rights. Thank you."

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

"Madame Speaker, I'm in opposition to this resolution. This Patriot Act and these other Acts were passed by Congress because the Congressmen, the Senators, the Representatives were concerned for our safety. And they were interested in our protection. The new war that is upon us is not an old-fashioned war with armies marching across each other across the field. But it is a war of terrorism, which could strike anywhere at any time. It could strike the Pentagon, or downtown New York, or wherever it could be.

"I note that one Whereas says the attack on Pearl Harbor was the last time American territory was attacked by foreign forces prior to the events of September 11, 2001. But I remind you, our Territories and embassies in other countries, in Africa, in Saudi Arabia have been bombed. We were bombed in Beirut. There was a nightclub in Indonesia that was bombed. We are attacked on all sides. I also would remind you that the World Trade Center was hit, was bombed in 1993, so that was another attack by foreign forces on American soil.

"The Patriot Act and other Acts were passed for our protection. It did not suspend the Constitution. In fact, many people voted for this. I think 98 Senators voted for it including Hawaii's own Senators Inouye and Akaka. Only the late Patsy Mink voted no. So this resolution will put us at odds with 98 Senators and 357 Representatives in Congress who voted for it. They did it for our protection and for our safety, and unfortunately we will need these protections because we are under attack everywhere. Thank you."

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

"Thank you, Madame Speaker. I rise in strong support of this resolution. I just wanted to clarify I think that some people have brought up the Constitution, and I think it is important for people to kind of take a step back and realize there is a real distinct difference in the Hawaii State Constitution versus the federal Constitution when it comes to the right of privacy. Specifically, in the federal Constitution, you have basically Article V and Article XIV, and that is basically the amendments that have provided us privacy protections.

"In the federal Constitution, it's the privacy protection that is kind of interpreted under this thing called a 'penumbra'. What they did was they took the word liberty, and the fact that government cannot intrude on your liberty, and under this word liberty they found a right to privacy. It is nowhere specifically stated in the federal Constitution that you have a right to privacy. However, when it comes to our own State Constitution, Section 6 of the Bill of Rights, as well as Section 7 of the Bill of Rights, specifically sets forth that the right of the people to privacy is recognized and should not be infringed without the showing of the compelling State interest.

"Also in Section 7, it says again, the right of the people to be secure in their persons, houses, paper and effects and illegal search and seizures and invasions of privacy shall not be violated. So in these two Sections already, you see that the Hawaii State Constitution is markedly different from the federal Constitution, and that I think that is one of the main reasons why this resolution is very important. Because I think it is important for the federal government to realize that we in Hawaii feel a little bit different about our own privacy concerns.

"Thus, when there were prior speakers talking about us being at odds with 98 Senators, for me that is fine. I much rather follow our State Constitution because I believe that it provides more protections. It is important for people to realize that what the federal Constitution does is it provides a floor of rights for citizens. States can provide additional rights and be more

protective. It is not a ceiling. And that is what we did, or specifically, what the 1978 Constitutional Convention did.

"You know, I was going through some of the constitutional history, and actually it was best spoken to by one of our current Representatives, the Representative from Puna, on the Committee of the Whole on one of the days, September 9, 1978, Delegate Hale stated:

It seems to me that we have so much regulation in our lives that we have to look to the future. And we get more and more regulation of our lives. Certainly, to have some basic freedoms that we, as individuals, are going to have to protect. And these freedoms are basically a right to have, a right to live our lives in the way that we want to, as long as we don't hurt anybody else. That is the way I hope eventually the courts would interpret such a right to privacy provisions and it properly belongs in our Constitution because we are talking about basic rights.

"So it really is a matter of basic rights. And unfortunately, the USA Patriot Act, what it did was go a little bit too far. Just to clarify what it does is, it gives an unchecked government the power to go through an individual's financial records, medical history, internet usage, bookstore purchases, library usage, travel patterns or any other activity that leaves a record. Furthermore, what it does is the government no longer has to show evidence that the subject of the search orders are "agents of foreign power" a requirement that previously was required whenever you wanted to obtain this information.

"Furthermore, the FBI doesn't even have to show a reasonable suspicion anymore. Much less, do they even have to show probable cause. All they have to do is merely certify information to a judge without any evidence of proof. And that is enough for them to obtain this information. For those reasons, I feel that the USA Patriot Act has gone a little bit too far because it doesn't recognize some of the real basic protections as was cited to by Delegate Hale. Basic protections that we want to protect in our Constitution. Thank you."

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

"Thank you, Madame Speaker. I rise in opposition to this resolution. I was a child when Pearl Harbor was bombed, and it is hard to believe. I was about 3 years old, and I can remember seeing the Japanese planes flying overhead. My father was a foot doctor, but medical people were needed so very much. He didn't come home for four days and he was up at Tripler and taking care of the injured.

"But after that attack, Hawaii came under martial law, and nobody complained about that. And we gave up all kinds of freedoms. I mean you couldn't have a light on after dark. Little kids had to carry a gas mask back and forth to school. Nobody complained because we knew that we were at war and we knew that there was a great fear that the Japanese Army would come back, or even when Pearl Harbor came, that they would come ashore and take over Hawaii. I don't think the time is so different today.

"I mean, after 9/11, all of us could see it was unbelievable. The unthinkable had happened and our country had been attacked. And Americans and people of other countries who were here, had given their lives to an unseen enemy. The CIA and the FBI and the federal government came under a tremendous amount of criticism. Where were they? Why didn't they know? Why didn't they ring the bell? How could have this happened? I know there were a lot of irate people and of course, everybody wanted to strike out. I mean, first of all, we couldn't believe it had happened, but then it was those

people that are in place to protect us. Where were they? That I think is why the Patriot Act was passed, because law enforcement, because of the many laws and regulations that we have, their hands often are tied.

"I personally don't care if anybody looks to see what books I check out or buy. I think these law enforcement people have very much to do. They are not going to bother to look at those records on me unless they have a pretty strong suspicion that I am doing strange things. That I am traveling back and forth to Afghanistan or something. They simply don't have the time to be looking into those kinds of things without some kind of suspicion. When that Act came before the Senate, 98 of a 100 voted yes. It seems that we have short memories. There is a great danger that we could be attacked from outside our borders. And we would want our law enforcement people, at least I do, to have every possible tool they could have to intercept information that could save our people, some of our great cities. We simply don't know what would happen next.

"As far as groups of people being put in detention centers, this was extremely not our most golden moment in history. There were people here in Hawaii, Japanese and Germans, who were put in detention centers at Sand Island in the early months after the attack. And one of them was an architect, a very talented one, Mr. Preis, who designed the Arizona Memorial. He spent at least four weeks there. I think I know that good intentions went behind this resolution in many ways, but there are so many things about it that I can't support it.

"At this time, I think Americans should be pulling together and this, in my estimation, sends a chilling message to the federal government. This one paragraph on page three, that says as much. It says that it is asking the law enforcement people in Hawaii to defy the federal law, the Patriot Act. I think that is wrong headed, and I would have preferred to see this bill go to Judiciary. I know there was a lot of debate in the Public Safety and Military Affairs Committee. It should have had further venting, more people to come. I don't know why anybody, and perhaps somebody can explain that here on the floor, why we've eliminated the Judiciary Committee and are speeding ahead. Thank you, Madame Speaker."

At this time, the Chair announced:

"Thank you, Members. We've had a lot of discussion. I am going to just recognize the four members who are standing up right now. Representatives Ito, Caldwell, Stonebraker, and Moses. I am just going to take two sets, for and against. We had three Members for, and three Members against. If you want to talk amongst yourselves and figure out who the two will be speaking, that would be fine. Representative Bukoski and Representative Thielen you also wanted to speak ..."

Representative Stonebraker rose and stated:

"I was standing up before anyone else was standing up."

At 1:19 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:24 o'clock p.m.

At this time, the Chair announced:

"Before the recess, as I had stated, we are going to take a few speakers in favor and against. I am going to recognize ..."

At this time, Representative Fox moved to challenge the ruling of the Chair, seconded by Representative Meyer.

The Chair then stated:

"A ruling has been challenged, that I am going to take two speaker in favor and two speaker in opposition, in addition to Representative Bukoski who stood up when I made that ruling. So I am going to request that Representatives Caldwell, Stonebraker, Thielen, Bukoski, and Moses to speak. And Representative Ito will be submitting his comments.

"So the ruling on the floor is I am just going to allow those five people to speak. Everybody else can submit comments. A challenge has been made. All those in"

Representative Fox rose and stated:

"Madame Speaker, in favor of the motion to challenge."

Representative Schatz rose to a point of order, stating:

"Madame Speaker, point of order. I believe the challenge to the Chair's ruling is not a debatable motion."

The Chair then stated:

"Thank you. It is not a debatable motion. If you are in favor of the Chair's ruling, you vote aye. If you oppose the Chair's ruling, you vote no. At this point, what we are going to do is we will have a hand vote. All those in favor of the Chair's ruling ..."

Representative Meyer rose and stated:

"Point of inquiry. I believe that when you were talking about the people standing, you named them off and that list of names is different from the names that you are now listing. I think that is one of the questions. And perhaps we can have a recess about the debatable part of this motion."

At 1:26 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:32 o'clock p.m.

At this time, the Chair stated:

"Representative Fox, would you like to withdraw your motion?"

At this time, Representative Fox withdrew his motion to challenge the ruling of the Chair, and Representative Meyer withdrew her second.

The Chair then announced:

"Thank you. Just a reminder, we have 2:00 p.m. hearing. If we don't finish by 2:00 p.m., we are going to be back here at 6:00 p.m. So with that said, what we are going to do is, so that we can try to finish by 2:00 p.m., we are going to have about 15 minutes of opposition and 15 minutes of for. With that said, I am going to recognize in order, the people who stood up first."

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

"Thank you, Madame Speaker. I rise in support. Madame Speaker, in January of 1776, a young English immigrant by the name of Thomas Paine wrote a pamphlet entitled, *Common Sense*. Madame Speaker, it sold over 500,000 copies in a

country that was scarcely 2 million people. It made a basic argument, Madame Speaker. America was a revolutionary country and its independence was inevitable. Madame Speaker, Paine famously proclaimed, "... but government even at its best state is but a necessary evil at its worse state an intolerable one, ..."

"Madame Speaker, we have seen instances of this intolerance. The internment of Japanese-Americans which has been talked about. The McCarthy era hearings, the wire tapping of Martin Luther King, one of our great civil rights leaders. Madame Speaker, the revolutionary spirit lives on in our country, and it did not die after the revolution ended.

"Again, Tom Paine in 1791, after independence, in his famous, *The Rights of Man* stated:

Man did not enter into society to become worse than he was before, not to have fewer rights than he had before but to have those rights better secured.

That same year, Madame Speaker, Thomas Jefferson won approval of the Bill of Rights. These rights included freedom of religion, freedom of speech, freedom of the press, freedom of assembly, the right not to testify against oneself, the right to a speedy trial. These are rightful prohibitions on what government can do to individual citizens, Madame Speaker. There are constitutional guarantees to freedom from government power. The Bill of Rights is enduring testament to the fact that government power should be suspected and resisted. Vintage American view of government is, Madame Speaker, it may be necessary to have government, but we don't trust it. My fear Madame Speaker, is that we are giving up some of our most basic rights to fight terrorism under the USA Patriot Act, and its progeny.

"For example, the USA Patriot Act allows for wiretaps without probable cause, 'fishing expeditions' into political and religious gatherings. Subpoena of bookstore and library records that have been talked about today. And scrutiny of internet records. Madame Speaker, I do not dispute that we must fight terrorism, and there is not a person in this Body who wouldn't agree with that. But Madame Speaker, I worry about what we are becoming in the process. Must we become our enemies to defeat our enemies, Madame Speaker?"

"One of our greatest sages on the United States Supreme Court, a man known for his landmark civil rights decisions, Justice Wendell Douglas stated, Madame Speaker:

Just as nightfall does not come all at once, neither does oppression. In both instances, there is twilight and it is in such twilight that we must be aware of change in the air, however slight. Lest we become unwilling victims of darkness.

"Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I rise in opposition. That was an excellent speech by the former speaker, and I appreciate many of those words, especially from Thomas Paine. And while we talk about the Constitution and the rights defined there, and I think it is important to remember that our rights are derived by God as outlined in the Declaration of Independence. The Constitution grants no one any rights, it simply defines them. Madame Speaker, as a human being, you are endowed by your creator with certain inalienable rights. Those cannot be encroached upon by the government, and so we agree on these issues.

"And so there has been a lot of talk about the Constitution, especially from the Vice Chair of Judiciary, which gave us a number of examples and so forth. But really when we talk about this Act, the Patriot Act, we are talking about the constitutionality of it. And as far as the constitutionality of it, I believe that our government is formed so that the courts and the judicial system will decide whether or not that is constitutional. Our Legislative Body, our Legislative branch and this Body here in the State of Hawaii, is given the job of writing the laws. And as best as possible we write them within the parameters outlined by the Constitution. The courts decide whether or not they are constitutional.

"So if we do want to oppose this Patriot Act with a resolution, which is pretty much an opinion, I think, its pretty important and it would go to the Judiciary Committee. And as was outlined by the Minority Floor leader, why then would this not go to the Judiciary Committee? And on a point of information, may I ask the Chair if she could explain that to me once again."

At 1:39 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 1:41 o'clock p.m.

Representative Stonebraker stated:

"I was just asking if the Chair could explain further why this is not going to Judiciary? That is a hard word to say Judiciary, and we called for a recess. I was told that it was re-referred to Judiciary, and the Judiciary Committee did not want it to go to them. So at this time, I'd like to ask if the Chair of Judiciary would yield to a question."

The Chair then stated:

"I think that information was incorrect. The information that the Chair provided you with was that there was a request for a re-referral, and the Judiciary Committee kindly waived-off."

Representative Stonebraker: "May I ask if the Chair would yield to a question? The Chair of the Judiciary Committee?"

Representative Souki rose to a point of order, stating:

"Madame Speaker, I believe the Representative is out of order, and I believe that whatever motion you make, if it counters your motion, then he is challenging the Chair. Immediately, we should take a vote right after that."

Representative Stonebraker: "Madame Speaker, I don't see how in the world I could possibly be out of order. I just want to know why this is not going to Judiciary."

Vice Chair Luke: "Representative Stonebraker, I think the Chair of the Judiciary Committee kindly waived-off when he was requested a re-referral out of his Committee, so I don't think it's an answer that he can answer."

Representative Stonebraker: "I understand that. That is pretty obvious to everybody in this Chamber. I want to know why."

Representative Lee rose to point of order, stating:

"Madame Speaker, I believe you have ruled on this issue."

Representative Bukoski rose on a point of order, stating:

"Point of order, Madame Speaker. I don't think you did rule on it, and I think the current speaker is in order by asking if he can ask a question of the Chair of that particular Committee."

Vice Speaker Luke: "Will the Chair of the Judiciary Committee yield to a question?"

Representative Hamakawa: "No, Madame Speaker."

Vice Speaker Luke: "Thank you. Representative Stonebraker, please proceed."

Representative Stonebraker: "Thank you. I figured as much. But by bypassing the Subject Matter Committee, I mean, our Judiciary Committee is filled with experts on the Constitution and if this is talking about civil liberties and human rights, and constitutional protections, I mean, that is right in the title of the bill, constitutional protections. I think that it should go to the Judiciary Committee. And so the fact that it's not going to the Judiciary Committee, to me, it makes it suspicious of political motivation."

Representative Schatz rose to a point of order.

Representative Stonebraker: "I will not make reference to that. I just wanted to note my suspicions."

Vice Speaker Luke: "Representative Stonebraker, you shouldn't implicate certain people's motive. Please proceed."

Representative Saiki rose to a point of order, stating:

"Madame Speaker, I have an additional point. The Representative is in violation of House Rule 60. Thank you."

The Chair addressed Representative Stonebraker, stating:

"Representative Stonebraker, your time is running out."

Representative Bukoski rose and stated:

"Madame Speaker, point of information. Would the Majority Leader please explain what Rule 60 is?"

The Chair addressed Representative Saiki, stating:

"Representative Saiki, could you please explain what Rule 60 is?"

Representative Saiki responded, stating:

"Madame Speaker, just for clarification. Rule 60.1 dictates that members should conduct themselves in a respectful manner befitting the office with which they, as elected officials, have been entrusted, respecting and complying with the law and acting at all times in a manner that promotes public confidence and integrity of the House. Thank you."

Representative Stonebraker: "May I have a ruling on that. Do you think I am in violation of Rule 60?"

Vice Speaker Luke: "Well for you to implicate the motive of the Member, yes you are. Please proceed."

At 1:45 o'clock p.m., Representative Stonebraker 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.

At this time, Representative Stonebraker moved that Stand. Com. Rep. Nos. 865 and 866 be re-referred to the Committee on Judiciary.

The Chair addressed Representative Stonebraker, stating:

"Representative Stonebraker, I think that is an improper motion. You need to get your motion right."

Representative Stonebraker then withdrew his previous motion, stating:

"Oh, okay. I will withdraw my motion."

"You know, we do hear a lot of talk as well, and I think the record should be set straight regarding the atrocities of the Japanese internment camps, and what a terrible thing that was. And thank God we've come a long way since then. But I would like to note, for the record, that those were enacted, if I am correct, by Franklin Delano Roosevelt by Executive Order. I think it is clear that we've come along way since then and that the President that we have now in office may not be prone to such kind of errors. Thank you."

The Chair then stated:

"Thank you. I was planning to recognize Representative Thielen but I think that at this point in time, I think she would like to submit her comments in support instead." Representative Thielen, you may have the floor if you want."

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

"Madame Speaker, I am sorry. If I may, I'll just very briefly speak in favor of the resolution. Madame Speaker, I would just ask the Members to read the title of the resolution and what the resolution wishes to accomplish. It is, "Affirming the Legislature's Commitment to Human Rights, Civil Liberties, and all Protections Guaranteed by the Constitutions of the United States and the State of Hawaii and other International Charters and Covenants." Madame Speaker, my roots go back a long way. I am a direct descendent of Patrick Henry. Patrick Henry was a patriot ..."

Representative Bukoski rose to a point of order, stating:

"Point of order. Is the current speaker in support or opposed?"

The Chair responded, stating:

"She stated she was in support."

Representative Thielen continued, stating:

"My roots go back to my ancestor, Patrick Henry. Patrick Henry was a patriot, and Madame Speaker, and he refused to agree to the Constitution until there was a Bill of Rights. Therefore, he was not one of the signatories to the Constitution. Patrick Henry was one of those who worked on the Bill of Rights, which resulted ultimately in their adoption. That is why I am standing here today in support of the resolution."

"There may be sections with which I do not agree, but the basic concept, the basic freedom, the basic liberty, the basic rights are those that I will stand for, and I believe that it is as patriotic to do so as it was as of my ancestor to refuse to go along with the US Constitution until there was a Bill of Rights. Thank you."

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

"Thank you, Madame Speaker. In opposition. And I will be brief. I have opposition to certain portions of the resolutions which have already been brought to your attention, and to the Members of the Body here. I just want to refer to what happened in the hearing that we had in the Public Safety Committee. I asked if there were specific areas in the Patriot Act or of any Executive Order, by name or number, that could be referred to, that they objected to? Nobody could identify a single page, a phrase, a paragraph, any item in the Patriot Act that they objected to. Just in generalities. Because I brought out, that if there was specific things like that, I may agree with them and we could go forward and ask for amendments. But they are not asking for amendments. They are asking for total repeal. All of it is no good. They just list ... They don't list. They just identify in the resolution a bunch of resolutions and Executive Orders, but they don't give us any details. So further I asked, if anybody in the hearing read the Patriot Act? Nobody admitted to reading it, so I think there is other motives besides actually getting to the facts and changing something that is in our law.

"And as was previously testified to, the Judiciary will decide. If there is violation, it goes to court. They can't take that away from anybody. So it goes to court and they will decide. They will interpret. That is what they are paid for. So with that Madame Speaker, I just have to say that I am very opposed to the resolution because of the manner in which it was processed, and the fact that nobody gave any details of what they are really objecting to except for these broad phrases."

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

"Madame Speaker, I rise in support of the resolution. Madame Speaker, this is a pretty important resolution not only because of the contents of the resolution, and the Act that it refers to but, because I am one of the only Republicans that signed on as a co-sponsor of this resolution. It was a hard decision for me to make. I read it again, and you know what? I would sign it again if I had to. I strongly feel, and I will try to keep this brief.

"Before I go on, I would like to incorporate the words of the Representatives from Aiea, Puna, Palisades, Manoa and Kailua, by reference as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Bukoski continued, stating:

"I stand here as a proud Republican. I stand as a proud patriot of this State and of this Country. I view this Patriot Act as something that is broad-sweeping, and I hate to see the future 30 to 40 years down the road and what kind of affects this Act might have on our country.

"Briefly, I would just like to say that the issues covered in the Patriot Act, as far as my research goes, are not new issues. They are old issues that were visited many times before. There is an old Masonic saying, "Order out of chaos." And I believe that unfortunately, the tragic events of 9/11 were used as a vehicle to move some of these issues forward, that under normal circumstances, the general public would never consider. Granted, these are not normal times, Madame Speaker, but it is these times that we must fight to defend the very rights that make us who we are as a country. For those reasons, I stand in strong support of this resolution."

At 1:52 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 1:54 o'clock p.m.

The Chair then announced:

"Does anyone else wants to speak in opposition?"

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

"Thank you, Madame Speaker. I would like to vote no on this, on both of these useless resolutions. Just for brevity, one example is this resolution asks that our Senators Inouye and Akaka, actively work for the repeal of the USA Patriot Act. Madame Speaker, in fact they already voted in favor of the Act. I don't believe they are going to go work for the repeal of it. And as an aside, I've supported their votes in favor. Thank you."

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

"Thank you, Madame Speaker. I rise in support. Madame Speaker, you know this resolution, HCR 20 and HR 21, all it does is it reaffirms the Legislature's commitment to protection of human rights, civil liberties, and constitutional protections of all people residing within the State of Hawaii, including those who are citizens of other nations.

"On January 15, 2003 the Opening Day of the 22nd Legislature, Regular Session 2003, all Members of the Body took the oath of office to support and defend the Constitution of the United States and the Constitution of the State of Hawaii. Madame Speaker, this resolution is not about the Country's war efforts. This Body made that decision on February 4, 2003 by adopting HR 22, which expressed that the House of Representatives' strong support for: One, men and women of our armed forces and their families. Two, the President's efforts in fighting terrorism and the rogue states of Iraq and North Korea. Three, using approaches other than our unilateral military solutions. And four, using a multi-national approach to find a solution to contain and disarming the rogue states of Iraq and North Korea through the United Nations.

"Madame Speaker, this bill expresses concerns that recent actions by the federal government pose a threat to the human rights, civil liberties and the constitutional protections of the residents of this State. Among other things this measure: One, requests Hawaii Congressional Delegation to actively work for the repeal of the USA Patriot Act, the Homeland Security Act and the withdrawal of those Executive Orders and federal Department rules and regulations that violate human rights and civil liberties stated in the Constitution of the United States of America and the State of Hawaii. Two, it calls for federal and county law enforcement officials acting within the State of Hawaii not to engage in law enforcement activities that threaten the human rights, civil liberties, and constitutional protections of the people residing in this State.

"Madame Speaker, I want the Members to note that at 9:37 p.m., on February 24, 2003, the hearing notice of these measures was filed with the House Sgt. at Arms Office, and public notice therefore given. This is approximately 59.5 hours before the hearing was held. In response to this public notice, about 15 organizations and individuals submitted testimony in support of this measure. Ironically, there was no testimony submitted opposing this measure.

"In closing, Madame Speaker, I urge all my colleagues to support HCR 20 and HR 21, affirming the Legislature's

commitment to the protection of human rights, civil liberties and constitutional protections of all people residing in the State of Hawaii, including those who are citizens of other nations. Thank you."

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

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

"Madame Speaker, rise in support with reservations. Madame Speaker, if you read the title, "Affirming the Legislature's Commitment to Human Rights, Civil Liberties, and All Protections Guaranteed By the Constitution of the United States and the State of Hawaii and Other International Charters and Covenants," I agree with all of that. Every single word of that paragraph. The concerns that I have, and the reservations that I have, have to do with specific things within this measure. I think the intentions of both the introducers and those who support it are good. I don't question the motives or sincerity of anyone. I believe we all support our Constitution and our constitutional rights, but there are certain words here that can cause some concern.

"One begins on page 2, at the very top where it talks about tempting the federal government to sacrifice fundamental human rights guaranteed by the Constitution. I think it is very clear that no statute, no law, can undercut the Constitution. Those laws are unconstitutional, so you cannot amend the Constitution by a mere statute. I want to make that absolutely clear, that we don't believe that the USA Patriot Act is somehow amending the United States Constitution. At least, I don't believe that. That is not possible under our system of government in the United States.

"Half way down the page on page 2 it talks about USA Patriot Act granting unchecked power to the Secretary of State. I notice that at Congress.org, in the record of votes, we find no less than 98 US Senators supporting this measure, all of whom I imagine did good work, solid work, have read the measure. Certainly our two United States Senators, Inouye and Akaka, would never imprudently pass a measure that they were not familiar with, with which they were not thoroughly briefed on, in which they were uncomfortable with. I believe that they did their jobs as US Senators and felt that, that Act, the USA Patriot Act, was within the 'four squares' of our Constitution. So I don't believe that, that Act, which they supported, would grant unchecked power. So I would like to clarify that, while agreeing with the intent of this resolution, and agreeing with the stated title, every single word, again there is some language in this resolution that I have concern with.

"Page 3, trying to move rapidly here. The first paragraph at the top talks about murder of leading activists and dissidents. This is a very serious charge. Perhaps we ought to make sure that something in the record backs that up before we start suggesting that the government has done so."

"Finally, in the bottom paragraph of page 3, where the Legislature requests, basically, we request the repeal. Madame Speaker, I am one of the people who early on, raised concerns and questions about the USA Patriot Act. I don't agree with every single word, and emphasis in that particular Act I strongly support civil rights and want to make sure that while we defend our country against terrorist, while we defend against those who would attack our country, that we protect our citizens. I want to find that right balance using civil rights and between ensuring security. I think we can have both. I think

we can have a secure America that is also a free America. So I raise those concerns when the Patriot Act was passed.

"Here it says, on line 40, page 3, "... actively work for the repeal of these Acts." Madame Speaker, I want to say that what we really want to do is amend it, not end it. There are many good things that the Patriot Act sets forth in terms of powers, to give law enforcement the ability to take on terrorists, and none of those things are in contradiction to our Constitution because they would be automatically be unconstitutional. So we can't amend the Constitution that way, but I wanted to raise those particular concerns. We stand for civil rights, civil liberties, but those are a few concerns that I have with particular details in this House Resolution. So thank you Madame Speaker, for allowing me to speak in support with reservations on this measure."

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

Representative Souki continued, stating:

Madame Speaker, very briefly, and Members of the House. I don't see any need at all for the Patriot Act, so I am in support of the repeal of the Patriot Act. I believe the Act gives the nation and those in charge of it, unbridled powers that can be used very unwisely. I believe that we have sufficient laws in the nation to take care of any contingency that we may have. Furthermore Madame Speaker and Members of the House, I believe we are the Body who represents the State of Hawaii, and we have every right to tell our Congressmen how we feel. Thank you very much."

At this time, the Chair announced:

"Before we move on, as I have stated, if we reach 2:00 p.m. we are going to go adjourn and come back at 6:00 p.m. So we will recess and reconvene at 6:00 p.m. tonight."

At 2:04 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:34 o'clock p.m.

At this time, the Chair announced:

"Members, when we took a recess, we were on discussion of Standing Committee Report 865 and Standing Committee Report 866. Any other discussion?"

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

"Madame Speaker, was that the one that dealt with ... What subject was that? The Patriot Act. Okay, I'd like to submit remarks in opposition. As a former World War II internee and as someone who is vitally interested in preserving our civil rights, I would ask your permission for insertion of my remarks, in opposition."

Representative Marumoto's written remarks are as follows:

"In opposition – Madame Speaker, as a former World War II internee, and as a citizen who is vitally concerned about our civil rights, I request permission to insert these remarks in the Journal.

"It is ironic that those advancing this resolution cite the internment of civilians and other violations of civil rights as events that could occur again under the Patriot Act, Homeland Security Act and other similar legislation or executive orders. I do not believe these things will happen nor will we discard all that we hold dear by enacting these statutes and EOs.

"I fear not another wholesale imprisonment of a large identifiable group in the United States. I fear not the lifting of constitutional protections. I fear not the judgment of our federal judges in granting certain powers. I fear not the judgment of our Senators and Representatives in Congress as they vote. I fear not the actions of our President who is burdened and responsible for our collective safety.

"But I do fear terrorism – in Hawaii and in our country - and across the globe. We are at great risk from people who wish to do us harm, and we must protect our country, our institutions, our people, our children and our future."

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

"As a patriot who served his country from 1968 to 1972 in the United States Air Force, I want to register a vote of opposition for both of these resolutions. Thank you."

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

Representative Tamayo's written remarks are as follows:

"As Americans, we take our freedom and our freedoms for granted. We resent any security-related measures that make us feel suspect. And we resent any sense that we are being watched. We do not want our freedom or privacy compromised.

"But these are unusual times with an unusual enemy who has studied America from within and learned how to exploit the very civil liberties we cherish. When terrorists, intent on killing as many Americans as possible, are able to exploit our open, free society to kill innocent men, women, and children, it is time to adjust our thinking. When our demand for unfettered civil liberties becomes our 'Achilles heel', we must be wise enough to protect ourselves.

"If our government's efforts to make it more difficult for terrorists to kill Americans save even one life, I will support those efforts. I vote no on this resolution."

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

Representative Ontai continued, stating:

"Briefly, I guess my major problem is that the resolution refers to two citizens held incognito. I think if I remember correctly, they are referring to one, Walker, who was shooting at Americans with Al Qaeda, and another who was planning a bomb attack. I cannot say that these traitors should be further protected under our laws than what the Patriot Act allows for. So I will be inserting comments. Thank you, Madame Speaker.

Representative Ontai's written remarks are as follows:

"In opposition. I support the spirit and language of virtually the entire resolution. However, I cannot support the language that expresses concern for two Americans held incommunicado. This appears to refer to two American

traitors, one of them who had chosen to take up arms with Al-Qaeda, the terrorist organization. I feel that they are traitors who have forfeited some of their rights in doing so and still may face special treatment and justice through military tribunals. I feel that all of us hope to find the correct balance between individual rights and protecting the nation as we support and defend the Constitutions of Hawaii and the United States. Mahalo."

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

"Thank you, Madame Speaker. I would like to rise in favor but with strong reservations. And also to mention that I know that earlier there was a speaker who mentioned about how proud we are that we do have in Hawaii a history of supporting civil rights, and I completely agree with that. And I too am proud, but I want to bring something to our attention, of the reality, back several years ago. I want to share that I was at my brother's wedding. There was a young woman there who is very close to our family. Her brother was my brother's best man. She was a talented pastry chef and she was a special individual from Hawaii. She perished in the World Trade Center, so I want to remind people that our Senators, our Congressional delegates, I am sure that they took many things into account when they voted so overwhelmingly in favor of this Act. And today we have a different climate than we were in World War II. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, 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 H.R. No. 21, entitled: "HOUSE RESOLUTION AFFIRMING THE LEGISLATURE'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS," was adopted with Representatives Blundell, Finnegan, Fox, Halford, Kahikina, Leong, Marumoto, Meyer, Moses, Ontai, Stonebraker and Tamayo voting no, and with Representatives Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused;

and

H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE LEGISLATURE'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS," was adopted with Representatives Blundell, Finnegan, Fox, Halford, Kahikina, Leong, Marumoto, Meyer, Moses, Ontai, Stonebraker and Tamayo voting no, and with Representatives Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 867), recommending that H.R. No. 34, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 868), recommending that H.C.R. No. 29, be referred to the Committee on Judiciary.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 34, and H.C.R. No. 29, be referred to the Committee on Judiciary, seconded by Representative Ito.

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

Representative Morita's written remarks are as follows:

"Mr. Speaker, I rise in support of these resolutions.

"First, Mr. Speaker, I would like to thank you and House Leadership on the decision to establish a House Committee on International Relations. Under the leadership of a very progressive Chair, this Committee is continuing to educate and create global awareness within this body. We are now in one of the most challenging periods in the history of our nation. We need a better understanding of world issues, discussion of these issues and solutions that not only benefit Hawaii but the rest of the world as well.

"Simply put, the 'global gag rule' imposes a presidential executive memorandum on abortion that reflects neither U.S. law nor U.S. public opinion. President Bush reinstated the gag rule by expressing his belief that it will make abortion more rare. In fact, however, there is no evidence that it had such an impact when the gag, originally instituted by President Reagan, was in effect from 1984 through January 22, 1993, when President Clinton rescinded the rule as his first official action.

"While the global gag is being promoted as just an anti-abortion measure, it remains at its very core an anti-family planning, anti-woman and anti-children policy. I would like to submit for inclusion into the journal a public policy analysis on the 'global gag rule' prepared by the Alan Guttmacher Institute.

"Thank you for the opportunity to support this issue."

"Global Gag Rule: Exporting Antiabortion Ideology at the Expense of American Values

By Susan A. Cohen

"Payback time" for social conservatives arrived on the very first business day of the new presidential administration. On January 22--coincidentally, the 28th anniversary of the U.S. Supreme Court's decision in *Roe v. Wade*--President Bush reinstated the "global gag rule" affecting U.S. government family planning assistance overseas. The policy is identical to the one that had been in force from 1984 through January 22, 1993, when President Clinton rescinded it as one of his first official acts (see box).

The president justified a return to the gag rule by expressing his belief that "it will make abortion more rare." In fact, however, there is no evidence that it had any such impact the last time around and no reason to believe it will now. Unwilling to make that case themselves, key administration allies, such as House International Relations Committee Chairman Henry J. Hyde (R-IL), have resorted to defending the policy on the grounds that it is "benign."

Opponents maintain that while the policy is being promoted as antiabortion, it also remains at its core anti-family planning.

On this point, however, the policy's opponents can point to a wealth of evidence to the contrary. The policy implicates not only the sanctity of the doctor-patient relationship but also freedom of speech, respect for national sovereignty and promotion of democracy. Further, in the 17 years since the

policy was first applied, the worldwide trend toward liberalization of abortion laws, the proliferation and increasing sophistication of indigenous nongovernmental organizations (NGOs) and the advent of the HIV/AIDS pandemic--to name just a few major developments--would suggest that the U.S. policy may be met with more hostility and create more programmatic dilemmas involving access to basic reproductive health care than it did during its last incarnation.

Anti-Family Planning

Gag rule opponents maintain that while the policy is being promoted as antiabortion, it also remains at its core anti-family planning. If the overriding goal is the president's, to reduce the incidence of abortion, the evidence is clear, they say, that the most effective and acceptable way to accomplish that goal is to facilitate access to high-quality contraceptive services ("A Message to the President: Abortion Can Be Safe, Legal and Still Rare." *TGR*, February 2001). But the policy does nothing to facilitate access to contraception; in fact, it significantly impedes access by prohibiting U.S. family planning assistance from going to hospitals and health clinics in developing countries that also provide abortions, or even abortion-related information.

According to a study by Pinar Senlet and colleagues reported in the June 2001 issue of *International Family Planning Perspectives*, the effectiveness of reducing abortion rates by linking family planning and abortion services has been demonstrated dramatically by a pilot program initiated by the Turkish Ministry of Health in the early 1990s. The idea is to encourage postabortion family planning counseling and contraceptive services by making them available immediately and at the same sites where women are having abortions. In one participating hospital alone, the proportion of clients who began using contraception after having an abortion rose from 65% in 1991 to 97% only a year later. At the same time, the number of abortions performed at that hospital dropped markedly, from 4,100 in 1992 to 1,709 in 1998.

"The most encouraging aspect of the postabortion family planning approach is that it is highly replicable and sustainable," say the study's authors, who cite as likely candidates the former Soviet-bloc countries in eastern Europe, where abortion rates remain very high but where the introduction of contraceptive services is beginning to have a positive impact. But in these countries, where legal abortions are widely performed in hospitals and health centers, the gag rule may be expected only to diminish access to contraceptive services, increasing women's risk of another unintended pregnancy and the likelihood of a repeat abortion.

Opponents also say the gag rule is anti-family planning in a political sense. They note that while the policy may be premised on the notion that U.S. funds should not subsidize groups that use their own funds for abortion-related activities, it would deny only U.S. family planning assistance--and no other U.S. development aid--to these groups. Hospitals or clinics that provide legal abortions in India, for example, are still eligible under the policy to receive U.S. funds for HIV/AIDS prevention or child survival activities. That only family planning dollars are deemed "fungible" and tantamount to indirect support for abortion, opponents argue, strongly suggests that the target is as much family planning itself as it is abortion.

The gag rule imposes a 'U.S.' position on abortion that reflects neither U.S. law nor U.S. public opinion.

Gag rule proponents counter that since the U.S. will spend the same overall amount on international family planning aid in FY 2001--\$425 million with or without the gag rule--the policy cannot be considered harmful to family planning efforts. But as

its most vocal proponent, Rep. Chris Smith (R-NJ), himself says, "who we subsidize, not just what...has profound consequences."

Indeed, without the gag rule, "who we subsidize" is determined first and foremost by how effectively and efficiently an organization furthers the goals of the U.S. program, including its demonstrated ability to reduce abortion. Under the gag rule, the first consideration is whether that organization meets an antiabortion political litmus test.

Same Policy, New World

While the gag rule policy may be identical to the one implemented in the 1980s, the world has changed dramatically in the intervening years. Already, there is more resistance and deeper resentment toward the U.S. policy among NGOs as well as European donors than existed the last time around.

Ironically, this may be attributable in considerable part to the key role the United States has played in recent years--as an explicit component of U.S. foreign policy goals--in encouraging the adoption of democratic values around the world. "Across Africa, Asia, and Latin America, women's health and rights organizations have blossomed, gaining a powerful voice both at home and in the United Nations," says Adrienne Germain, president of the International Women's Health Coalition. "They are outraged about the Bush Administration's impingement on the basic right to free speech in their countries, as a matter of principle and also because they see the horrifying consequences of restricting access to safe abortion."

The gag rule also may create more conflict this time simply because there are more countries around the globe that receive U.S. population assistance in which abortion is also legal. Notwithstanding the imposition of the gag rule for eight years, the trend in abortion law reform worldwide since the gag rule was originally implemented overwhelmingly has been toward liberalization (see chart). Today, more than half of all women living in the developing world live in countries where abortion is broadly legal; family planning support from the U.S. Agency for International Development (USAID) now goes to 35 countries in which abortion is legal under circumstances broader than allowed under the gag rule. Further, substantial U.S. family planning aid now goes to former Soviet Union countries where abortion is legal and widely practiced. The gag rule policy, in effect, ignores local law and imposes a "U.S." position on abortion--one that does not, however, reflect either U.S. law or U.S. public opinion.

A COUNTRY HAS LIBERALIZED THEIR ABORTION LAW SINCE THE INITIAL IMPOSITION OF THE GAG RULE	
Albania (1991)	Ghana (1985)
Algeria (1985)	Greece (1986)
Belgium (1990)	Malaysia (1989)
Botswana (1991)	Mongolia (1989)
Bulgaria (1990)	Pakistan (1990)
Burkina Faso (1996)	Romania (1989)
Cambodia (1997)	Slovakia (1986)
Canada (1988)	South Africa (1996)
Czech Republic (1986)	Spain (1985)
Poland (1997)	

Finally, since the 1980s, the HIV/AIDS pandemic has taken hold, especially in southern Africa, where 55% of new

infections occur among women and where the disease is spreading most rapidly among the young. In countries such as South Africa, where HIV/AIDS prevention and family planning assistance are programmed in an integrated way to maximize their ability to prevent the spread of HIV/AIDS and other sexually transmitted diseases *and* unintended pregnancy (often among those who are already HIV-positive), the gag rule inevitably will undermine both efforts. Planned Parenthood Association of South Africa (PPASA), for example, stands to lose one-quarter of its funding, merely because it offers counseling and referral for legal abortion. "We give people [information about their] choices," says PPASA head Motsomi Aubrey Senne; "One of those choices is abortion."

The Role of Congress

Congress can act to override the administration's policy. That is the intent of the Global Democracy Promotion Act, introduced by a large, bipartisan coalition in the House and Senate earlier this year. The bill stipulates that U.S. development aid to overseas groups cannot be conditioned on the provision of medical services, including counseling, that are legal in their own country and in the United States. It also provides that they cannot be disqualified because they use their own funds to engage in free speech activities that are permissible for U.S.-based groups participating in USAID's program.

The House International Relations Committee adopted this bill in the form of an amendment to the Foreign Relations Authorization Act, 26-22, on May 2. Faced with a presidential veto threat and after furious lobbying by the Bush administration, the House dropped it from the bill on May 16. The vote was a painfully close 218-210, slightly closer than on a comparable vote last year.

The slight but significant erosion in House support for the gag rule may be due to the slightly changed composition of the House itself, altered circumstances in the larger world or the fact that this version of the gag rule goes beyond more recent incarnations. Under the version that was law for one year during the Clinton administration, the policy was waived for certain groups, it did not ban abortion-related counseling or referral and it penalized abortion-related advocacy across-the-board instead of seeking to remove only the prochoice side from the debate.

In closing the House floor debate for the gag rule policy's opponents, Rep. Tom Lantos (CA), the ranking Democrat on the House International Relations Committee and a prominent human rights advocate, admonished his colleagues to "not be hypocrites....It is not enough to talk about human rights and democracy and free speech. It is important that we practice what we preach." Lantos said the issue "is about advocating globally what we so cherish for our own citizens here at home, the right to speak freely and the right to choose wisely." Under the U.S. gag rule policy, overseas NGOs must make their own choice--between desperately needed family planning assistance and preserving their rights and their ability to meet their ethical obligations to their clients. The gag rule issue now moves to the Senate, which could take up the matter at any time.

Terms of the Bush Global Gag Rule

On January 22, 2001, President Bush issued an executive memorandum announcing his reinstatement of the "Mexico City" international family planning policy that had been in effect during the Reagan and previous Bush administrations. So named because it was in that city at a 1984 United Nations conference on population that Reagan administration officials first declared it, its opponents later dubbed the policy a "global gag rule" after a similar policy affecting domestic family planning that was attempted in 1987 and ultimately withdrawn in 1993.

The reinstated policy requires that in exchange for family planning funds from the U.S. Agency for International Development (USAID), but not for USAID funds or assistance for *other* purposes, foreign nongovernmental organizations must agree that they will not "perform or actively promote abortion as a method of family planning." Specifically, they may not use their *own* funds to

- provide information on request to pregnant women about the option of legal abortion or where to obtain abortion services;
- provide legal abortion services; or,
- advocate in support of legal abortion in their own country (antiabortion advocacy, however, is permissible) or participate in a public information campaign on the availability of legal abortion.

Abortions in cases of life endangerment, rape or incest are excluded from the policy's definition of "abortion as a method of family planning," so counseling, referral and the performance of abortion in these instances would not run afoul of the U.S. restrictions. Treatment of "injuries or illnesses caused by legal or illegal abortions" also is explicitly permitted.

U.S.-based groups are not subject to the policy (except that they must enforce it with their overseas partners to whom they transfer U.S. aid) since, as leading proponent Rep. Chris Smith (R-NJ) concedes, that "would be construed to be unconstitutional." Foreign governments also are exempt from the restrictions, on diplomatic grounds.

President Bush asserted that he was reimposing the policy because "it is my conviction that taxpayer funds should not be used to pay for abortions or advocate or actively promote abortion." Long-standing U.S. statutory law, however, has prohibited the use of U.S. funds for the purpose of paying for abortions or for any and all lobbying activities related to abortion."

*The Guttmacher Report
On Public Policy
Volume 4, Number 3, June 2001*

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

"Just like to register a no vote on 867 and 868. For the Members, briefly, it is called the 'global gag rule'. Back when President Reagan was elected, he eliminated funding for lobbying governments for abortion causes and for abortions overseas. Clinton reenacted that, and then George W. Bush again, stopped funding that. And so these resolutions are asking Congress to again spend money overseas to lobby other governments to promote abortion. Just so that the Members are aware what this resolution is. Thank you."

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

Yes, Madame Speaker. I am rising in opposition to both. I find it objectionable. I'll read from one of them. It says, "Whereas the United States has interfered with these non-governmental organizations through the 'global gag rule' by which the United States refuses to fund non-governmental organizations that provide legal abortion services to lobby their own governments for abortion law reform" And it goes on.

"We shouldn't be looking at this as whether it is for non-abortion or abortion. That is not the point. The point is we have no business giving money to non-governmental agencies in other places in the world so that they can lobby their

government. That is no business of ours. We should stay out of their business and let them do it themselves. Thank you, Madame Speaker."

Representative Ontai 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 Blundell 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 Leong 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 am also voting no on this resolution. During the recess that we had, I did pull some stuff off of the computer about the so-called 'global gag rule'. After reading the resolution, I was wondering what that Executive Order said, and one of the things I pulled said that what President Bush has done is restored what they call the Mexico City Policy. I'll just read this first paragraph.

"The Mexico City Policy announced by President Reagan in 1984 required non-governmental organizations to agree, as a condition of their receipt of federal funds, that such organizations would neither perform nor actively promote abortion as a method of family planning in other nations. This policy was effect until it was rescinded in January 22 by then President Bill Clinton.

"But the resolution keeps that. It can't do anything. But if they are going to receive federal funds, that they can't do this. It doesn't preclude anybody who is down there, who is down in the countries and believe strongly in abortion and promoting abortion and contraception, they can go ahead and do it. They just cannot do it with US federal dollars. Thank you, Madame Speaker."

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

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

At 6:43 o'clock p.m., Representative Say requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:43 o'clock p.m.

Representative Kahikina 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 measures, stating:

"Madame Speaker, I rise in support of these two resolutions. Madame Speaker, it is correct what the speaker from La'ie said regarding who stopped these actions from being taken. That was President Reagan. President Clinton did restore the funding, and President Bush on his very first day in office took it away.

"What it does basically, Madame Speaker, is these non-government organizations, or NGOs as they are referred to, are throughout the world providing valuable services and family planning in places like India, and places like sub-Saharan Africa. And what they are doing is providing a valuable service to the people of those countries in terms of making sure that they know the choices they have for planning so they do not create further problems in their countries.

"This prohibition by our federal government means that even if they are using other funds to talk about things like choice, they cannot accept federal funds for other aspects of family planning. That is just plain wrong, Madame Speaker. Thank you."

Representative Morita rose to respond, stating:

"Thank you, Madame Speaker. What I really wanted to point out is, that as the Representative from Manoa has said, this is really detrimental to family planning services in general. While we are 'gagged' from speaking about abortion, we are also 'gagged' about other family planning methods. And unfortunately when we are 'gagged', what has shown in the past is it increases the needs for abortion services, which we are trying to get away from. So the policy that is in place is very detrimental to developing countries and women's health in general.

"When you are talking about family planning services, especially in poor countries, you are talking about the spacing of children. If they do not receive proper planning services, the children are born too close together and they have a higher mortality rate. And it also jeopardizes the health of the mother too. So for these reasons, I strongly support the measure."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 34, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO END THE 'GLOBAL GAG RULE' IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS," was referred to the Committee on Judiciary with Representatives Blundell, Finnegan, Jernigan, Kahikina, Leong, Meyer, Mindo, Moses, Ontai, Stonebraker and Tamayo voting no, and with Representatives Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused;

and

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO END THE 'GLOBAL GAG RULE' IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS," was referred to the Committee on Judiciary with Representatives Blundell, Finnegan, Jernigan, Kahikina, Leong, Meyer, Mindo, Moses, Ontai, Stonebraker and Tamayo voting no, and with Representatives Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 869), recommending that H.R. No. 53, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Ito and carried, the report of the Committee was adopted and 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 referred to the Committee on Finance with

Representatives Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 870), recommending that H.C.R. No. 50, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Ito and carried, the report of the Committee was adopted and 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 referred to the Committee on Finance with Representatives Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 871) recommending that H.R. No. 33, be adopted.

On motion by Representative Saiki, seconded by Representative Ito and carried, the report of the Committee was adopted and 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 adopted with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 872) recommending that H.C.R. No. 28, be adopted.

On motion by Representative Saiki, seconded by Representative Ito and carried, the report of the Committee was adopted and 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 adopted, with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 873) recommending that H.R. No. 38, be adopted.

On motion by Representative Saiki, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 38, entitled: "HOUSE RESOLUTION SUPPORTING THE PACIFIC BASIN ECONOMIC COUNCIL AND ENCOURAGING IT TO MAINTAIN ITS HEADQUARTERS IN HAWAII," was adopted, with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 874) recommending that H.C.R. No. 35, be adopted.

On motion by Representative Saiki, seconded by Representative Ito and carried, the report of the Committee was adopted and 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 adopted, with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 875), recommending that H.R. No. 55, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 876), recommending that H.C.R. No. 52, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 55, HD 1 and H.C.R. No. 52, HD 1, be adopted, seconded by Representative Ito.

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

"That is Standing Committee Report 875. Thank you, Madame Speaker. I rise in support. Oh, I have the wrong one ..."

The Chair inquired:

"Would you like to submit your comments?"

Representative Ito responded:

"Madame Speaker, I got them right now. I rise in strong support of these resolutions. Madame Speaker, the purpose of these resolutions is to authorize establishments of a sister State-Prefecture relationship between the State of Hawaii and the Ehime Prefecture of Japan. Prior to the tragic maritime accident off Diamond Head on February 9, 2001, the vast majority of the residents of Hawaii did not know of Ehime Prefecture nor, did the residents of the Ehime prefecture know of Hawaii. It took this tragic accident to bring the people of Ehime Prefecture and the State of Hawaii together and the start of a greater relationship.

"During the 2002 summer *Obon* period, residents of Ehime Prefecture traveled to Hawaii to pay homage to the spirits of their deceased loved ones at the Honolulu Floating Lantern, *Toro Nagashi* Ceremony from November 27 to December 2, 2002. Two youth baseball teams along with their coaches, parents, government representatives and other officials traveled to Matsuyama and Uwajima in Ehime Prefecture to participate in a series of goodwill baseball games with several Japanese youth baseball teams. In Uwajima, the Hawaii delegation participated in a memorial ceremony at the Uwajima Fishery High School. There is an Ehime Memorial which was unveiled on the first anniversary of the tragic accident located at Kakaako Park. We had three schools: St. Louis High School, Iolani School, and Mid-Pacific Institute that have adopted the memorial and they clean this memorial every Saturday. Members of the two baseball teams from Hawaii that traveled to Ehime also participated in the cleaning of the memorial. Through all this, a close relationship has developed between the students and the Uwajima Fishery High School.

"Madame Speaker, this is just the beginning. Mr. Ted Liu, Director of DBEDT who supported these measures stated, "We place a high priority on furthering the State's business and economic diversification interest while also taking into consideration cultural, educational, and humanitarian goals in sister relationships."

"Further, Dr. Seiji Naya, the former DBEDT Director also testified in support of these measures, stated, "A sister-state relationship between Hawaii and Ehime can help draw communities closer together so that the potential of social, cultural and business relationships can be realized for the benefit of all. In this way, we can find fulfillment in experience that in the place of tragedy and loss, new bonds and directions might spring."

"Madame Speaker, in closing, I urge all my colleagues to support these two measures, and let us replace tragedy and loss with new bonds and direction. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 55, HD 1, 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 adopted, with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused;

and

H.C.R. No. 52, HD 1, 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 adopted, with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 877), recommending that H.R. No. 26, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 878), recommending that H.C.R. No. 22, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 26, HD 1 and H.C.R. No. 22, HD 1, be adopted, seconded by Representative Ito.

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

"In support. I am just puzzled by the aspect of the resolution that suggests the People's Republic of China may be discriminated against because it is viewed as a source of terrorism. I think that there is one principal reason why it is so difficult to get visas from the People's Republic of China to the US, we are talking about non-immigrant visas, and it is because of the concerns of visa officers in China that the people who come here won't return. It doesn't relate to terrorism. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 26, HD 1, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO CONSIDER PROPOSALS THAT ARE CONSISTENT WITH THE UNITED STATES' NATIONAL INTERESTS AND ARE RESPONSIVE TO HOMELAND SECURITY CONCERNS TO RELAX THE 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 adopted with

Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused;

and

H.C.R. No. 22, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO CONSIDER PROPOSALS THAT ARE CONSISTENT WITH THE UNITED STATES' NATIONAL INTERESTS AND ARE RESPONSIVE TO HOMELAND SECURITY CONCERNS TO RELAX THE 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 adopted, with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

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. 879), recommending that H.C.R. No. 9, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 9, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATEWIDE INTERAGENCY TASK FORCE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," was referred to the Committee on Judiciary with Representatives Caldwell, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine and Wakai being excused.

SUPPLEMENTAL CALENDAR #1

At 6:52 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 6:53 o'clock p.m.

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 880 and S.B. No 1070, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 881 and S.B. No 1309, SD 2, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 882 and S.B. No 1312, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 883 and S.B. No 1373, SD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 884 and S.B. No 562:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 885 and S.B. No 345, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 886 and S.B. No 464, SD 2, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 887 and H.R. No 24:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 888 and H.C.R. No 36:

By unanimous consent, action was deferred one legislative day.

ANNOUNCEMENTS

Representative Morita: "Thank you, Madame Speaker. Just a reminder to the Water, Land Use and Hawaiian Affairs, and Energy and Environmental Protection Committee members. We were unable to finish our 11:00 o'clock agenda this morning and we will be reconvening tomorrow morning at 8:00 in room 312 to hear S.B. 857, SD 2 and to have decision making on S.B. 1080, SD 1, and S.B. 843, SD 1. Thank you."

Representative Say: "Madame Speaker, may we have a moment of silence before we adjourn on behalf of Representative Kanoho's wife who is ill, and secondly Representative Pendleton's mother who passed away, and third for Representative Kaho'ohalahala's mother where he had to leave for planning the funeral services. Before we adjourn, Madame Speaker. That is why three of our Members are not here this evening."

Representative Fox: "Yes, Representative Pendleton's mother passed away two years ago and he is at a memorial service."

Representative Say: "Right. So we could have a moment of silence for three of our colleagues whose family members have passed away or are very ill."

At this time, the House of Representatives stood for a moment of silence on behalf of their colleagues and family members: Representative Kanoho's wife, Mrs. Pauline Kanoho who is ill; and in memory of Representative Pendleton's mother, Mrs. Alohalinda Pendleton, and Representative Kaho'ohalahala's mother, Mrs. Elizabeth Kaho'ohalahala.

ADJOURNMENT

At 6:55 o'clock p.m. on motion by Representative Ito, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 14, 2003. (Representatives Hale, Herkes, Kaho'ohalahala, Kanoho, Lee, Nishimoto, Pendleton, Shimabukuro, Takamine, and Wakai were excused.)

THIRTY-THIRD DAY

Friday, March 14, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 12:16 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered in song by Representatives Ezra R. Kanoho, Dennis A. Arakaki, Kika G. Bukoski, Michael Puamamo Kahikina, Bertha C. Kawakami, and Hermina Morita, after which the Roll was called showing all members present with the exception of Representatives Chang, Jernigan, and Kaho'ohalahala, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 212) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 212, transmitting a report, Requesting the Department of Health to Submit a Status Report on the Progress made in Upgrading the Technology Infrastructure of the Developmental Disabilities Division to Meet the Makin Settlement Timelines.

INTRODUCTIONS

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

Representative Leong introduced residents of One Kalakaua Senior Living, Mr. Robert Hartman, the Association President; and her long-time friend, Ms. Jane Uemura of Omaha, Nebraska, who is also with the Association.

Representative Takumi introduced 4th grade students of Palisades Elementary School, their teachers, Ms. Cynthia Maeshiro, Ms. Joann Oshiro, Mr. Steve Takase; and parent, Mr. Frank Guzman.

Representative Waters, on behalf of Representatives Thielen, Pendleton, Ito and himself, introduced Mr. Wade Araki, Vice Principal of Kailua High School and the 2003 District Assistant Principal of the Year, and his wife Mrs. Araki.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following House Resolutions (H.R. Nos. 94 through 97 and 99 through 163), House Concurrent Resolutions (H.C.R. Nos. 106 through 203) and Senate Concurrent Resolutions (S.C.R. Nos. 10 and 12) were referred to committee by the Speaker:

H.R.
Nos.

Referred to:

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

95 Committee on Consumer Protection and Commerce, then to the Committee on Finance

96 Committee on Consumer Protection and Commerce

97 Committee on Judiciary

99 Committee on Judiciary, then to the Committee on Finance

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

101 Committee on Labor and Public Employment, then to the Committee on Finance

102 Committee on Education, then to the Committee on Finance

103 Committee on Consumer Protection and Commerce, then to the Committee on Finance

104 Committee on Human Services and Housing, then to the Committee on Finance

105 Committee on Judiciary, then to the Committee on Finance

106 Jointly to the Committee on Education and the Committee on Higher Education and the Committee on Labor and Public Employment, then to the Committee on Finance

107 Committee on Consumer Protection and Commerce

108 Committee on Consumer Protection and Commerce, then to the Committee on Finance

109 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance

110 Committee on Judiciary, then to the Committee on Finance

111 Committee on Judiciary, then to the Committee on Finance

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

113 Committee on Human Services and Housing, then to the Committee on Finance

114 Committee on Water, Land Use, and Hawaiian Affairs

115 Committee on International Affairs, then to the Committee on Energy and Environmental Protection

116 Jointly to the Committee on Energy and Environmental Protection and the Committee on Agriculture, then to the Committee on Finance

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

161	Jointly to the Committee on Public Safety and Military Affairs and the Committee on International Affairs	124	Committee on Judiciary, then to the Committee on Finance
162	Committee on Human Services and Housing, then to the Committee on Finance	125	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Energy and Environmental Protection, then to the Committee on Finance
163	Jointly to the Committee on Human Services and Housing and the Committee on Health	126	Jointly to the Committee on Energy and Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
<u>H.C.R.</u>		127	Jointly to the Committee on Education and the Committee on Higher Education and the Committee on Labor and Public Employment, then to the Committee on Finance
<u>Nos.</u>	<u>Referred to:</u>	128	Committee on Consumer Protection and Commerce
106	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance	129	Committee on Consumer Protection and Commerce, then to the Committee on Finance
107	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Judiciary	130	Committee on Finance
108	Committee on Human Services and Housing, then to the Committee on Finance	131	Committee on Human Services and Housing, then to the Committee on Finance
109	Committee on Labor and Public Employment, then to the Committee on Finance	132	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
110	Committee on Energy and Environmental Protection, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance	133	Committee on Judiciary, then to the Committee on Finance
111	Committee on Consumer Protection and Commerce, then to the Committee on Finance	134	Committee on Judiciary, then to the Committee on Finance
112	Committee on Consumer Protection and Commerce	135	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
113	Committee on Judiciary	136	Committee on Transportation, then to the Committee on Finance
114	Committee on Judiciary, then to the Committee on Finance	137	Committee on Human Services and Housing, then to the Committee on Finance
115	Committee on Energy and Environmental Protection, then to the Committee on Finance	138	Committee on Water, Land Use, and Hawaiian Affairs
116	Committee on Labor and Public Employment, then to the Committee on Finance	139	Committee on Water, Land Use, and Hawaiian Affairs
117	Committee on Education, then to the Committee on Finance	140	Committee on Judiciary, then to the Committee on Finance
118	Committee on Higher Education, then to the Committee on Finance	141	Committee on Water, Land Use, and Hawaiian Affairs
119	Jointly to the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Human Services and Housing	142	Committee on Consumer Protection and Commerce, then to the Committee on Finance
120	Committee on Consumer Protection and Commerce, then to the Committee on Finance	143	Committee on International Affairs, then to the Committee on Energy and Environmental Protection
121	Committee on Human Services and Housing, then to the Committee on Finance	144	Jointly to the Committee on Energy and Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
122	Committee on Consumer Protection and Commerce, then to the Committee on Finance		
123	Committee on Consumer Protection and Commerce, then to the Committee on Finance		

145	Committee on Energy and Environmental Protection, then to the Committee on Finance	167	Committee on Finance
146	Committee on Education	168	Committee on Finance
147	Committee on Education, then to the Committee on Finance	169	Jointly to the Committee on Public Safety and Military Affairs and the Committee on International Affairs
148	Committee on Health, then to the Committee on Finance	170	Committee on Finance
149	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance	171	Committee on Finance
150	Committee on Economic Development and Business Concerns, then to the Committee on Finance	172	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Energy and Environmental Protection, then to the Committee on Finance
151	Jointly to the Committee on Labor and Public Employment and the Committee on Health, then to the Committee on Finance	173	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
152	Jointly to the Committee on Judiciary and the Committee on Health, then to the Committee on Finance	174	Committee on Transportation, then to the Committee on Energy and Environmental Protection
153	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Health, then to the Committee on Finance	175	Committee on Energy and Environmental Protection, then to the Committee on Finance
154	Committee on Education, then to the Committee on Finance	176	Jointly to the Committee on Transportation and the Committee on Tourism and Culture, then to the Committee on Energy and Environmental Protection, then to the Committee on Finance
155	Committee on Human Services and Housing, then to the Committee on Finance	177	Jointly to the Committee on Transportation and the Committee on Tourism and Culture, then to the Committee on Energy and Environmental Protection, then to the Committee on Finance
156	Committee on Economic Development and Business Concerns, then to the Committee on Finance	178	Committee on Transportation, then to the Committee on Finance
157	Jointly to the Committee on Agriculture and the Committee on Water, Land Use, and Hawaiian Affairs	179	Committee on Health, then to the Committee on Finance
158	Committee on Agriculture, then to the Committee on Energy and Environmental Protection	180	Committee on Tourism and Culture
159	Committee on International Affairs, then to the Committee on Energy and Environmental Protection	181	Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
160	Committee on Education	182	Committee on Labor and Public Employment, then to the Committee on Finance
161	Committee on Education, then to the Committee on Finance	183	Jointly to the Committee on Human Services and Housing and the Committee on Energy and Environmental Protection, then to the Committee on Finance
162	Committee on Consumer Protection and Commerce, then to the Committee on Finance	184	Committee on Higher Education
163	Committee on Human Services and Housing	185	Committee on Education, then to the Committee on Finance
164	Committee on Health, then to the Committee on Finance	186	Committee on Education, then to the Committee on Finance
165	Committee on Health, then to the Committee on Finance	187	Committee on Health, then to the Committee on Finance
166	Committee on Consumer Protection and Commerce	188	Committee on Transportation, then to the Committee on Finance

- 189 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 190 Committee on Public Safety and Military Affairs, then to the Committee on Finance
- 191 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
- 192 Jointly to the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Tourism and Culture
- 193 Jointly to the Committee on Transportation and the Committee on Energy and Environmental Protection, then to the Committee on Finance
- 194 Committee on Higher Education, then to the Committee on Finance
- 195 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
- 196 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Higher Education, then to the Committee on Finance
- 197 Jointly to the Committee on Transportation and the Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
- 198 Committee on Water, Land Use, and Hawaiian Affairs
- 199 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
- 200 Jointly to the Committee on Public Safety and Military Affairs and the Committee on International Affairs
- 201 Jointly to the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Energy and Environmental Protection, then to the Committee on Finance
- 202 Committee on Human Services and Housing, then to the Committee on Finance
- 203 Jointly to the Committee on Human Services and Housing and the Committee on Health
- S.C.R.**
Nos.
- 10, SD 1 Committee on Health, then to the Committee on Finance
- 12 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Education, then to the Committee on Finance
- INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)**
- The following resolution (H.R. No. 185) was announced by the Clerk and the following action taken:
- H.R. No. 185, entitled: "HOUSE RESOLUTION HONORING AGNES PIGAO-CADIZ; SHIZU KAWAI; PATTI MAXWELL, BSN, RN; PATTI ERTEL, BSN, RN; DR. CHARON PIERSON; SHELBA CORTEZ, BSN, RN; AND ANA SILVA, BSN; FOR THEIR OUTSTANDING CONTRIBUTIONS TO THE NURSING PROFESSION," was jointly offered by Representatives Lee, Morita, Shimabukuro, Kahikina, Magaoay, Arakaki, Hamakawa, Evans, Wakai, Nakasone, Schatz, Waters, M. Oshiro and Hale.
- Representative Lee, moved that H.R. No. 185 be adopted, seconded by Representative Morita.
- Representative Lee introduced the following nurses who were recently recognized by the Hawaii Nurses Association and were seated on the floor of the House:
- Ms. Agnes Pigao-Cadiz, 2002 Nurse of the Year;
- Ms. Shizu Kawai, 2002 Advanced Practice Nurse of the Year;
- Ms. Patti Maxwell, BSN, RN, 2002 Staff Nurse of Year;
- Ms. Patti Ertel, BSN, RN, 2002 Staff Nurse of Year;
- Dr. Charon Pierson, Nurse Educator of the Year; and
- Ms. Shelba Cortez, Nurse Administrator of the Year
- Representative Lee also recognized Ms. Ana Silva, recipient of the Ruth Campbell Award for Volunteer Service who was unable to attend today's presentation.
- Representative Lee also introduced the following individuals who were seated in the gallery:
- Dr. Bee Molina Kooker, Interim Dean of UH School of Nursing;
- Mr. Basilio and Mrs. Encarnation Pigao, parents of Ms. Agnes Pigao-Cadiz;
- Mr. Raymond Cadiz, husband of Agnes Pigao-Cadiz;
- Mr. Henry Kawai, husband of Ms. Shizu Kawai;
- Ms. Ah Jook Koo, who spearheaded the nomination of Ms. Shizu Kawai;
- The residents of the One Kalakaua;
- Ms. Christi Kelliopio, Executive Director, Hawaii Nurses Association;
- Ms. Stephani Monet, Director of Education for Hawaii Nurses Association;
- Ms. Nancy McGuckin, University of Hawaii School of Nursing;
- Ms. Eileen Ganotsi, nursing student and intern in Representative Lee's office;
- Mr. Gate Brizeno, a friend of Ms. Patty Ertle; and
- Mr. Del Kennedy and Ms. Barbara Perry of Kaiser Permanente.
- Representative Shimabukuro also introduced her friend from law school, Mr. Paul Kawai, son of Ms. Shizu Kawai.

The motion was put to vote by the Chair and carried, and H.R. No. 185 was adopted with Representatives Chang, Hamakawa, Hiraki, Jernigan, Kaho'ohalahala, Kanoho, Nakasone and Takamine being excused.

At 12:37 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 880) recommending that S.B. No. 1070, 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 S.B. No. 1070, HD 1, 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. I rise in opposition. There apparently is a need for some adjustment in the area dealt with. SB 1070, Standing Committee Report 880, the first item on the agenda. There is a need for some concern about how things are handled in this area. But we can handle this without creating a new law simply by making sure that the qualifications for doing these medical examinations are the people are on a certified list who are specially qualified to do it, and just selecting from that list. Thank you."

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

"Madame Speaker, with reservations. Testimony on this bill said that this would cause a delay, if implemented, in determining whether somebody is permanently impaired. Many employers were unhappy with this particular provision so I would just want to express this reservation. Thank you."

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

"Madame Speaker, I rise in support of this measure. I just wanted to explain. I think people don't necessarily understand there is a difference when it comes to these kinds of examinations. There is an independent medical examination, and there is a permanent disability rating examination. This is just referring to the latter examinations. IMEs are independent medical examinations, and are often when the employers really want to have a choice as to what physician they are going with. Because that is when you are contesting whether the claim is valid or compensable.

"However when it comes to the determination of permanent impairment, that really is based on what is called the *AMA Guides to the Evaluation of Permanent Impairment, The 5th Edition*. So it is a pretty standard textbook that all doctors are supposed to refer to and all doctors supposed to go to. So really when it comes to a mutually selected physician, it doesn't really matter that much.

"The employers are a little bit worrisome because initially when this bill came to us, it didn't have the wording that the

determination would be solely for permanent impairment, but I believe that is how the bill was amended so that it would be in the examination performance solely for permanent impairment and thereby we make sure that it is not infringing on IMEs. It is only for permanent disability regulating examinations. So I think the concerns of the employers were taken care of in the amendment and this bill should move forward. Thank you very much."

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

Representative Stonebraker 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:

"Thank you Madame Speaker I am rising against this bill. My real concern is that I am afraid that this may increase the cost of workers comp insurance, something that is an already very, very high expense for all small businesses. I also think that it sort of dilutes the right of the employer and that concerns me. Maybe I don't understand it as well as I should, but it appears that way on the face of it. Thank you."

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

Representative Sonson continued, stating:

"In addition Madame Speaker, I'd like to explain what I believe this measure is trying to do. In the workers' compensation practice, what normally happens after the treatment of the employee is that there is a rating that has to be done, and as was mentioned before, the doctor that performs this rating will use the AMA Guide. What has been a problem in the practice is that there is usually a conflict on which doctor is to be used by the employer and the employee. Obviously, the employer would want somebody to rate the person at a lower disability, in which case the employer/insurance company will pay less money to the injured employee. And the employee and the employee's representative on the other hand, will want a doctor that will rate the disability of a particular injured person or employee higher, in which case the amount of the claim will also increase.

"Because there is no specific way to choose a doctor in the statute currently, it does slow things down. How is it slowed down is the employer would insist on one and proceeds with that particular doctor. What normally happens is the claimant has to look for another doctor to counter that, in which case the time spent on the examination can extend for a few more months. If it takes two to three months for one doctor to examine and another two to three months, probably for the next doctor to examine. That will really extend the time period in which this case will be resolved.

"So this measure is trying to find a way to have the employer and the employee agree. And if they cannot agree, then the doctor will be selected from a list provided for in the DCD. So it will not increase the cost of employers or insurance companies, but rather it will make the system more efficient and less time-consuming, therefore saving money. Thank you very much."

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

"Thank you, Madame Speaker. I rise in opposition to this bill. I see it as an anti-business bill and I see that some of the employer's right that they have now are getting taken away from them in this bill. So for those reasons, I am in opposition. Thank you, Madame Speaker."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1070, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Blundell, Fox, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 881) recommending that S.B. No. 1309, SD 2, 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 S.B. No. 1309, SD 2, 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:

"Madame Speaker, I apologize for being a little late jumping up. On Standing Committee Report 881, I am rising in support with some reservations. I guess my main reservation is the section that repeals the provision requiring the salary of the ERS Administrator to be within a range established for Deputy Directors. I realize that perhaps to find somebody who is of the caliber they are looking for, you are going to have to pay more. But given the constraints we have right at this time, trying to balance the budget, this could very well open the door for another similar thing as we had with the Superintendent of Education whose limit was raised and immediately it jumped to \$150,000. So I don't know that this is the time to do this. Thank you, Madame Speaker."

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.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1309, SD 2, 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 Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 882) recommending that S.B. No. 1312, SD 1, 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 S.B. No. 1312, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 883) recommending that S.B. No. 1373, SD 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 S.B. No. 1373, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STAFFING FOR FEDERALLY FUNDED PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 884) recommending that S.B. No. 562, 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 S.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO TERMINABLE RENTAL ADJUSTMENT CLAUSE VEHICLE LEASES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 885) recommending that S.B. No. 345, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 345, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 886) recommending that S.B. No. 464, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land Use, and Hawaiian Affairs.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 464, SD 2, HD 1, pass Second Reading and be referred to the Committee on Water, Land Use and Hawaiian Affairs, seconded by Representative Lee.

Representative Thielen 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 Stonebraker 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."

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

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

"Thank you, Madame Speaker. I would like to register an aye with serious reservations.

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

"In support. I'd just like to point out that we are already doing this by the way. We are meeting with the Governor, the Mayor, and many other personnel mostly from OMPO and we are discussing what we should do, including fixed rail. This measure took out the provision that we should start condemnation right away to provide the land for fixed rail. So now, we are basically discussing it. Thank you."

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

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

"Madame Speaker, I rise in strong support and ask that the record reflect the words of the Representative from Makakilo as my own," and the Chair "so ordered. (By reference only.)

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

"Yes, Madame Speaker. I rise in strong, strong support and if I could have the words from the Representative from Makakilo as my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Madame Speaker, I also rise in strong support of this particular measure and I would request that the words of the Representative from Makakilo be inserted into the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Sonson continued, stating:

"In addition, I live in Waipahu on the Leeward side. It takes me about an hour and a half to get here. Normally would take 19-20 minutes, at least the guides on the internet say that is how long it should take from Waipahu to this particular building. We would welcome a study.

"I think we missed the opportunity a few years ago in building a feasible light rail system. I don't know whether if it is right for us to do so again, however there is some interest in fixed rail again because I believe our Congressional delegates are indicating to us that they will be happy to take a look at some kind of funding mechanism in which the federal government will again try to fund. Or similarly fund a fixed rail if it is something that we want to do.

"We should not just dismiss an opportunity like this. This measure is not saying that we are going to put it in. What this measure is saying is let us at least look at the opportunity again to see whether or not it is something that we still need. Let's see whether or not this is the kind of fix that we need for our traffic problems. I really welcome this kind of measure. Thank you very much."

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

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

"Madame Speaker, I rise in strong support and I'd like the words of the Representative from Makakilo and also the Representative from Waipahu inserted into the record as if they were my own," and the Chair "so ordered." (By reference only.)

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

"I'd like to register strong support of this measure and I'd like this to be in the Journal."

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

"Thank you, Madame Speaker. I rise in strong support and request that the words of the Representative from Waipahu and Makakilo be put into the Journal as my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 464, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPLEMENTATION OF A FIXED RAIL TRANSIT SYSTEM," passed Second Reading and was referred to the Committee on Water, Land Use, and Hawaiian Affairs with Representatives Ching, Leong, Stonebraker and Thielen voting no, and with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented two reports:

(Stand. Com. Rep. No. 887), recommending that H.R. No. 24, be adopted; and

(Stand. Com. Rep. No. 888), recommending that H.C.R. No. 36, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 24 and H.C.R. No. 36, be adopted, seconded by Representative Lee.

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

"I stand in strong support of these measures."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 24, entitled: "HOUSE RESOLUTION ACKNOWLEDGING THE CONTRIBUTIONS OF HULA AND RECOGNIZING APRIL 1, 2003, TO MARCH 31, 2004, AS THE "YEAR OF THE HULA," was adopted with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused;

and

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 adopted, with Representatives Jernigan, Kaho'ohalahala, Kanoho and Takamine being excused.

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 889) recommending that S.B. No. 1172, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1172, SD 2, HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I rise in support of SB 1172, and I just wanted to point out that this comes from the recommendations of the War Preparedness Committee. Essentially, the purpose of the bill is to make sure that we do everything that we can to maintain lift, and maintain the planes flying in to the State of Hawaii. That is our economic lifeline.

"I just wanted to commend you Madame Speaker, as the Chair of the Committee and all of the members on both sides of the aisle, as well as the participants from the Administration and the private sector. I think we have done some very important work, and should we go to war, I think we are much better prepared than we would have been without the Speaker's leadership in convening this Committee. And I think that this bill, and the others that will be moving through the Legislature over the next several weeks are a testimony to the hard work. Thank you."

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

"I am rising in support, and if I could incorporate the words of the previous speaker as my own, and register also slight reservations," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1172, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

AIRLINES," passed Second Reading and was referred to the Committee on Economic Development and Business Concerns with Representatives Jernigan, Kaho'ohalahala and Kanoho being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 890) recommending that S.B. No. 1410, SD 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 S.B. No. 1410, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Jernigan, Kaho'ohalahala and Kanoho being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 891) recommending that S.B. No. 1411, SD 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 S.B. No. 1411, SD 1 pass Second Reading and be referred to 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1411, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RISK MANAGEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Judiciary with Representative Stonebraker voting no, and with Representatives Jernigan, Kaho'ohalahala and Kanoho being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 892) recommending that S.B. No. 62, SD 1, 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 S.B. No. 62, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Jernigan, Kaho'ohalahala and Kanoho being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 893) recommending that S.B. No. 1460, SD 1, 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 S.B. No. 1460, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Madame Speaker, I am sorry I missed you there. Going back to page 4, Standing Committee Report 893, SB 1460, SD 1, HD 1. I am speaking in favor of a portion of the bill, however I do not support the measure as drafted and I'd like the record to reflect my reservations as follows.

Report No. 893 is a measure which will micro-manage the work of the HTA in performing their services, rather in establishing contracts with providers and services for what they need to accomplish their mission. In issuing a mandate such as this to this Authority, it sort of impedes their ability to do their work. If what we want and which is the purpose of this bill is to protect State interest and ensure responsible use of State funds, I believe the last portion is sufficient.

"The last portion, which is on page 4, in section (c). Section (c) will accomplish the purpose because they will report to the legislature and how well they did how much of their mission they had accomplished. The first two sections that deal with the kinds of provisions that they must insert in their contracts will not allow them fulfill their mission. Because what it does, in the contract negotiations, as testified to by Mr. Johnston of the Authority, what it will actually do is impede the ability to obtain an agreement with the other parties. And when there is an impact, for example, if the other party says, "No, we don't want these provisions inserted," what will happen then according to this bill, they can disregard it anyway. That will just take a lot more of their time and waste a lot more paper.

"So I believe that Section (c) will actually accomplish the purpose that the bill is trying to obtain from the HTA, which is to make sure that whenever they enter it into a contractual agreement that it will be good for the State and it would be a wise use of state funds. And I believe that is sufficient oversight for the Legislature to note that they have succeeded in that. It is not important for us to tell them how to address every provision in every contract that they will have to enter into. Thank you very much."

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

"Thank you, Madame Speaker. I rise in support and would like to register my reservations by incorporating the words of the Representative from Waipahu into the Journal as my own," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1460, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS ENTERED INTO BY THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Jernigan, Kaho'ohalahala and Kanoho being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 894) recommending that S.B. No. 1462, 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 S.B. No. 1462, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Jernigan, Kaho'ohalahala and Kanoho being excused.

ANNOUNCEMENTS

Representative Herkes: "Madame Speaker, those gentlemen that have golf clubs in the men's locker room, I'd like to see them right after session because we are going to put in a golf rack and I need to discuss it with them."

Representative Nishimoto: "Thank you, Madame Speaker. I want to explain the reason for my absence the last couple days. I had the honor and the privilege to represent Hawaii and the United States in Japan at the invitation of the Foreign Ministry of Japan. The purpose of the visit was to increase US and Japan relations. So after meeting with dignitaries and business people and even a member of the Royal Family in the past couple days, it is good to be home."

Representative Leong: "Thank you, Madame Speaker. This morning I brought in a basket that we completed and is ready to send in the Institute of Human Services. I just wanted to show a sample of it. I want to thank the following Representatives who already contributed to our cause: Speaker Say's office, Representatives Morita, Nishimoto, Shimabukuro, Caldwell, Evans and Halford. We send out a flyer every other week and we tell you what kinds of things we are collecting for the week. We are hoping to get 250 baskets, which means about 3 baskets per office. And I know with your generous support we can reach our goal. Thank you so much, and thank you, Madame Speaker."

Representative Chang: "Madame Speaker and Members. I just want to announce that this is Honolulu Festival Week. There are about 4,600 visitors from Japan in Hawaii to celebrate the 9th Annual Honolulu Festival. So I invite all of you who live here this weekend, to visit many of the festivities that are going on in Waikiki."

Vice Speaker Luke: "Representative Say, don't you have an announcement?"

Representative Say: "I just wanted to rise on a point of inquiry for the Representative from Kuliou'ou. If she will yield to a question. Next week Friday, could you read the names of those individuals who haven't contributed?"

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 1:12 o'clock p.m.

Representative Say: "Yes, Madame Speaker. I do have an announcement to make that all of us should be very proud of. One of our colleagues will be ordained as a pastor tomorrow. Representative Pendleton, congratulations from the members of the House.

"Madame Speaker, I also would like to share with the Members of this House that sitting on your chair is much more easy and relaxing, rather than being up there. And that is why I forgot what I supposed to say."

ADJOURNMENT

Representative Lee moved that the House of Representatives adjourn until 12:00 o'clock noon Monday, March 17, 2003, seconded by Representative Meyer

Vice Speaker Luke: "Members, please sit down until we are adjourned."

The motion was put to vote by the Chair and carried, and at 1:13 o'clock p.m., the Chair rapped her gavel and the House of

Representatives adjourned until 12:00 o'clock noon, Monday, March 17, 2003. (Representatives Kaho'ohalahala, Kanohe, and Jernigan were excused.)

THIRTY-FOURTH DAY

Monday, March 17, 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 Reverend Sally Hill of NEW CORSS: a Center of Spiritual Understanding, after which the Roll was called showing all members present with the exception of Representatives Herkes and Takamine, who were excused.

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

INTRODUCTIONS

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

Representative Nishimoto, on behalf of Representatives Saiki and Marumoto, Speaker Say, and himself, introduced students of the Kaimuki High School Human Services Academy, and their teacher, Ms. Kaleolani Akim.

Representative Thielen introduced Ms. Carol McNamee of the Hawaii MADD organization.

Representative Schatz introduced his long-time neighbor, Ms. Anita Dimauro of the Hawaii MADD organization.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 164 through 182) and concurrent resolutions (H.C.R. Nos. 204 through 231) were referred to committee by the Speaker:

H.R.
Nos.Referred to:

164 Committee on International Affairs

165 Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance

166 Committee on Judiciary, then to the Committee on Finance

167 Committee on International Affairs, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance

168 Committee on Agriculture

169 Committee on Education, then to the Committee on Finance

170 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance

171 Committee on Tourism and Culture, then to the Committee on International Affairs

172 Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance

173 Jointly to the Committee on Transportation and the Committee on Labor and Public Employment, then to the Committee on Finance

174 Committee on Water, Land Use, and Hawaiian Affairs

175 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance

176 Committee on Finance

177 Committee on Finance

178 Committee on Finance

179 Committee on Finance

180 Committee on Finance

181 Committee on Finance

182 Committee on Finance

H.C.R.
Nos.Referred to:

204 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Transportation

205 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance

206 Jointly to the Committee on Health and the Committee on Human Services and Housing and the Committee on International Affairs, then to the Committee on Finance

207 Committee on Health, then to the Committee on Finance

208 Committee on Education

209 Committee on Human Services and Housing, then to the Committee on Judiciary

210 Committee on Higher Education, then to the Committee on Finance

211 Committee on International Affairs

212 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance

213 Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance

214 Committee on Judiciary, then to the Committee on Finance

- 215 Committee on International Affairs, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
- 216 Committee on Agriculture
- 217 Committee on Education, then to the Committee on Finance
- 218 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
- 219 Committee on Tourism and Culture, then to the Committee on International Affairs
- 220 Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
- 221 Jointly to the Committee on Transportation and the Committee on Labor and Public Employment, then to the Committee on Finance
- 222 Committee on Water, Land Use, and Hawaiian Affairs
- 223 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance
- 224 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Economic Development and Business Concerns
- 225 Committee on Finance
- 226 Committee on Finance
- 227 Committee on Finance
- 228 Committee on Finance
- 229 Committee on Finance
- 230 Committee on Finance
- 231 Committee on Finance

Nos. **Re-referred to:**
 147 Jointly to the Committee on Energy and Environmental Protection and the Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance

H.C.R.
Nos. **Re-referred to:**
 183 Jointly to the Committee on Energy and Environmental Protection and the Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance

**INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 186) was announced by the Clerk and the following action taken:

H.R. No. 186, entitled: "HOUSE RESOLUTION HONORING WENDY HAMILTON, NATIONAL PRESIDENT OF MOTHERS AGAINST DRUNK DRIVING (MADD), AND THE ENTIRE MADD ORGANIZATION FOR THEIR OUTSTANDING WORK AND DEDICATION TO THE SAFETY OF OUR NATION'S ROADWAYS THROUGH THE ERADICATION OF DRUNK DRIVING," was offered by Representative Souki.

Representative Souki, moved that H.R. No. 186 be adopted, seconded by Representative Caldwell.

Representative Souki introduced the honoree, Ms. Wendy J. Hamilton, National President for the MADD organization, who was seated on the floor of the House.

At this time, Representative Souki recognized Ms. Hamilton's husband, Lawrence and members of the Hawaii MADD organization, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 186 was adopted with Representatives Herkes, Nakasone and Takamine being excused.

At 12:22 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

COMMITTEE REASSIGNMENTS

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

- S.B.**
Nos. **Re-referred to:**
- 1049, SD 1 Committee on Consumer Protection and Commerce
 - 1260, SD 1 Committee on Health, then to the Committee on Agriculture, then to the Committee on Finance
 - 1554, SD 1 Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Judiciary

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

H.R.

At this time, the Chair announced:

"Members, right now we are on page 2. The Chair would like to explain to the Members of the House that a lot of the measures that you see before you have been referred to two or three Committees to meet this Friday's lateral to the final Committee.

"So, in recognizing that all of us will have an opportunity, at least two shots for those measures that have been referred to three Committees, I hope we can cut our discussion short. Or just record your no votes, in recognizing that it has to go to one or two more Committees."

STANDING COMMITTEE REPORTS

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

No. 895) recommending that S.B. No. 713, 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 S.B. No. 713, entitled: "A BILL FOR AN ACT RELATING TO CLOSURE OF MUNICIPAL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Herkes being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 896) recommending that S.B. No. 1290, SD 1, 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 S.B. No. 1290, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCT PROCUREMENT PREFERENCES BY STATE AGENCIES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 897) recommending that S.B. No. 1593, SD 1, 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 S.B. No. 1593, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising with some reservations on this matter. My main concern is I am afraid that this bill is drafted sort of after a federal law that was passed, and I am afraid of the exposure of the State to lawsuits. That is my number one concern."

The Chair responded, stating:

"I hope the Judiciary Committee will be addressing that particular concern that you may have."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1593, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL JUSTICE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 898) recommending that S.B. No. 1517, SD 2, as amended

in HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1517, SD 2, HD 1, pass Second Reading and be referred to the Committee on Economic Development and Business Concerns, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. A no vote for me please. This could add to the cost of low-income housing projects and other affordable housing projects."

Representative Leong 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, Mr. Speaker. I'd like a no vote registered. This is doubling the conveyance tax. I don't want to see that happen."

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

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

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

"Mr. Speaker, I rise in support. Just for the edification of the Members, the increase that we are talking about is .1% for real estate transactions over \$600,000. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1517, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Economic Development and Business Concerns with Representatives Blundell,

Finnegan, Fox, Halford, Jernigan, Leong, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representative Herkes being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 899) recommending that S.B. No. 319, SD 2, 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 S.B. No. 319, SD 2, HD 1, pass Second Reading and be referred to the Committee Judiciary, seconded by Representative Lee.

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

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

"In opposition. Briefly this bill is about the City and County of Honolulu and should be handled at the county level."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 319, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Finnegan, Fox, Jernigan, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 900) recommending that S.B. No. 792, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 792, SD 2, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Herkes being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 901) recommending that S.B. No. 1408, SD 1, 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 S.B. No. 1408, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRANSPORTATION PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representative Herkes being excused.

Representatives Kanoho 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. 902) recommending that S.B. No. 1080, SD 1, as amended in HD 1, 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 S.B. No. 1080, SD 1, HD 1, pass Second Reading and be referred to the Committee on Tourism and Culture, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1080, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES," passed Second Reading and was referred to the Committee on Tourism and Culture, with Representative Herkes being excused.

Representatives Kanoho 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. 903) recommending that S.B. No. 843, SD 1, 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 S.B. No. 843, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE, AND LAND PLANTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes 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. 904) recommending that S.B. No. 1393, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1393, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 1393, Senate Draft 2, relating to separating law enforcement and corrections by creating a new Department of Law Enforcement and renaming the Department of Public Safety to the Department of Corrections.

"This measure creates a new Department of Law Enforcement that would be responsible for security, law enforcement, and public safety programs and functions for the State, including its buildings. I believe that it would be more effective to keep the two functions separate because it allows each to focus on their own department concerns, and allows each department to set their own priorities. I would like to state what this bill proposes, who supports it, and what changes this bill will bring.

"Your Public Safety Committee, of which I am a member, supports this bill. The demand for law enforcement is increasing. The Department of Public Safety testified that 'In 2001 alone, the Law Enforcement Division was asked to provide security services for the Department of Health's cleanup of mercury at Halawa; provide an emergency response team at the Convention Center during the Asian Development Bank Conference; and provide law enforcement back up at the Honolulu International Airport in the immediate aftermath of September 11, 2001.' Allowing this bill to pass would enable the State of Hawaii to receive more support from law enforcement and allow more stabilization and coordination to protect the State of Hawaii.

"The Department of Human Resources supports this bill. They support this bill because they believe 'It separates two important governmental functions.' Also the City and County of Honolulu believes, 'By splitting the Department of Public Safety into its correctional and law enforcement components, each new department will be able to more effectively concentrate its focus and resources on achieving its mission.' The Office of the Lieutenant Governor supports this bill because 'It would allow sheriffs to patrol our freeways thereby allowing our HPD officers to focus more time in our neighborhoods and drug epidemic.' Governor Linda Lingle was quoted in the *Honolulu Star Bulletin* in response to the bill 'the two department's two core divisions have different priorities and should be handled as such.'

"According to Standing Committee Report 904, the purpose of this bill is to enable the State of Hawaii to manage more effectively the functions relating to prisons and law enforcement that are currently under the jurisdiction of the Department of Public Safety.

"This bill converts the Department of Public Safety to a new Department of Corrections. The Hawaii Paroling Authority and the Crime Victim Compensation Commission would be placed within this new Department and would continue to be responsible for the State's correctional facilities. I am sure that my colleagues concur that making Hawaii a safer State is a priority. Senate Bill 1393, Senate Draft 2 seeks to address the issue of Public Safety in the State of Hawaii.

"For the forgoing reasons Mr. Speaker, I support Senate Bill 1393, Senate Draft 2, which would allow the two departments to work more efficiently in their own areas of concern. I urge all my colleagues to support its passage. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1393, SD 2, 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 Representative Herkes being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 905) recommending that S.B. No. 1319, SD 1, 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 S.B. No. 1319, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 906) recommending that S.B. No. 363, 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 S.B. No. 363, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPERIMENTAL MODERNIZATION PROJECTS FOR COUNTY BOARDS OF WATER SUPPLY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 907) recommending that S.B. No. 830, SD 1, 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 S.B. No. 830, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in support of Senate Bill 830, Senate Draft 1, House Draft 1, relating to criminal history record checks.

"This measure addresses inconsistencies and duplicative statutory language authorizing record checks for employment background checks, certifications, and licensing of individuals.

"I support this bill because: 1) it begins the process of standardizing criminal history record checks for employment; 2) it clarifies what criminal history records are and how they can and cannot be used; and 3) it has the support of several of the executive branch's departments.

"Recognizing the need for standardizing criminal history record checks for employment back in the year 2000, the Legislature passed Senate Concurrent Resolution No. 122. The resolution resulted in the enactment of Act 263, Session Laws of Hawaii 2001 and created the Criminal History Record Check Working Group. The Act created the Working Group for the purpose of conducting a comprehensive study of Hawaii's criminal history record check laws. Unfortunately, the Working Group's study resulted in findings that declared

Hawaii's criminal history record check laws confusing, unclear, redundant, and in areas, unnecessary.

"This bill is a step towards untangling the web of confusion Hawaii's criminal history record check laws currently find themselves in. The bill implements the recommendations of the Working Group and addresses disparate practices, inconsistencies, and duplicative language in Hawaii's criminal history record check laws. According to the Attorney General's office, it provides standard language for criminal history record checks used by currently authorized non-criminal justice programs to obtain state and/or national criminal history record information for their programs.

"Employers have the right to know the criminal history of prospective employees. Employers must be able to ensure the safety of their workplaces. They owe this to all employees. Cumbersome and unclear laws should not hinder their ability to conduct criminal background checks. This bill would eliminate conflicting language in sections 378-2.5, 831-3, and 831-3.1, Hawaii Revised Statutes.

"The second reason why I support this bill is because it also clarifies what criminal history records are and how they can and cannot be used. As stated in the bill's preamble, no common definition of a 'criminal history record check' currently exists.

"According to the Attorney General, this bill changes the language in Sections 378-2.5, 831-3.1, and 831-3, Hawaii Revised Statutes in order to clarify exactly when, how long, and what type of criminal history record check information can be used.

"The bill revises these statutes to succinctly state that criminal history record check information can be taken into consideration only after an individual receives a conditional job offer and is limited by a ten-year time period, excluding the period of incarceration. In addition, the changes describe the differences between an arrest and a conviction."

"The third and final reason why I support this bill is because the Administration strongly supports the intent of the bill. Attorney General Mark Bennett considers this bill significant because it addresses the growing problem of inconsistent and duplicative criminal history record check laws. The Attorney General's office also stated that the FBI gave preliminary approval of this bill draft. The Departments of Human Resources and Development and Labor and Industrial Relations also support the measure.

"It's important for me to note that like the Administration, my full support of this bill extends only to the House version. Act 263 required the Working Group to resolve policy issues relating to criminal history record checks and make recommendations to the Legislature. The Working Group's job was not to discuss any issues of collective bargaining, civil service reform, or the public employee and employer relationship.

"According to the Department of Human Resources Development, the Senate's version contains new language that exceeds the policy decisions by the Working Group and creates conflicts with current civil service law. The Attorney General states that the Senate's draft introduces areas affecting collective bargaining that the Working Group never discussed.

"The amended House version deals only with resolving disparate practices, inconsistencies, and duplicative language relating to the conduct of criminal history record checks for employment, certification, and licensing of individuals as recommended by the Working Group.

"I support this bill in its current form because it only implements the Working Group's recommendations and does not overreach the Group's intent.

"For these reasons, Mr. Speaker, I support this bill which addresses inconsistencies and duplicative statutory language authorizing record checks for employment background checks, certifications, and licensing of individuals. And I urge all of my colleagues to also support its passage. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 830, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 908) recommending that S.B. No. 1155, SD 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 S.B. No. 1155, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representative Herkes being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 909) recommending that S.B. No. 1416, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1416, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES," passed Second Reading and was referred to the Committee on Legislative Management, with Representative Herkes being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 910) recommending that S.B. No. 1156, 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 S.B. No. 1156, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 911) recommending that S.B. No. 610, SD 2, 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 S.B. No. 610, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL CLAIMS RESOLUTION UNDER THE HAWAIIAN HOME LANDS TRUST," passed Second Reading and was referred to the

Committee on Judiciary, with Representative Herkes being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 912) recommending that S.B. No. 1560, 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 S.B. No. 1560, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY LEFT IN A DANGEROUS CONDITION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 913) recommending that S.B. No. 1477, SD 2, 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 S.B. No. 1477, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. A with reservations please on SB 1477. Mr. Speaker, this sets up a scheme whereby the counties get money for and then lease back and get money for their sewage facility, etc., then lease it back for 99 years. It sounds too good to be true Mr. Speaker, and the problem is that none of these agreements in the nation have matured that 99 year period, so we don't know how well it will play out. I would hope that the House would take a very strong look at this to see if it is really too good to be true. Thank you."

The Chair responded, stating:

"Thank you very much, Representative Thielen. I hope you will be there at the hearing when the Judiciary Committee schedules it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1477, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MUNICIPAL LEASES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 914) recommending that S.B. No. 1619, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Public Safety and Military Affairs and the Committee on Tourism and Culture.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1619, SD 2, HD 1, pass Second Reading and be referred jointly to the Committee on Public Safety and Military Affairs and the Committee on Tourism and Culture, seconded by Representative Lee.

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

"Thank you. A no vote, Mr. Speaker. A \$50 million tax credit for a sports facility that has not given us the impact that

this will have on our revenues does not make sense. Thank you."

Representative Evans rose and asked that the Clerk record a no vote 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."

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

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

"With strong reservations. Thank you."

Representative Stonebraker 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:

"Thank you, Mr. Speaker. I rise in opposition. I am not opposed to a motor sports recreation and public safety training and educational facility. I think a motor sports recreation area is very much needed and is a positive thing for the community, as well if it can be used for public safety training. It gives a very generous tax credit that I've got a problem with."

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

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

"Thank you, Mr. Speaker. I have reservations. It is not that we don't need this kind of facility and the possible jobs and construction that it will bring to the area. But I note that on pages 4 and 8 of this measure, everything is blank. So with the hard financial times that we are having now, I can't fully support it until I find out what it is going to cost. Thank you, Mr. Speaker."

Representative Waters rose and asked that the Clerk record an aye vote with reservations 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 Finnegan rose in opposition to the measure and asked that the remarks of Representative Meyer 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 Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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 S.B. No. 1619, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred jointly to the Committee on Public Safety and Military Affairs and the Committee on Tourism and Culture with Representatives Blundell, Evans, Finnegan, Fox, Hale, Halford, Jernigan, Leong, Meyer, Stonebraker and Thielen voting no, and with Representative Herkes being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 915) recommending that S.B. No. 1281, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land Use, and Hawaiian Affairs.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Water, Land Use, and Hawaiian Affairs, with Representative Herkes being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 916) recommending that S.B. No. 855, SD 1, 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 S.B. No. 855, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Energy and Environmental Protection, with Representative Herkes being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 917) recommending that S.B. No. 837, SD 1, 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 S.B. No. 837, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representative Herkes being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 918) recommending that S.B. No. 1425, SD 2, 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 S.B. No. 1425, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS MENTORING OF YOUTH AND YOUNG ADULTS," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representative Herkes being excused.

Representatives Schatz and Kahikina, for the Committee on Economic Development and Business Concerns and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 919) recommending that S.B. No. 1286, SD 1, 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 S.B. No. 1286, SD 1, 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 Labor and Public Employment, with Representative Herkes being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 920) recommending that S.B. No. 248, SD 3, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 248, SD 3, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Meyer 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. I don't know enough about the bill yet. I haven't seen it in Committee but it looks like it may cost a lot of money also."

Representative Halford 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 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 S.B. No. 248, SD 3, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Stonebraker voting no, and with Representative Herkes being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 921) recommending that S.B. No. 1040, SD 1, pass Second Reading and be referred to the Committee on Water, Land Use, and Hawaiian Affairs.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1040, SD 1, pass Second Reading and be referred to the Committee on Water, Land Use and Hawaiian Affairs, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1040, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Water, Land Use, and Hawaiian Affairs, with Representative Herkes being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 922) recommending that S.B. No. 41, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 41, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, 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 Fox rose to speak in opposition to the measure, stating:

"No vote. This goes against the spirit by which we set up the Hawaii Tourism Authority. It is not really supposed to be run by us. Thank you."

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 Meyer rose and stated:

"Mr. Speaker, I'd like to correct the comments I made. I meant those comments for Standing Committee Report 922. Not 921."

The Chair responded, stating:

"So we have to retract all comments that are made to your reference in regards to 921 by other members of the Minority Caucus. Is that right?"

Representative Meyer: "No, it is just my personal comments."

Speaker Say: "But we had other members of the Minority Caucus that incorporated your comments on 921."

Representative Meyer: "No, no. That was an earlier bill."

Speaker Say: "On 920 you were talking about ... Or 921 ... Madame Clerk, could you clarify that for the Speaker?"

Representative Meyer: "That was on Standing Committee Report 914."

At 12:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

At this time, the Chair stated:

"Madame Clerk, maybe you should correct the Chair at this point. Maybe Representative Meyer is correct."

The Clerk responded, stating:

"Mr. Speaker, for Standing Committee Report 921, Representative Meyer had previously noted her comments with reservations. Those comments are to be transferred to Standing Committee Report 922, S.B. No. 41," and the Chair "so ordered."

Representative Meyer's remarks in support of the measure with reservations are as follows:

"Mr. Speaker. I was a little slow getting up. I also have reservations on Standing Committee Report 921 [922]. I am all in favor of transparency. I believe that this will create a lot of extra paper work. When I think most of the information they are getting at is already available. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 41, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was referred to the Committee on Judiciary with Representative Fox voting no, and, with Representative Herkes being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 923) recommending that S.B. No. 975, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 975, pass Second Reading and be referred to the Committee on Judiciary, 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."

The Chair addressed Representative Sonson stating:

"Representative Sonson, I hope that as a member of the Judiciary Committee you will be able to improve on the measure that is before us in the Judiciary Committee, since you are a member."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 975, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 924) recommending that S.B. No. 38, 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 S.B. No. 38, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

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

"Mr. Speaker just in support, especially on Part III. We want to, on behalf of the Committee on War Preparedness, we want to thank the Tourism Chair and the Tourism Committee for incorporating the recommendation of the War Committee and we thank him for incorporating that language. Thank you."

Representative Finnegan 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 Moses rose and asked that the Clerk record an aye vote with reservations 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 38, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 925) recommending that S.B. No. 1629, SD 1, as amended 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 S.B. No. 1629, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 926) recommending that S.B. No. 739, 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 S.B. No. 739, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 927) recommending that S.B. No. 1321, 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 S.B. No. 1321, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"I would like to register a with reservations, and my reservation only has to do with extending the date from July 1, 2003 to 2004. Thank you."

The Chair addressed Representative Hale, stating:

"Representative Hale, this is on Standing Committee Report 927? And to help parity. Correct?"

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 1321, House Draft 1, relating to mental health.

"This measure is about ensuring that we treat mental illness with the same attention we give to physical illness or injury. This measure expands the definition of 'serious mental illness' to enable individuals afflicted with serious mental illness to access the necessary treatment by continuing the parity reimbursement and treatment requirements for serious mental illnesses.

"First, the bill's preamble states that, 'serious mental illness' is defined as a disorder which is of sufficient severity to result in substantial interference with the activities of daily living. These serious illnesses are classified as schizophrenia, schizoaffective disorder, delusional disorder, major depression, bipolar types I and II, obsessive compulsive disorder, and dissociative disorder as defined in the most recent version of the Diagnostic and Statistical Manual of the American Psychiatric Association.

"Furthermore, the Diagnostic and Statistical Manual of Mental Disorders defines mental illness as a clinically significant behavioral, psychological pattern that occurs in an individual with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom. Whatever its original cause, it must currently be considered a manifestation of a behavioral, psychological, or biological dysfunction in the individual.

"Secondly, as stated in Standing Committee Report Number 927, the Health Committee finds that serious mental illnesses, such as delusional disorder, bipolar, and major depression, are serious health concerns in Hawaii. Mental illness can be a contributing cause of physical injury. Many of the illnesses, like bipolar disease and schizophrenia, are physical disorders because they affect the physical and chemical structure of the brain.

"Finally, achieving mental health parity will help individuals receive treatment in a timely manner at an affordable price and help to improve the social climate in Hawaii. There are many organizations and individuals that testified in support of this bill. Amongst these individuals and organizations were the Governor, Department of Health, Hawaii Psychiatric Medical Association, and NAMI Oahu.

"Therefore, these disorders should be given the attention that they deserve. We can no longer have a cap on serious mental illnesses, but instead must move forward and stop the artificial distinction between physical injuries and mental illness. Let's make mental health parity permanent by repealing the June 30, 2003, sunset date in Act 243, Session Laws of Hawaii 2000. All illnesses deserve full attention and funding.

"For these reasons, Mr. Speaker, I support this bill which expands the definition of 'serious mental illness' and enables individuals with serious mental illnesses to receive treatment in a timely manner and at an affordable cost. And I urge my colleagues to support its passage. 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."

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

"Mr. Speaker, I am rising in support with some pretty grave reservations."

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in support of S.C.R. 927, S.B. 1321, H.D. 1. Mr. Speaker, the purpose of this measure is to make permanent the requirement of parity in health care benefits for the treatment of serious mental illness. This body recognized the benefit of moving toward parity in mental health benefits four years ago, Mr. Speaker, in Act 121. It was a good decision then, and it's a good decision now.

"Opponents of this measure will argue that it will cause premiums to go up, Mr. Speaker, in particular because of the expansion of the definition of serious mental illness in this bill. Most, if not all, health plans already provide coverage for these illnesses, however; thus, while this bill could necessitate some expansion of coverage, it will not involve the creation of a whole new area for coverage. Premiums might increase slightly because of the expansion of illnesses requiring parity in benefits, Mr. Speaker, but they should not increase significantly. Other jurisdictions have passed mental health parity laws, and information from these jurisdictions very clearly shows that these mandates were responsible for only a small amount of the increases in premiums in these areas.

"Mr. Speaker, mental health is as important as physical health, and problems with mental health deserve to be taken as seriously as physical health problems. That is the fundamental belief that parity is based on, and I am proud to support our Governor in making parity permanent.

"I would also point out, Mr. Speaker, that there are pragmatic benefits to requiring parity for mental health benefits. Many individuals with mental health problems are able to lead self-sufficient lives as long as they receive the proper treatment. Parity in mental health benefits helps to insure that they receive this treatment and thus helps them avoid the necessity of relying on public assistance. We should be trying to pass laws that help individuals lead self-sufficient lives and parity in mental health benefits does that. It is for all of these reasons that I stand in strong support of S.B. 1321, H.D. 1.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1321, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 928) recommending that S.B. No. 1360, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1360, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Herkes being excused.

At 12:48 o'clock p.m., Representative Bukoski requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

The Chair addressed Representative Bukoski, stating:

"The Chair at this time will recognize Representative Bukoski. Did they get your answer to your inquiry?"

Representative Bukoski responded, stating:

"Yes they did, Mr. Speaker. Thank you."

The Chair responded, stating:

"And thank you very much for educating the Members of this Chamber about what has happened to this particular vehicle or measure."

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 929) recommending that S.B. No. 658, SD 1, 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 S.B. No. 658, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

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

Representative Finnegan 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 a no vote for him, and the Chair "so ordered."

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

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

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

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

"Mr. Speaker, with reservations vote. My reservations are in regards to the religious exemption clause found on page 6 and 7."

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

"With strong reservations."

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

"Thank you, Mr. Speaker. With reservations, and I have the same concerns as the Representative from Aiea."

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

"Thank you, Mr. Speaker. In support. As your Health Chair, this was the most difficult decision to try and come to a compromise, and in the end, I guess we can't please everyone. However the Committee did decide to keep the religious hospital exemption in the bill, although we did amend it in the House version. We decided to keep it and also to lower the penalties for non-compliance.

"I also want to point out to the Members that we added another amendment to ask the emergency care facilities to request information from the victim, to ask about who the perpetrator is. And this is not a condition of receiving emergency contraception. But it is a particular concern with this Chair, maybe because I have three daughters, but you know we did establish the age of consent. My concern is that the question should be asked whether the perpetrator was an adult, and if there is any way we can intervene and perhaps stop this from occurring again and again.

"We wanted to take this measure, however we did again, we didn't want to see this as a condition for receiving emergency contraception. With that Mr. Speaker, I'd like to ask for support of the Members on this measure."

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

"Mr. Speaker, I want to rise in support with reservations. I want to thank the Health Chair for clarifying that. I am happy that the religious exemption is back in this measure so I want to change my no vote to a vote in support with reservations. Thank you."

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

"Yes, Mr. Speaker. With reservations relative to the religious exemption. I am very happy that it is there. Hopefully in Judiciary we can work on that language some more. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 658, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Moses and Stonebraker voting no, and with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 930) recommending that S.B. No. 1238, SD 2, 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 S.B. No. 1238, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 931) recommending that S.B. No. 1675, 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 S.B. No. 1675, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in support with some reservations. I note that this is going to transfer the Executive Office on Aging to the Department of Health. And the Department of Health testified in opposition to this. Some of the comments made in Committee were that it increases the number of civil service positions. And the Department of Health was not in favor of taking it on. Thank you."

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

"If I may speak in support of this measure. Mr. Speaker, this is one of those bills that we did amend and we gutted the original version, which had to do with SHPDA. The reason why we did that is there was an opinion by the Attorney General that the Executive Office on Aging could not be placed within the Office of the Governor. And in order to transfer it to one of the Departments, we had to do that statutorily. So that is what this bill does and we are just complying with the request of the Office of the Attorney General."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 932) recommending that S.B. No. 683, SD 2, 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 S.B. No. 683, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to S.C.R. 932, S.B. 683, S.D. 2, H.D. 1. The purpose of this measure, Mr. Speaker, is to expand on this body's efforts to provide for diabetes education for Hawaii's people. I strongly support the intent of this measure, as diabetes education is vital for the health of our community. But I have grave concerns about the impact of this bill will actually be.

"State law already requires health plans to pay for outpatient diabetes education when it is deemed medically necessary, and insurers have done remarkable things with this statute. Not even one year ago, HMSA was honored here at the State Capitol for the success of its diabetes program, which had recently been accredited by the National Committee for Quality Assurance. While well-intended, the extra requirements imposed upon outpatient diabetes education programs by this measure could end up hurting successful programs like HMSA's. While we all want to improve diabetes education and outreach in our State, we do not want to undermine the successful program we already have.

"Mr. Speaker, I am also concerned about the related issue of accessibility. This measure would require diabetes educators to be certified, have attended an American Diabetes Association-recognized program, or be a healthcare professional who has attended an accredited comprehensive diabetes education program. There are not many such educators on the Neighbor Islands, and I worry that imposing this requirement could limit the access of Neighbor Island residents to diabetes education. Limiting access to diabetes education on the Neighbor Island would be a mistake, Mr. Speaker, and it is not one this body should make.

"Mr. Speaker, as a State we have made remarkable strides in diabetes education, and it is understandable we should want to build on that. We must make sure we do so in a way that is positive and will actually support private and public efforts at diabetes education. This measure, although well intentioned, is not the way. I urge the next Committee to amend the language in order to address these problems.

"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."

Representative Meyer 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 683, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIABETES EDUCATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Finnegan and Jernigan voting no, and with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 933) recommending that S.B. No. 695, SD 2, 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 S.B. No. 695, SD 2, HD 1, 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:

"No vote on this measure which expands the regulation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 695, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representative Fox voting no, and with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 934) recommending that S.B. No. 783, SD 1, 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 S.B. No. 783, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM FOR EMERGENCY MEDICAL TECHNICIANS," passed Second Reading and was referred to the Committee on Labor and Public Employment, with Representative Herkes being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 935) recommending that S.B. No. 1676, 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 S.B. No. 1676, HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in opposition. For the Members' edification, we took a different Senate Bill and we gutted the contents and replaced it with the old HB 1617. I believe is the number. This is the Hawaii State Health Authority. This is kind of the Canadian system of medicine, Great Britain and so forth.

"We failed to pass this out of the House earlier in the Session and the reasons are numerous. It is a terrible idea, first of all. Secondly, it eliminates employer and individual choice in healthcare. It provides a lesser healthcare. In Hawaii, the numbers range between 60,000 and 120,000 people that don't have healthcare. The reason is because of that discrepancy in numbers. Most people believe that because 60,000 people are between jobs that they don't have healthcare. So the actual number of people that are not covered full-time is about 60,000. This is a measure that hopes to cover everybody in Hawaii.

"The problem is that while everybody would be covered, they will be less covered in the long-run. Because the costs in your income tax will go up, your personal income tax, corporate tax, I believe that this increases, takes money from the federal taxes as well as automobile insurance and so forth and so on. The opponents that we had, I apologize we didn't really have any time to talk about this in Committee. The change came about in a five-minute span of time, taking the previous measure that was the underlying bill, removing it and replacing it. But the opponents of the earlier 1617 House Bill were the Department of Human Services, the Healthcare Association of Hawaii, Hawaii Medical Association, State Farm Insurance, Hawaii Insurers Council, Kaiser Permanente, HMSA, Aloha Care, American Family Life Insurance, Assurance Company of Columbus, HGEA. So many people are opposed to it for good reasons. But rather than belaboring the point, I urge the Members of this Body to vote against such legislation."

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

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

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

"Thank you, Mr. Speaker. I rise in opposition. I spoke in opposition to the original bill. Having lived in a country that has socialized medicine, it just doesn't work, and I'd also like to incorporate the words of the Representative from Hawaii Kai as my own," and the Chair "so ordered." (By reference only.)

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

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

"Mr. Speaker, in opposition. I just wanted to acknowledge the Chair of the Health Committee for wanting to address our uninsured population. That is a very worthy concern, but I just can't do it through this method at this time. So if you could please just allow me to add some written comments as well," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to S.C.R. 935, S.B. 1676, H.D. 1. Mr. Speaker, this bill is a resurrected version of H.B. 1617, which aimed to create a State Health Authority to provide State-funded health insurance for all Hawaii residents. The House version of this bill died at the First Lateral deadline.

"Mr. Speaker, the Chair of the Health Committee has said that this bill is a necessary measure to address the increasing number of uninsured and the rising costs of healthcare in our State. I have great respect for the Health Committee Chair, and I agree with him that rising healthcare costs are a significant problem, one that this body must address. I feel the bill that is before us is not the right way to address those problems, however; in fact, it will only make things worse.

"In particular, Mr. Speaker, I would like to focus on the impact a single-payer healthcare system will have on the quality of care we receive here in Hawaii. The data on this subject is very clear – government controlled healthcare

systems provide lower quality care than free market systems. The mortality rates from cancer are higher, to use one example. In the United States, the mortality rates from breast cancer and prostate cancer are 25% and 19% respectively. In the UK they are 46% and 57% and in Canada they are 28% and 25%, respectively – higher than in the US. The World Health Organization described the British healthcare system as offering third-world level cancer care. Is this the level of care we want for Hawaii?

"I would also like to address the question of whether or not a single-payer healthcare system actually controls costs any more effectively than the American system. With the exception of Canada, the average annual growth in per capita health spending has been approximately the same in most industrial countries for the past several decades, in the range of 2.3 – 2.7%, regardless of the kind of healthcare system it had. Simply put, based on the evidence, a single-payer healthcare system will not save us money.

"Finally, Mr. Speaker, I would like to discuss the impact this bill will have on our state tax levels. As we all know, Hawaii is one of the most highly taxed states in the country. If this bill becomes law, I imagine that our taxes will need to go up. An increase in taxes will not help our small businesses. The Chair of the Health Committee has said that this measure will save businesses money in the end, but I fear that what is saved in healthcare costs will be lost again in increased taxes. This measure will not lighten the burden on our small businesses – it will only shift it.

"Mr. Speaker, I know the proponents of this measure have good intentions. They are trying to address a problem that all of us recognize. But this measure will harm the quality of care we receive and necessitate an increase in taxes without actually reducing the amount we spend on healthcare or the rate of cost increases. We will be paying more for less, and that is not the right way forward.

"I am dedicated to being a part of finding a, or several, solutions. I believe that the solutions lie in a collaborative effort that recognizes that healthcare is a personal and a governmental responsibility.

"Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I also would like to echo the appreciation of the Chair of the Health Committee in his noble desire to provide healthcare, but I would like ask permission to insert comments in opposition," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise to speak in opposition on HB 1676, HD 1.

"This bill proposes to create a State Health Authority to provide State-funded health insurance for all individuals. The bill attempts to alleviate the healthcare problem in Hawaii of rising healthcare costs and rising numbers of uninsured.

"As written, this bill increases the tax burden for all by imposing personal income and corporate income tax increases to fund the State Health Authority. The State Health Authority is modeled after Canada's health system, which is fraught with poor service quality and a lack of innovative medical procedures and technologies.

"Under this proposal, there is also no assurance that the cost of healthcare will be reduced. In Canada, administrative overhead has been estimated at 45% of claims. Participants have no incentive to cut costs because no one gains from doing it. No one gains from cutting costs, yet everyone pays.

"Mr. Speaker, I support more viable solutions to the healthcare problem. For example, the formation of public-private partnerships to provide drug assistance to Hawaii's needy. Already, Governor Lingle's private funding for the "Prescription Care Hawaii" Program will close the healthcare gap for low-income patients at no cost to taxpayers. I also support the use of individual tax credits and other incentives for the purchase of Medical Savings Accounts.

"In its current form, HB 1676, HD 1, is the wrong solution to the healthcare problem in Hawaii. For that reason, I am voting no on HB 1676, HD 1."

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

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

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

"Thank you, Mr. Speaker. If I can just briefly reply in support of this measure. Mr. Speaker, I think you know this is again an effort to continue the discussion on what your Health Chair feels is a very important, a very critical issue to the State of Hawaii and to all of us here. And I appreciate everyone's understanding, and I wish we could have more debate in Committee and on the floor. We had it once during the House bill. I am hoping to generate more discussion, even if it is controversial, on this next go-around.

"The reason I am doing this is not just because of the rising number of uninsured, which I think will continue to rise as our economy continues to worsen. I think that everyone will agree that healthcare for individuals is something that is so important, so basic to people. But it is not just the rising number of uninsured. We've been hearing from the businesses, especially from the small businesses, how much more of a burden they are having to carry because of our Prepaid Health Act.

"We are also hearing from the providers, some of them may have to actually shutdown because we don't provide the adequate reimbursements for the services they provide. So these are very critical issues and we tend to discuss these issues as independent issues, in silos. But when we look at our healthcare system, I think we need to look at in totality. And I think when we get all this opposition from all these different sectors, this thing is not going to happen without people giving up a little bit of themselves or their territory, their *kuleana*, in order to make it work. Otherwise it won't work.

"As far as Canada and England, yes, people may have to wait for services, but one really has to look at the bottomline.

They've been able to contain cost and they've been able to keep their health status of their people at a level which is acceptable. I don't think we can say the same thing here. It is very disproportionate. Those who can afford it are healthy, and those who cannot have to suffer. So Mr. Speaker, I think you know that we want to continue to discuss this, not only during this Session, but during the interim and even next Session, until we can, I think, hopefully serve as a model to the rest of the country. Thank you, Mr. Speaker."

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

"Mr. Speaker, can I speak briefly in favor of the measure. Mr. Speaker, I just happened to be surfing the web yesterday and I came upon an article from the *Washington Post* from March 16, 2003, and I just want to quote briefly from it.

"In statehouses, presidential campaigns, and corporate boardrooms, calls for universal coverage have surfaced in recent months. The issue is regaining a prominent spot on the national agenda as a result of skyrocketing insurance premiums, rising medical bills, the stalled economy -- and a widening belief that piecemeal government efforts to expand health insurance coverage in recent years have not reduced the number of people who get no help paying for medical care.

Already, the chief executive officer of Blue Shield of California, leading members of Congress, and legislative leaders in Maryland, Illinois and Maine have drafted detailed proposals that would extend health coverage to everyone who lacks it. This week, a coalition of unions, insurers, medical societies and business groups is staging events in 28 cities across the country to dramatize the plight of the uninsured."

"It goes on to say that even small businesses is supporting this movement.

"I'd just like to say that I think our Health Chair is on the cutting edge on this issue. Maybe it won't be resolved this year, but I'd like to insert this article into the Journal. Thank you, Mr. Speaker," and the Chair "so ordered."

Representative Lee submitted the following article from the *Washington Post* as follows:

Health Insurance Back as Key Issue
Campaign by Unlikely Allies for Universal Coverage Reflects Big Shift in Public Opinion

By Ceci Connolly and Amy Goldstein
Washington Post Staff Writers
Sunday, March 16, 2003; Page A05

A decade after the collapse of President Bill Clinton's attempt to redesign the nation's health care system, an unlikely alliance of consumer advocates, business leaders and policymakers across the political spectrum has coalesced into a new movement that seeks health insurance for every American.

In statehouses, presidential campaigns and corporate boardrooms, calls for universal coverage have surfaced in recent months. The issue is regaining a prominent spot on the national agenda as a result of skyrocketing insurance premiums, rising medical bills, the stalled economy -- and a widening belief that piecemeal government efforts to expand health insurance coverage in recent years have not reduced the number of people who get no help paying for medical care.

Already, the chief executive officer of Blue Shield of California, leading members of Congress, and legislative leaders in Maryland, Illinois and Maine have drafted detailed proposals that would extend health coverage to everyone who lacks it. This week, a coalition of unions, insurers, medical societies and business groups is staging events in 28 cities across the country to dramatize the plight of the uninsured.

"My brother, a conservative small businessman, is saying maybe it's time for the government to take over health insurance," Sen. Susan Collins (R-Maine) said. "The one change I've noticed in the last few months is that businesspeople for the first time are questioning whether private health insurance can survive. It is just an extraordinary thing."

Collins is not prepared to embrace a universal coverage plan just yet, but her experience reflects a dramatic shift in public attitudes. In the early 1990s, the discussion was dominated largely by liberal advocates who promoted the idea of a "single payer" system of government-run insurance. This time, the constituencies -- and the solutions being proposed -- are far more diverse.

"There is a cry something big needs to be done," said Neil Trautwein, director of employment policy for the National Association of Manufacturers, a business group that opposed Clinton's health plan of the early 1990s.

While such new voices are giving the movement for health insurance substantial political impetus, it remains unclear whether any solution will emerge quickly at the federal level or in the states. Beneath the agreement over the need for more insurance lie philosophical differences over how to provide coverage and how to pay for it. Some of the new proposals would require employers to take more responsibility to cover workers, some envision new state insurance-purchasing plans, and others -- favored by business interests and the Bush administration -- rely on private market approaches.

"For the first time, I think you have throughout the ideological spectrum people saying this needs to be a priority," said Ron Pollack, executive director of the left-leaning Families USA. "But they have not been able to agree on how this priority should be channeled."

Still, there is little doubt that the issue has assumed a prominence it has not had for years. As the 2004 presidential field takes shape, two Democratic aspirants -- Rep. Richard A. Gephardt (Mo.) and former Vermont governor Howard Dean -- have made universal health coverage a central theme of their campaigns, although their plans differ markedly.

In Maine, Gov. John E. Baldacci (D) issued an executive order on his first day in office in January establishing a new state agency responsible for making health insurance available to everyone in the state.

And on Capitol Hill, centrist Sen. John Breaux (D-La.) has issued a plan that would guarantee all Americans a basic insurance plan. Low- and middle-income people would receive federal subsidies through tax credits, and each state would be required to oversee insurance-purchasing pools.

If the plight of the uninsured sounds familiar, it is. Aside from a brief dip during the boom years of the mid-1990s, the number of people without health coverage has persistently hovered in the 40 million range.

However, the new health insurance alliance is seeking to portray the problem in its broadest terms. During some period in 2001 and 2002, about 75 million Americans under age 65

went without health insurance, according to a new analysis by the Robert Wood Johnson Foundation. Census Bureau data show that more than 75 percent of the uninsured work at least part time and that about 32 percent earned more than \$50,000 in 2001.

"These are not people sitting outside in big cities with a cup in their hand," said Harry Kraemer Jr., chief executive officer of Illinois-based Baxter Healthcare Corp. and chairman of the task force on the uninsured for the Health Leadership Council, a health care industry group. "And it's not like they don't have access to health care; the bottom line is they enter the health care system at the most expensive entry point: the emergency room."

That cost shifting -- in which taxpayers and insured patients pay more to cover the uninsured -- has struck a nerve with corporate executives who are confronting dwindling profit margins.

While the ranks of the uninsured have not become smaller, even the most ardent advocates of comprehensive coverage retreated in the aftermath of Clinton's failure to persuade Congress to redesign the health care system. Through the rest of the 1990s, these advocates pushed through a variety of incremental reforms intended to provide coverage to certain groups, such as children and people with disabilities.

Now, Sen. Edward M. Kennedy (D-Mass.), one of Congress's most enduring liberals, believes the public is once again demanding health care for all. "It is increasingly clear that the only effective and fair answer to the worsening health crisis is to embrace a broader reform," he said in a recent speech. Kennedy has introduced new legislation that would expand both private and government insurance programs and squeeze savings out of high administrative costs.

Like Kennedy and Breaux, many pushing for more coverage say any solution will require a blend of approaches -- broadening employer-based plans, expanding government health programs and offering incentives such as tax credits to individuals who buy coverage.

But as veterans of the health reform wars know, there are still major obstacles to providing health insurance to everyone who needs it. Business groups, for example, strenuously oppose any suggestion to expand the government's role or to require employers to cover workers.

Industry lobbyists are promoting legislative proposals that rely exclusively on individuals and the private market. These approaches include providing tax credits for people who purchase insurance on their own, expanding "medical savings accounts" and creating "association health plans" that would allow small groups to band together to buy insurance at lower prices.

The White House favors such approaches. President Bush, for the second year, is asking Congress to fund a new system of tax credits to help individuals buy coverage if they cannot get it through their employers. Bush has also been trying to boost funding for community health centers that largely serve the poor. And the administration has encouraged states to broaden coverage through programs such as Medicaid and the Children's Health Insurance Program, though governors say the weak economy has forced them to consider reductions, not expansions. The administration estimates that its proposals, taken together, would help roughly half the nation's uninsured, including 6 million to 8 million people who might benefit from the tax credits.

Perhaps no effort illustrates the inherent tensions among the diverse proponents than the much-publicized "Cover the Uninsured Week" that began last Monday. Led by former presidents Gerald R. Ford and Jimmy Carter, the disparate coalition has been able to agree only that health coverage must become a top national priority.

A similar coalition, dubbed the White Mountain Group, has already conducted a focus group assessment in New Hampshire and drafted principles that it hopes to use to pressure presidential candidates to commit to covering every American.

The issue is even seeping into popular culture. Scriptwriters have woven health insurance story lines into prime-time television shows such as "Judging Amy" and "Passions," while the American Association of Health Plans has found a captive audience by advertising in the nation's movie houses. "By the end of this movie, another 465 Americans will lose their health insurance because of runaway costs," the ad states.

Advocates point to encouraging signs that their efforts have public support. In November, voters in Los Angeles County overwhelmingly approved a modest property tax increase to keep local trauma centers afloat -- a vote that signaled receptivity to the difficulties of the uninsured.

At a recent conference in Florida, members of the Business Council, an association of corporate executives, spent nearly half their time on health cost issues, including a detailed lecture by Princeton University economist Uwe Reinhardt. "That would not have happened two or three years ago," Kraemer said. "We're getting to the point where everybody knows someone who is uninsured."

Few states have made more ambitious attempts to rally support for covering the uninsured than Maryland, where a coalition started by Baltimore's health commissioner, Peter Beilenson, has been working for four years to build support for legislation that has, at last, been introduced in the state legislature.

With a \$2 million budget, the nonprofit foundation has recruited 2,300 organizations to sign a "declaration of health care independence" and has secured signatures from dozens of lawmakers in support of a health care pledge. The group's proposal combines an expansion of existing health insurance programs with a 5 percent payroll tax on companies that do not provide coverage. Low-income residents would receive subsidies to buy insurance. All residents would have to submit proof of health insurance coverage when they file tax returns each year.

Beilenson expects the state's budget crunch to prevent passage this year, but he hopes that by 2004 the situation would be so dire that elected officials would have to act.

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The Washington Post
 March 16, 2003

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representative Herkes 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. 936) recommending that S.B. No. 1061, SD 1, 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 S.B. No. 1061, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"With reservations, Mr. Speaker. This bill is very different from the one that came over from the Senate, and I am not sure what the impacts of the amendments will be, and for that reason, I am going with reservations."

Representative Fox rose in support of the measure with reservations, and asked that the remarks of Representative Nishimoto 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."

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

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

"Thank you, Mr. Speaker. In support of this measure, and if I may just extend my appreciation to the Chairs of the Committees on Health and Human Services for crafting this measure, and striking a balance and making sure that the safety of our elderly are protected. And at the same time, protect certain rights of our individual caregivers. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1061, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Herkes 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. 937) recommending that S.B. No. 1427, 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 S.B. No. 1427, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in support of this measure. I have had the experience of having a deaf staff member and I have actually experienced this relay system, and it is so important to the deaf community that they have input on how the relay services operate. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1427, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELAY SERVICES FOR DEAF, HARD-OF-HEARING, AND

SPEECH-IMPAIRED PERSONS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Herkes being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 938) recommending that S.B. No. 1661, SD 2, pass Second Reading and be referred to the Committee on Transportation.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1661, SD 2, pass Second Reading and be referred to the Committee on Transportation, seconded by Representative Lee.

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

"Mr. Speaker, I rise with very serious reservations about this. I'd like to point out that on page 2 of this S.B. 1661, S.D. 2, much of the time is involved with negotiating the terms for dedication with the various county departments, and the acceptance of any final agreements by the City and County of Honolulu. The reason I have serious reservations Mr. Speaker, is that I really think that if this State Legislature did not take over this project, much as they did in Kakaako, we might have gotten this solved much quicker on the county level.

"This to me is a homerule project because in five years, they're still not going to do what they haven't been able to do in 10 years, and they are not going to resolve the problem. Furthermore than that, the real problem is getting from Kapolei to Honolulu, and there would still be a lot of people that are going to have to come, and until you solve those traffic problems, I don't see how you are going to continue to support this project."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1661, SD 2, 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 Transportation, with Representative Herkes being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 939) recommending that S.B. No. 1351, 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 S.B. No. 1351, 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 Representative Herkes being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 940) recommending that S.B. No. 881, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety and Military Affairs.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 881, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Public Safety and Military Affairs, with Representative Herkes 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. 941) recommending that S.B. No. 918, SD 2, 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 S.B. No. 918, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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:

"Mr. Speaker, I rise with reservations. I certainly want to support the concept of making it a bit easier for the employees and volunteers of nonprofits; their work is necessary and can be difficult. Many use their own automobiles in the process of helping others.

"However, I have a problem with this mechanism being used. The Tax Foundation of Hawaii testified against this bill because it would adversely impact our taxpayers. I tend to agree. Our State is still reeling from the effects of 9/11; our tourism is down, as well as other parts of our job market. So, although I am concerned about the liability of the good people that work for nonprofits, I believe there must be a better way to accomplish this task.

"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."

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 S.B. No. 918, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS AND ORGANIZATIONS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Herkes 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. 942) recommending that S.B. No. 945, SD 1, pass Second Reading and be referred to the Committee on Education.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 945, SD 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative Lee.

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

"Mr. Speaker, I rise with reservations on Standing Committee Report 942, S.B. 945, S.D. 1, because it only takes care of 6th through 8th graders, and our problem is much greater than that. I would rather see us spend our time supporting the after school program of A-Plus. Thank you."

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

"Thank you, Mr. Speaker. With reservations. This bill defers some of the Tobacco Settlement money from what it was intended for."

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:

"Mr. Speaker, I rise with reservations. I am in strong support of the intent of this bill; certainly nonschool-hour youth programs could prevent youth from making dangerous and/or unlawful choices. Because Hawaii has so many families where both parents must work outside the home, just to cover basic expenses, many youth are left to their own devices between the end of the school day and the end of the parents' work day.

"Therefore this program makes perfect sense. Children that are too old for A-Plus are left to their own devices. Those devices can be neighborhood vandalism, drugs or an array of other illegal activities that plague our neighborhoods.

"The source of funding for these programs comes from tobacco settlement money that was intended to build our Emergency Budget and Reserve Fund. In light of impending war and the war's possible impact on our budget, I am very wary of diverting funds away from our emergency fund.

"The bill purposefully uses broad language to describe how the money is used and only specifies where the money is to go. I am uncomfortable with this. If we are taking away money from an emergency fund, I need to know what kind of programs it is going to and more information as to how that money will be used in order to weigh the benefits and make a sound decision.

"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."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 945, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Second Reading and was referred to the Committee on Education, with Representative Herkes 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. 943) recommending that S.B. No. 1580, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1580, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVOCACY FOR HUMAN SERVICES," passed Second Reading and was referred to the Committee on Education, with Representative Herkes being excused.

ANNOUNCEMENTS

Representative Ching: "Just a very special announcement that today is St. Patty's Day, and I bid everyone the original

greeting of the Irish. I had the pleasure of going to Ireland some years back and apparently the term to use is, "May your gie never run dry." And this translates to, may your stream and may your life always be rich. And according to my Irish fellows, the correct response is, "Indeed." So, may your gie never run dry," and the Members responded, "Indeed."

Representative Kaho'ohalahala: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I would just like to express to this House my appreciation for all of your condolences on the passing of my mother. We buried her at sea this Saturday, and all of your well-wishes and your gifts have been very generous. From the family, I would like to say *mahalo* and thank you all."

Representative Takai: "Thank you, Mr. Speaker. I just wanted to remind our colleagues that tomorrow the Committee on Higher Education will be visiting Kakaako Park to view and learn a little about the UH Medical School and the progress of the school. So if anyone is interested in attending, please call my office. In addition, we are going to be taking a look at the Auditors report at 3:30 in room 309. And that is conjunction with the Committee on Health, as well as the Senate Committee on Education. Thank you."

Representative Luke, for the Select Committee on War Preparedness, requested a waiver of the 48-hour notification rule for the purpose of having a Committee hearing, Tuesday, March 18, at 4:30 p.m. in room 329, and the Chair "so ordered."

Representative Pendleton: "Thank you, Mr. Speaker. A couple of things. I just want to extend my thank you to this Body for all their words of encouragement and support, given the things that have happened with my family and my family's health. And also for this past Saturday for their support. I look forward to continuing to serve and minister everywhere and anywhere in anyway that I can to people who need help and encouragement.

"Mr. Speaker, I also just want to remark about St. Patrick's Day, which is today. Most people aren't aware that St. Patrick was actually from England and was taken to Ireland as a slave. And according to the story, it was while he was there in Ireland in chains that he gained his faith. He fled Ireland, returned back to England, and eventually returned back to Ireland, the place where he gained his faith, to in turn be a Christian missionary and share his faith with others.

"So perhaps in these challenging and difficult times, I know the President is going to be giving a speech this evening or this afternoon, Hawaii time. Perhaps we can, in our own ways, in our own places, pray for peace for the world and to again, thank those who have gone before and who are responsible for us having the liberties and freedom that we have today. Thank you."

Representative M. Oshiro: "Mr. Speaker, I just need to make a public announcement that the Labor Committee is hearing several bills tomorrow. One is the bill that was reported out of the House Committee on Health, S.B. 1676, H.D. 1, Standing Committee Report No. 935.

"Mr. Speaker, for the public's edification, that is substantially different from the version that was received from the Senate at first crossover. As originally received S.B. 1676, among other things, proposed to transfer the Department of Health, Office of Healthcare Assurances to the State Health Planning and Development Agency, and rename the State Health Planning and Development Agency to the Hawaii Health Performance Agency.

"Mr. Speaker, for the public's edification, the Committee on Labor and Public Employment heard a substantively similar bill to S.B. 1676, HD 1, which was H.B. 1617, HD 1, on February 11, 2003, Agenda #4. The Committee on Labor and Public Employment deferred the measure, indefinitely. Thank you."

ADJOURNMENT

At 1:20 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, March 18, 2003. (Representatives Chang and Herkes were excused.)

THIRTY-FIFTH DAY

Tuesday, March 18, 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 Vice Speaker presiding.

The invocation was delivered by Representative Bertha C. Kawakami, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Herkes, Hiraki, M. Oshiro, Pendleton, Souki, and Takamine who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 213 and 214) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 213, transmitting the 2002 State Energy Resources Coordinator's Annual Report as prepared by the Department of Business, Economic Development, and Tourism.

Gov. Msg. No. 214, dated March 14, 2003, stating:

Attached for your consideration is a proposed House Draft 1 of Senate Bill No. 1305, S.D. 1, Relating to State Funds. In addition to repealing a number of special and revolving funds, the proposed House Draft 1 lapses certain fiscal year 2002-2003 general fund appropriations and effectuates the deposit of excess non-general funds to the general fund in order to balance the general fund financial plan.

I am requesting your immediate consideration and approval of this proposed draft of Senate Bill No. 1305, S.D. 1, H.D. 1. In accordance with Section 9, Article VII of the Constitution of the State of Hawaii, I am recommending immediate passage of Senate Bill No. 1305, as amended, to balance the general fund financial plan.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 441 through 443) were received and announced by the Clerk:

Sen. Com. No. 441, transmitting S.C.R. No. 8, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," which was adopted by the Senate on March 17, 2003.

Sen. Com. No. 442, transmitting 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," which passed Third Reading in the Senate on March 17, 2003.

Sen. Com. No. 443, transmitting H.B. No. 564, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on March 17, 2003.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. No. 564, (SD 1), and requested a conference on the subject matter of said amendments. (Representatives Bukoski, Herkes, Hiraki, M. Oshiro, Pendleton and Souki were excused.)

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 43) was received by the Clerk and was placed on file:

Dept. Com. No. 43, from Patricia Hamamoto, Superintendent, Department of Education, transmitting their report, The Superintendent's Twelfth Annual Report on School Performance and Improvement in Hawaii.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
319, SD 2, HD 1	Committee on Energy and Environmental Protection, then to the Committee on Finance
363, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
464, SD 2, HD 1	Committee on Transportation, then to the Committee on Finance
719	Committee on Transportation, then to the Committee on Finance
1061, SD 1, HD 1	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Judiciary, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
1281, SD 1, HD 1	Committee on Economic Development and Business Concerns, then to the Committee on Finance
1360, SD 1, HD 1	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Judiciary, then to the Committee on Finance
1392	Committee on Judiciary, then to the Committee on Finance

- 1403 Committee on Transportation, then to the Committee on Finance

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

H.R.

Nos. **Re-referred to:**

- 136 Committee on Energy and Environmental Protection, then to the Committee on Finance

H.C.R.

Nos. **Re-referred to:**

- 125 Committee on Energy and Environmental Protection, then to the Committee on Finance
- 153 Committee on Health, then to the Committee on Finance
- 172 Committee on Energy and Environmental Protection, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 944) recommending that S.B. No. 506, 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 S.B. No. 506, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ROYALTIES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 945) recommending that S.B. No. 492, 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 S.B. No. 492, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR ENERGY EFFICIENCY IN STATE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 946) recommending that S.B. No. 857, SD 2, 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 S.B. No. 857, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 947) recommending that S.B. No. 1647, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1647, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 948) recommending that S.B. No. 1352, SD 1, 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 S.B. No. 1352, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Herkes, Pendleton and Souki 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. 949) recommending that S.B. No. 473, SD 1, 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 S.B. No. 473, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 950) recommending that S.B. No. 574, SD 1, 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 S.B. No. 574, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 951) recommending that S.B. No. 1058, SD 1, 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 S.B. No. 1058, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Herkes, Pendleton and Souki 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. 952) recommending that S.B. No. 1492, SD 1, 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 S.B. No. 1492, SD 1, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, 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 Jernigan rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Thank you, Madame Speaker. In opposition. Basically this bill goes against the purpose of setting up assisted living facilities where there is a shared arrangement in which the people who own apartments also get covered for assisted living. Thank you."

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

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

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

"Thank you. I rise in support of this measure. Thank you I'd just like to thank the Chairman of the Health Committee for taking this issue head-on, and as a matter of fact Members, if you take a look at some of the changes that the Health Committee has made, this bill is a lot more palatable than the one that first came over from the Senate.

"There is an issue happening right now in regards to a condominium association called One Kalakaua. This measure that is in front of us today should not impact that decision. As a matter of fact, the effective date of this Act if this bill is approved, is July 1, 2004. And the Chairman did that specifically not to interfere with the issue now in front of the courts.

"In addition the Chairman took a look at this as an issue down the road. We are going to be faced with these situations for years to come. I think asking the Department to help us kind of figure this one out is the appropriate thing to do. So I would urge my colleagues once again, to take a look at this bill and to support it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1492, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ASSISTED LIVING FACILITIES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Blundell, Fox, Jernigan, Leong, Meyer, Moses and Ontai, voting no, and with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 953) recommending that S.B. No. 460, 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 S.B. No. 460, entitled: "A BILL FOR AN ACT RELATING TO DUNE BUGGIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 954) recommending that S.B. No. 374, SD 1, 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 S.B. No. 374, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Herkes, Pendleton and Souki being excused.

ADJOURNMENT

At 12:19 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, March 19, 2003. (Representatives Bukoski, Herkes, Pendleton and Souki were excused.)

THIRTY-SIXTH DAY

Wednesday, March 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 Vice Speaker presiding.

The invocation was delivered by Pastor Mark Turansky of the Pacific Island Bible Church, after which the Roll was called showing all members present with the exception of Representatives Evans, Souki, Thielen and Waters, who were excused.

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

GOVERNOR'S MESSAGE

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

Gov. Msg. No. 215, transmitting the Foreign-Trade Zone No. 9 Annual Report to the Foreign-Trade Zones Board for federal fiscal year ending September 30, 2002.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 444) was received and announced by the Clerk:

Sen. Com. No. 444, transmitting S.C.R. No. 24, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S HOTELS TO PROVIDE FACILITIES FOR EMAIL AND INTERNET ACCESS FOR THEIR GUESTS," which was adopted by the Senate on March 18, 2003.

INTRODUCTIONS

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

Representative Ching introduced Mr. Victor Geminiani, Executive Director of the Legal Aid Society; and Mr. Bill Yarian, Technology Grant Manager.

Representative Pendleton introduced students of the Mountain View Academy in Northern California, and their sponsors: Mr. Robert Hicks, Ms. Careen Hicks, Mr. Jose Aguilar, and Ms. Celia Aguilar. They were accompanied by Representative's legislative office manager, Mr. Cliff Gadsden.

Representative Pendleton also recognized Ms. Nicky Carthart, a student at Mountain View Academy, on her 18th birthday.

Representative Takumi introduced Dr. Mary Jane Pearson of the Office of the Secretary's Regional Representative for the U.S. Department of Education.

Representative Finnegan introduced Mr. Douglas Berbano, father of Representative's legislative office manager, Ms. Malia Gray.

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

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

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

S.C.R.Nos.Referred to:

- | | |
|----|---|
| 8 | Committee on Health, then to the Committee on Finance |
| 24 | Committee on Tourism and Culture |

COMMITTEE REASSIGNMENTS

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

S.B.Nos.Re-referred to:

- | | |
|------------------------|--|
| 1080,
SD 1,
HD 1 | Jointly to the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Energy and Environmental Protection, then to the Committee on Judiciary |
| 1154 | Committee on Water, Land Use, and Hawaiian Affairs, then to the Committee on Finance |
| 1635 | Committee on Judiciary |
| 1647,
SD 2,
HD 1 | Committee on Human Services and Housing, then to the Committee on Finance |

STANDING COMMITTEE REPORTS

Representative Kanohe, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 955) recommending that S.B. No. 548, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 548, 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, Madame Speaker. I am rising in opposition to this measure. I believe that these are stringent penalties. This asks for too much. I know in West Hawaii, they don't have a formal shooting-ranges and they've got some land and people do target-shooting in certain areas where they feel its safe. This will make it illegal.

"Also for hunting people who have large tracks of land, oftentimes when you are going hunting, you are not sure if you are on conservation land or an area where you can hunt, or whether you are on the back of somebody's property. To

change this to create a class C felony conviction for mistakenly shooting, say a goat or something, on land when you thought it was a deer. That is just overkill, I believe. Thank you."

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

"Thank you, Madame Speaker. I rise in opposition to this measure. Madame Speaker, I have long been a supporter of the Second Amendment and in this situation here, I think we need to remember that hunters and people who purchase guns are law-abiding citizens. It is the criminals that don't go through the process. That don't pay attention. They don't purchase firearms through the usual lawful means.

"This bill adds words that are actually unnecessary to the statute. It adds two words. If you look at the bill itself, it adds lawful on two separate places. Presently, I don't believe that that statute would permit unlawful, so I think that these words are unnecessary and redundant, and I think could add some confusion to this statute. For those reasons, I oppose this measure, Madame Speaker. Thank you."

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

"I rise in opposition. I think this bill will make felons out of innocent people for the reasons previously stated by my colleagues. I don't think it will address the issue of poaching necessarily. I've been speaking with the enforcement agent at Parker Ranch. He thought this was a pretty drastic measure to address poaching on their ranch. What he would like is, apparently police officers aren't able to charge trespassers unless the landowner, or the landowner's agent, is present. If that was broadened and allowed the police officer to check and see if the person that was suspect, to see if they had a written permission slip, and then they would have the ability to charge, and police the lands without the landowner having to be present on a 60,000 acre ranch. So for those reasons, I am in opposition."

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

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

"Thank you, Madame Speaker. A no vote and a few comments. There are a lot of places, not only on the other islands, Neighbor Islands, but even here on Oahu where you could find yourself crossing private land without knowing it. There is not always a sign that says, "Caution, you are crossing private land." If you are found with a weapon in your trunk, you are guilty of a felony and you lose the right to bare arms for the rest of your life. Thank you, Madame Speaker."

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

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

"Thank you, Madame Speaker. A few brief words in support. Thank you, Madame Speaker. The purpose of this measure is to prevent a great number of thefts that occur on

farm lands, and I pity the poor farmers who slave and work so hard, only to have their produce or their products stolen.

"But more than that, the reason for this bill is to protect lives because unless we do something to curb the number of people that engage in this kind of activity, somebody is going to get killed, and we want to prevent both the thefts and someone from getting hurt. Thank you."

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

"I just wanted to make sure that you registered my no vote and I just wanted to make a small comment. I don't recall any incidents where anyone has been reported killed or hurt as a result of hunting, shooting or poaching. I just wanted to make that clear."

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

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

"Madame Speaker, I rise in support. Madame Speaker, poaching is a growing problem on the Neighbor Islands and it is on ranches like Parker Ranch, and a lot of the other large ranches. And this bill is designed to help prevent poaching. This is not an issue where you mistakenly shoot a cow. I think most people know what a cow is. Yet there is growing incidents of this kind of thing happening where animals are being butchered for their meat because of the increasing cost.

"If you notice, this bill is supported by the Hawaii Cattlemen's Council, which Parker Ranch is a member of, as most other large ranches in our State. It is also designed to help the smaller ranchers, who the loss of even one cow, can impact their bottom-line. So Madame Chair, I ask for the support of this bill."

Representative Stonebraker 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 to respond, stating:

"Thank you for letting me rise again. In my discussions with Parker Ranch, it is not always a firearm, use of a firearm, that poaching takes place. They use bow and arrows, knives, spears, and also trucks to transport the animals. That is why it is important to look at this issue and possibly expand or reword the law that would enable police officers to charge persons on private land without the landowner or the landowner's agent present. Thank you."

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 S.B. No. 548, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Bukoski, Jernigan, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Evans and Waters being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 956) recommending

that S.B. No. 6, SD 1, 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 S.B. No. 6, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COACHES' STIPENDS," passed Second Reading and was referred to the Committee on Labor and Public Employment with Representatives Evans and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 957) recommending that S.B. No. 676, 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 S.B. No. 676, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Evans and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 958) recommending that S.B. No. 1404, SD 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 S.B. No. 1404, SD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Evans and Waters being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 959) recommending that S.B. No. 1324, SD 1, 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 S.B. No. 1324, SD 1, 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 Evans and Waters being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 960) recommending that S.B. No. 1077, SD 1, 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 S.B. No. 1077, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR INSURANCE LICENSEES," passed Second Reading and was referred to the Committee on Finance with Representatives Evans and Waters being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 961) recommending that S.B. No. 1315, 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 S.B. No. 1315, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Finance with Representatives Evans and Waters being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 962) recommending that S.B. No. 1262, SD 1, 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 S.B. No. 1262, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Evans and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 963) recommending that S.B. No. 719, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 719, 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, Madame Speaker. No. 963, with reservations please. It is not clear to me who will be picking up the tab for the reduced rate schedule. I am sure I will learn that as time goes."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 719, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Evans and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 964) recommending that S.B. No. 1403, 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 S.B. No. 1403, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S MARITIME-RELATED USES," passed Second Reading and was referred to the Committee on Finance with Representatives Evans and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 965) recommending that S.B. No. 1657, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Health and the Committee on Human Services and Housing.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1657, SD 1, HD 1, pass Second Reading and be referred jointly to the Committee on Health and the Committee on Human Services and Housing, seconded by Representative Lee.

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

"I am totally disabled and I have a parking placard," and the Chair ruled, "no conflict."

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

"I am supporting this measure, but I do have a reservation. We addressed this just this morning in Transportation. We saw a similar measure. I just would like it as a part of the record here as I made it a part in the Committee. There are sometimes, as disabled person, are forced to extend your vehicle on to the hash lines. You cannot park within the stall. You cannot back in because it may be one-way. There may be something on your right, so you can't get out of your car and get a wheelchair out. So there are times when you have to extend your vehicle over into the hash area.

"I just want to put it plain in the law that they're going to make leniency for that. I understand having people park in the hash lines should be a violation, but if you are disabled and you are forced to do that for whatever reason, then I think there should be some common sense applied. Thank you."

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 S.B. No. 1657, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred jointly to the Committee on Health and the Committee on Human Services and Housing with Representatives Evans and Waters being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 966) recommending that S.B. No. 235, SD 3, 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 S.B. No. 235, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am rising in opposition to this measure. This would create another tax credit for a specific kind of business. This is the development of a law enforcement emergency medical services and public safety training facility and Kalaeloa. As written, the bill would allow a contractor to receive a contract award from the federal government and still claim the credit. I think we are seeing now some legislation that was passed in the last few years where very generous tax credits are creating a real downturn in tax revenues to make things kind of detrimental in our efforts to pass a balanced budget. So I think we should move very cautiously when looking at any new tax credits. Thank you, Madame Speaker."

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

"This is in my district," and the Chair ruled, "no conflict."

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

"Thank you. I have some reservations on this measure like the previous talked about. I am concerned about the money right now. We are really in tight financial straits. I think it would be a worthy effort and something that would benefit folks out there in that area and maybe statewide, if it is used for these measures that are enumerated, emergency medical services, public safety training, those kinds of things. But I have yet to have somebody come into my house and say that they want this, except for the people trying to do it. I'd like to hear if there are any police officers, medical service officers, anybody, that would like to have that kind of training provided. Then it might make some sense. Thank you."

Representative Marumoto 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 235, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Marumoto and Meyer voting no, and with Representatives Evans and Waters being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 967) recommending that S.B. No. 1479, SD 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 S.B. No. 1479, SD 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 Evans and Waters being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 968) recommending that S.B. No. 427, SD 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 S.B. No. 427, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Evans and Waters 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 for Third Reading on the basis of a modified consent calendar. (Representatives Evans and Waters were excused.)

THIRD READING

S.B. No. 460:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 460, entitled: "A BILL FOR AN ACT RELATING TO DUNE BUGGIES," passed Third Reading by a vote of 49 ayes, with Representatives Evans and Waters being excused.

The Chair directed the Clerk to note that S.B. No. 460 passed Third Reading at 12:55 o'clock p.m.

ANNOUNCEMENTS

Representative Hamakawa, for the Committee on Judiciary, requested a waiver of the 48-hour rule to hear three bills: S.B. 1279, Relating to Tobacco; S.B. 1351, Relating to Background Checks for Adult Services Programs; and S.B. 1675, Relating to Health, and the Chair "so ordered."

Representative Hamakawa: "Thank you. These bills will be put on tomorrow's agenda, tomorrow afternoon on the 3:00 agenda."

Representative Shimabukuro: "Madame Speaker, the Committee on Housing and Human Services is going to be reconvening its hearing in room 329 to complete our agenda."

Representative Ontai: "Thank you, Madame Speaker. I just want to make a little announcement on behalf of the soldiers getting ready for war. I know many have not had the privilege of leading these kinds of men and woman. I have. Even though I hadn't had to duck bullets myself, I've been always, maybe from your point of view, I was always on the wrong side of the planet. The thing that they are concerned about right now is not so much whether it is right or wrong, but they are concerned more about whether or not they are going to be able to do their duty, whether they are going to embarrass themselves in front of their friends and perhaps anybody, in extension of their country.

"So if you really want to help them, I would suggest maybe even just a personal note. Usually, you can visit web sites with addresses and things like that, and that is a way you can express support for the soldiers. The rhetoric is great back here, but for the soldiers themselves, I think they really appreciate that personal note because that is what they are concerned about right now. Embarrassing themselves and their country. So with that, Madame Speaker, I hope, on to victory."

Representative Moses: "Thank you, Madame Speaker. I just want to second the thing that my good colleague has just put forth. I just want to remind him, it is not only soldiers but sailors, airman, and marines. There are web sites. These people do get email and they really appreciate it. So please go out and support them. Thank you."

Vice Speaker Luke: "The Chair would like to thank the members of the Select Committee for their work for the last 6 to 7 weeks. This morning we were able to distribute our final report. The report will be delivered to the Members' offices this afternoon. It is being printed at this moment.

"Please take some time to read through the report. There is some useful information and any of the Members of the Select Committee will be available for questions. I would like to thank Representatives Ito, Schatz, Caldwell and Thielen for your assistance on this. These will be distributed late this afternoon. If you need more copies, you can let the Sgt. at Arms or the Clerk's office know. But you are free to make copies also.

ADJOURNMENT

At 12:58 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, Thursday, March 20, 2003. (Representatives Evans and Waters were excused.)

THIRTY-SEVENTH DAY

Thursday, March 20, 2003

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

The invocation was delivered by Representative Bertha F.K. Leong, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Finnegan, Kahikina, Shimabukuro and Stonebraker, who were excused.

On motion by Representative Lee, seconded by Representative Meyer and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Fifth Day was approved. (Representatives Bukoski, Finnegan, Kahikina, Shimabukuro and Stonebraker were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 216 and 217) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 216, transmitting a report, Special Unemployment Insurance Administration Fund for fiscal year ending June 30, 2002.

Gov. Msg. No. 217, transmitting the Annual Report for the Department of Labor and Industrial Relations for fiscal year ending June 30, 2002.

INTRODUCTION

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

Representative Leong introduced her son and daughter-in-law, Dr. Jonathan and Mrs. Sara Leong of Texas; and Representative's daughter, Ms. Carol Dang with her infant son, Ryan.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
11	Committee on Education, then to the Committee on Judiciary
1061, SD 1, HD 1	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
1360, SD 1, HD 1	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance

1468, SD 1	Committee on Water, Land Use, and Hawaiian Affairs, then jointly to the Committee on Judiciary and the Committee on Consumer Protection and Commerce
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1661, SD 2	Committee on Human Services and Housing, then to the Committee on Finance
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The following resolution and concurrent resolution were re-referred to committee by the Speaker:

H.R.
No. Re-referred to:

106	Jointly to the Committee on Education and the Committee on Labor and Public Employment, then to the Committee on Finance
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H.C.R.
No. Re-referred to:

127	Jointly to the Committee on Education and the Committee on Labor and Public Employment, then to the Committee on Finance
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At 12:17 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:29 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 969) recommending that S.B. No. 51, 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 S.B. No. 51, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 970) recommending that S.B. No. 1406, 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 S.B. No. 1406, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 971) recommending that S.B. No. 1407, 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 S.B. No. 1407, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER

LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 972) recommending that S.B. No. 373, SD 1, 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 S.B. No. 373, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 973) recommending that S.B. No. 1261, 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 S.B. No. 1261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT CARD PAYMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 974) recommending that S.B. No. 29, SD 1, 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 S.B. No. 29, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 975) recommending that S.B. No. 317, SD 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 S.B. No. 317, SD 2, 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 Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 976) recommending that S.B. No. 343, 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 S.B. No. 343, 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 Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 977) recommending that S.B. No. 748, SD 2, 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 S.B. No. 748, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 978) recommending that S.B. No. 381, SD 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 S.B. No. 381, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF DAMAGES FOR HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 979) recommending that S.B. No. 39, SD 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 S.B. No. 39, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 980) recommending that S.B. No. 528, SD 2, 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 S.B. No. 528, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF COUNTY LANDS AND IMPROVEMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representatives Kanoho 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. 981) recommending that S.B. No. 552, SD 2, 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 S.B. No. 552, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS'

LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 982) recommending that S.B. No. 864, SD 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 S.B. No. 864, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am rising in opposition to S.B. No. 864, S.D. 1. In the Committee Report, it says the purpose of this bill is to minimize employee turnover and provide more effective services to at-risk children by converting 39 temporary exempt positions within the Child Welfare Services Branch of the Department of Human Services.

"In Committee the Department of Human Services did not support this bill. I think there are some problems. This bill will preempt competitive recruitment for civil service position hires. And at this time when we are working so hard and looking for places to make appropriate reductions in the cost of government, I don't think this is the time to take on 39 new civil service positions. Thank you."

Representative Moses 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 Stonebraker rose in opposition to the measure and asked that the remarks of Representative be entered in the Journal as his own, 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 Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

"Madame Speaker, I'd like to speak in support of this measure. I don't think that people realize that we have a real crisis when it comes to Child Protective Services. This is what these positions are all about. A lot of these workers go through tremendous stress, the demands on their time. They make basically life and death decisions for a lot of these children.

"We had a very emotional hearing yesterday on proposing an audit for the Child Protective Services Systems. There are a lot of concerns about the ability for the State to protect children. And at the same time there are a lot of questions by parents, whether we are being over-zealous in taking children out of our homes. The problem we have in many cases is because we have such a high turnover when it comes to the Child Welfare system, and it is because we have so many of these temporary workers. And I think we ought to recognize how important

these people are to the protection of children and to the welfare of children by affording them full-time status. I mean, these are essential workers. It may not be obvious or apparent but they are. Because they are part of the safety-net system that protect the children in our society. So I want to ask the Members to please support this. Thank you."

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 S.B. No. 864, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Jernigan, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 983) recommending that S.B. No. 1283, 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 S.B. No. 1283, 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 Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 984) recommending that S.B. No. 1240, SD 2, 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 S.B. No. 1240, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina 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. 985) recommending that S.B. No. 974, SD 1, 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 S.B. No. 974, SD 1, 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 Bukoski, Finnegan, Fox, Kahikina 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. 986) recommending that S.B. No. 956, SD 2, 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 S.B. No. 956, SD 2, 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:

"Thank you, Madame Speaker. I'd like to rise in support with reservations. Thank you, Madame Speaker. I'm looking at some of the things that came out of Committee which I wasn't at. This could threaten the federal government funding of Medicaid by violating government requirements for eligibility determination prior to provisions of Medicaid coverage. So I'm very concerned if we threaten our federal monies.

"It also conflicts with Section 346-59 of Hawaii Revised Statutes requiring non-institutional services including prenatal care to be reimbursed according the Medicaid fee schedule. And of course it requires State funding, so I just hope we can look at this carefully when it goes to Finance."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 956, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina 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. 987) recommending that S.B. No. 78, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 78, SD 2, 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:

"Madame Speaker, on Standing Committee Report 987, S.B. No. 78, HD 2, I would just like the record to reflect my strong reservations and I will reserve discussion until Third Reading."

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

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

"Strong reservations because of the additional increase of the insurance of homes."

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

"Strong reservations, Madame Speaker."

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 S.B. No. 78, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELDER ABUSE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 988) recommending that S.B. No. 1423, SD 2, 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 S.B. No. 1423, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance seconded by Representative Lee.

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

"Madame Speaker, I wish to declare a potential conflict of interest. I'm a father and a parent, Madame Speaker." and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1423, SD 2, 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 Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 989) recommending that S.B. No. 1068, SD 1, 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 S.B. No. 1068, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 990) recommending that S.B. No. 996, SD 1, 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 S.B. No. 996, SD 1, 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 Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

Representatives Morita and Souki, for the Committee on Energy and Environmental Protection and the Committee on Transportation presented a report (Stand. Com. Rep. No. 991) recommending that S.B. No. 1239, SD 1, 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 S.B. No. 1239, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro 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 for Third Reading on the basis of a modified consent calendar. (Representatives Bukoski, Finnegan, Fox, Kahikina, and Shimabukuro were excused.)

THIRD READING

S.B. No. 374, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 374, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Third Reading by a vote of 46 ayes, with Representatives Bukoski, Finnegan, Fox, Kahikina and Shimabukuro being excused.

The Chair directed the Clerk to note that S.B. No. 374, SD 1, HD 1, passed Third Reading at 12:37 o'clock p.m.

ADJOURNMENT

At 12:37 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 6:00 o'clock p.m. tomorrow, Friday, March 21, 2003. (Representatives Bukoski, Finnegan, Fox, Kahikina, and Shimabukuro were excused.)

THIRTY-EIGHTH DAY

Friday, March 21, 2003

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 6:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representative Sol P. Kaho'ohalahala and his staff, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Finnegan, Fox, Kahikina, Pendleton, Shimabukuro and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 218 through 221) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 218, transmitting a report, An Assessment of the Field Impacts of Funding Support Provided by The Hawai'i State Foundation on Culture and the Arts.

Gov. Msg. No. 219, dated March 5, 2003, proposing changes to H.B. No. 200, the State Budget. Included in this message are operating budget adjustments to the Department of Land and Natural Resources' special funds for the Water Resources Program.

Gov. Msg. No. 220, dated March 17, 2003, requesting immediate passage of H.B. No. 1230, HD 1, CD 1, which makes an emergency appropriation and authorization for \$5,661,085 from the Airport Special Fund and \$2,300,000 from the Harbor Special Fund to allow the Department of Transportation, Airports and Harbors Divisions to pay for additional security costs due to the imminent threat of war. Because the General Appropriations Act of 2003 becomes effective on July 1, 2003, timely passage of the measure is requested since the funding requirements will be for costs incurred before the fiscal year ending June 30, 2003.

Gov. Msg. No. 221, dated March 20, 2003, requesting immediate passage of H.B. No. 1230, HD 1, which makes an emergency appropriation and authorization for \$5,661,084 from the Airport Special Fund and \$2,300,000 from the Harbor Special Fund to allow the Department of Transportation, Airports and Harbors Divisions to pay for additional security costs due to the war with Iraq. Because the General Appropriations Act of 2003 becomes effective on July 1, 2003, timely passage of the measure is requested since the funding requirements will be for costs incurred before the fiscal year ending June 30, 2003.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 445 through 451) were received and announced by the Clerk:

Sen. Com. No. 445, transmitting H.B. No. 1302, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 20, 2003.

Sen. Com. No. 446, transmitting H.B. No. 814, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," which passed Third Reading in the Senate on March 21, 2003.

Sen. Com. No. 447, transmitting H.B. No. 815, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," which passed Third Reading in the Senate on March 21, 2003.

Sen. Com. No. 448, transmitting H.B. No. 1022, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," which passed Third Reading in the Senate on March 21, 2003.

Sen. Com. No. 449, transmitting H.B. No. 1220, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," which passed Third Reading in the Senate on March 21, 2003.

Sen. Com. No. 450, transmitting H.B. No. 1276, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 21, 2003.

Sen. Com. No. 451, transmitting H.B. No. 1077, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR," which passed Third Reading in the Senate on March 21, 2003.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 44) was received by the Clerk and was placed on file:

Dept. Com. No. 44, from Marion M. Higa, State Auditor, transmitting their report, Review of Selected University of Hawaii Non-General Funds and Accounts.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
617	Committee on Judiciary
787	Committee on Finance
877, SD 2	Committee on Judiciary
881, SD 1, HD 1	Committee on Human Services and Housing, then to the Committee on Judiciary
1239, SD 1, HD 1	Jointly to the Committee on Energy and Environmental Protection and the Committee on Transportation, then to the Committee on Finance
1260, SD 1	Committee on Finance
1326, SD 1	Committee on Finance

1657, Committee on Transportation, then to the
SD 1, Committee on Finance
HD 1

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

H.R.

No. Re-referred to:

45 Committee on Transportation, then to the
 Committee on Finance

H.C.R.

No. Re-referred to:

41 Committee on Transportation, then to the
 Committee on Finance

At 6:19 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:19 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 992) recommending that S.B. No. 1495, SD 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 S.B. No. 1495, SD 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 993) recommending that S.B. No. 684, SD 2, 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 S.B. No. 684, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 994) recommending that S.B. No. 946, 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 S.B. No. 946, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 995) recommending that S.B. No. 870, SD 2, 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 S.B. No. 870, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 996) recommending that S.B. No. 44, SD 2, 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 S.B. No. 44, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 44, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Leong, Marumoto and Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 997) recommending that S.B. No. 1051, 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 S.B. No. 1051, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 998) recommending that S.B. No. 1360, SD 1, 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 S.B. No. 1360, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

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

No. 999) recommending that S.B. No. 1629, SD 1, 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 S.B. No. 1629, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1000) recommending that S.B. No. 1070, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1070, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

Representative 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1070, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT," was referred to the Committee on Finance with Representatives Jernigan, Leong, Marumoto, Meyer, Moses, Ontai and Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1001) recommending that S.B. No. 1427, 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 S.B. No. 1427, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RELAY SERVICES FOR DEAF, HARD-OF-HEARING, AND SPEECH-IMPAIRED PERSONS," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1002) recommending that S.B. No. 1267, 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 S.B. No. 1267, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1003) recommending that S.B. No. 1229, SD 1, 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 S.B. No. 1229, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1004) recommending that S.B. No. 1306, 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 S.B. No. 1306, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1005) recommending that S.B. No. 1055, SD 1, 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 S.B. No. 1055, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1006) recommending that S.B. No. 848, 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 S.B. No. 848, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOO LAWE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1007) recommending that S.B. No. 296, SD 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 S.B. No. 296, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 296, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Jernigan and Ontai voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1008) recommending that S.B. No. 474, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 474, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. Briefly with reservations on Stand Comm Report No. 1008. Just briefly, the Attorney General is opposed to this approach. I would like to further comment, the intentions of this bill are good. The use of the Auditor is in question here for this purpose by the Attorney General. I would like to observe that we have not ever fully implemented the purpose of the Legislative Auditor. The constitutional mandate for her to audit all State finances and our budgets have been remiss all along up to now in having confirmed numbers from the Legislative Auditor. We should look first to implement what her intended purposes, the constitutional mandate for her, before looking further to use her for other issues. Thank you."

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

"Just in strong support. Just very briefly, the reason for this bill is to allow the Auditor to have access to DOE and DOH records. She ran into major roadblocks last year and two years ago because of the *Felix* investigation. And because those two Departments refused to turn over some of the records, she had to file a lawsuit. We are trying to assist her in that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 474, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1009) recommending that S.B. No. 3, SD 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 S.B. No. 3, SD 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1010) recommending that S.B. No. 1243, SD 2, 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 S.B. No. 1243, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PRIMARY HEALTH CARE FOR THE UNINSURED," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1011) recommending that S.B. No. 740, 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 S.B. No. 740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1012) recommending that S.B. No. 1041, SD 1, 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 S.B. No. 1041, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1013) recommending that S.B. No. 1364, SD 1, 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 S.B. No. 1364, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1014) recommending that S.B. No. 1484, 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 S.B. No. 1484, HD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1015) recommending that S.B. No. 1425, SD 2, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1425, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in strong support on Standing Committee Report 1015, Business Mentoring of Youth and Young Adults. I had lunch with a gentleman today who has been actively involved in this, and I am sure many people have heard some of his experiences with our bright young people. And I believe this is a great way to get young people really engaged because they work on projects with an adult mentor who is in the business that the project is involved in, and they see it from beginning to end. They just get very enthusiastic. Thank you."

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

"On the same measure, Mr. Speaker. I had a reservation in Committee and the only reason was they are saying that they don't need money. So why are they here? They could do it anyway, and that is my only reservations. I just think that there is something else going on that maybe I don't know about."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1425, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS MENTORING OF YOUTH AND YOUNG ADULTS," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1016) recommending that S.B. No. 209, SD 3, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 209, SD 3, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

At this time, the Chair stated:

"Members, should the Chair go page by page? Or by Standing Committee Report?"

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

"I just wanted to cast a no vote on Standing Committee Report 1016. My opinion is going page by page is fine."

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

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

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

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

"If I could on this next one 1016, you already had a number of no votes I'd like to rise in support. Mr. Speaker, when we went to multi-track schools, several of them are in my district. I didn't like the idea then and I still really don't like it. I thought we should've built the schools big enough so all the children could attend. But it was built, designed to be too small for the community. Now we have teachers that are there because they are teaching that extra track. They're there more than they would be normally throughout the year. So I guess my point is, you pay now or you pay later. We should have paid more in the beginning and built the schools big enough. Now we are going to pay forever for teachers. You know, more teachers and more teacher pay. So I just want to raise that issue, but I am rising in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 209, SD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Jernigan, Meyer, Ontai and Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1017) recommending that S.B. No. 678, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 678, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1018) recommending that S.B. No. 560, SD 2, 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 S.B. No. 560, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1019) recommending that S.B. No. 1249, SD 2, 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 S.B. No. 1249, SD 2, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO SMALL BUSINESS TECHNOLOGY TRANSFER GRANTS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1020) recommending that S.B. No. 1251, SD 1, 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 S.B. No. 1251, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE CHIEF INFORMATION OFFICER," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1021) recommending that S.B. No. 1397, SD 1, 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 S.B. No. 1397, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SIMPLIFIED TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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. 1022) recommending that S.B. No. 585, SD 1, 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 S.B. No. 585, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representatives Chang and Schatz, for the Committee on Tourism and Culture and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1023) recommending that S.B. No. 359, SD 2, 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 S.B. No. 359, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in opposition to Standing Committee Report 1023. This creates an increased tax credit for motion pictures and film production. I just believe that under the present Act 221, the film industry is included there and they can get 100% credit for any investment in that business. Unless we were to change Act 221 and make it more restrictive and not include as many businesses as it does

now, I don't see any reason why there should be an additional tax credit for this industry. Thank you."

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

"Just to let the Members know, and Speaker in support, the tax credit will be given only if they take no other tax credits. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 359, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FILM INDUSTRY," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1024) recommending that S.B. No. 1286, SD 1, 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 S.B. No. 1286, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1025) recommending that S.B. No. 1519, SD 1, 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 S.B. No. 1519, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH CENTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1026) recommending that S.B. No. 1040, SD 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 S.B. No. 1040, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1027) recommending that S.B. No. 1415, 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 S.B. No. 1415, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1028) recommending that S.B. No. 1594, 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 S.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1029) recommending that S.B. No. 42, SD 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 S.B. No. 42, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1030) recommending that S.B. No. 91, SD 2, 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 S.B. No. 91, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1031) recommending that S.B. No. 689, 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 S.B. No. 689, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1032) recommending that S.B. No. 1405, 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 S.B. No. 1405, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1033) recommending that S.B. No. 1478, SD 2, 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 S.B. No. 1478, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1478, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT CONCESSIONAIRES," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1034) recommending that S.B. No. 1131, 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 S.B. No. 1131, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1035) recommending that S.B. No. 611, SD 1, 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 S.B. No. 611, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 611, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1036) recommending that S.B. No. 637, 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 S.B. No. 637, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1037) recommending that S.B. No. 1132, SD 1, 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 S.B. No. 1132, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1038) recommending that S.B. No. 1139, SD 1, 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 S.B. No. 1139, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1139, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1039) recommending that S.B. No. 1449, SD 1, 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 S.B. No. 1449, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1040) recommending that S.B. No. 1352, SD 1, 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 S.B. No. 1352, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1041) recommending that S.B. No. 41, 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 S.B. No. 41, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1042) recommending

that S.B. No. 342, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 342, 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:

"Thank you, Mr. Speaker. On page 9, the Hanahau'oli School. Standing Committee Report 1042, Hanahau'oli School SPRBs. Mr. Speaker, a couple of my children attended Hanahau'oli School and I was a Board of Directors member, and I would like to see whether or not I have a conflict," and the Chair ruled, "no conflict."

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

"Thank you. I strongly support the measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 342, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANAHAUOLI SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1043) recommending that S.B. No. 395, SD 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 S.B. No. 395, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HO'ALA SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1044) recommending that S.B. No. 397, 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 S.B. No. 397, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MID-PACIFIC INSTITUTE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1045) recommending that S.B. No. 1183, 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 S.B. No. 1183, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL," passed Second Reading and was referred to the

Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

At 6:29 o'clock p.m., Representative Schatz requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:30 o'clock p.m.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1046) recommending that S.B. No. 58, SD 1, 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 S.B. No. 58, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I request to be excused from voting I believe I have a conflict of interest on Standing Committee Report No. 1046, the Hawaii 3R's grants, DAGS Coordinator position. I am the Executive Director of the umbrella non-profit that administers the 3R's programs."

The Chair responded, stating:

"You are excused from the vote on this particular matter."

Representative Ito rose to disclose a potential conflict of interest, stating

"Mr. Speaker, on that same measure. I sit on the Board of Directors," and the Chair ruled, "no conflict."

At 6:31 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 6:32 o'clock p.m.

Representative Thielen rose and stated:

"Point of personal privilege. Mr. Speaker, I was pushed by a colleague across the aisle and told that you all were having a private recess. I don't believe either action is appropriate on the floor of the House of Representatives. This is a public building. If there needs to be a private recess, I believe that whichever Caucus is requesting it should go into their individual caucus room, and pushing is inappropriate."

At 6:33 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 6:36 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 58, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Schatz, Shimabukuro and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1047) recommending that S.B. No. 542, SD 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 S.B. No. 542, SD 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 Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1048) recommending that S.B. No. 550, SD 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 S.B. No. 550, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1049) recommending that S.B. No. 540, SD 1, 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 S.B. No. 540, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1050) recommending that S.B. No. 1255, SD 2, 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 S.B. No. 1255, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1051) recommending that S.B. No. 1432, SD 2, 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 S.B. No. 1432, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVERSIFIED AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

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

No. 1052) recommending that S.B. No. 1321, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1321, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Meyer's written remarks are as follows:

"I rise to speak in opposition to SB 1321, SD 1, HD 2. My concern is with the overall cost increase this measure could have on health care premiums.

"Hawaii's struggling businesses do not need nor are they in a position to bear additional health care costs. Hawaii's Prepaid Health Care Act, already places one of the highest healthcare burdens in the nation on Hawaii's small business owners.

"I am sympathetic to sufferers of mental illness. However, I am concerned that without a cap, the potential for system abuse increases. There is much that is not known about mental health treatment. It is very difficult to quantify the effectiveness of treatment and I am concerned that this will create a treatment environment that has more incentive to prolong treatment, than progress patients and allow them to move on."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1321, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1053) recommending that S.B. No. 1606, SD 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 S.B. No. 1606, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE ETHICS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1054) recommending that S.B. No. 880, 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 S.B. No. 880, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

"Thank you, Mr. Speaker. Reservations on Standing Committee Report No. 1054 and some comments please. Mr. Speaker, the idea to have a Legislative Budget Officer to implement the duties and the function of the Legislative branch

of government, to help us do that is, in and of itself, I guess, an okay idea. But Mr. Speaker, we already have in statute a Legislative Analyst and Legislative Auditor to fulfill those never been implemented good ideas. Never implemented. This proposal is to give up on the Legislative Analyst in favor of a Legislative Budget Office. Or maybe one is as good as the other, but better if we just put our attention to doing the job. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 880, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representatives Ito and Souki, for the Committee on Public Safety and Military Affairs and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1055) recommending that S.B. No. 88, SD 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 S.B. No. 88, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES OWNED BY MILITARY PERSONNEL," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1056) recommending that S.B. No. 634, SD 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 S.B. No. 634, SD 2, 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 1056, I'd like to register a no vote, Mr. Speaker. I think it is a worthy thing to give drug treatment counselors for not only incarcerated woman, but men also. The reason I am registering a no vote is, one, it cost money of course. But two, the Department of Public Safety said that everybody that asks for the treatment or needs the treatment gets it now, without additional people. And the bill calls for beginning a Maui Drug Court. And the Drug Court is for people before they are incarcerated. This is talking about incarcerated persons. So why would we have some other agency being involved when it should go through DPS?"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 634, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TWO COUNSELORS TO TREAT WOMEN INCARCERATED FOR DRUG-RELATED OFFENSES ON MAUI," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1057) recommending that S.B. No. 1050, SD 2, 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 S.B. No. 1050, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I'd like to register a strong support on Standing Committee Report No. 1057. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1050, SD 2, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1058) recommending that S.B. No. 344, SD 2, 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 S.B. No. 344, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SHELTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representatives Chang and Schatz, for the Committee on Tourism and Culture and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1059) recommending that S.B. No. 377, SD 1, 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 S.B. No. 377, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Evans 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 a no vote for her, and the Chair "so ordered."

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

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

"Mr. Speaker, please may I have a no vote on Standing Committee Report 1059, on the Ko'olina Tax Credit. I had hoped that the definition of qualified cost would be tightened up, but it is still very broad. It includes all attractions and educational purposes, and that would then allow for a casino. One testifier asked that it be specifically written out. So for that reason, I would vote no."

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

Representative Caldwell rose and asked that the Clerk record a no vote for him, 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 S.B. No. 377, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Hale, Marumoto and Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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. 1060) recommending that S.B. No. 361, SD 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 S.B. No. 361, SD 2, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1061) recommending that S.B. No. 1560, 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 S.B. No. 1560, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY LEFT IN A DANGEROUS CONDITION," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1062) recommending that S.B. No. 1284, SD 1, 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 S.B. No. 1284, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1063) recommending that S.B. No. 425, SD 2, 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 S.B. No. 425, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1064) recommending that S.B. No. 426, SD 1, 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 S.B. No. 426, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1065) recommending that S.B. No. 1253, SD 1, 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 S.B. No. 1253, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DATA," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1066) recommending that S.B. No. 1172, SD 2, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1172, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1172, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRLINES," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takumi being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1067) recommending that S.B. No. 1517, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1517, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

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

"In opposition to 1067. This is a new tax."

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

"Thank you, Mr. Speaker. A no vote on the same measure, and I'd like to explain why. Thank you, Mr. Speaker. The doubling of the conveyance tax could increase the cost of moderate or affordable housing. I know that it kicks in only at

the \$600,000 level, but think of what that would do to a development of affordable housing. It would kick in, double the conveyance tax, for that project to be developed. I would assume those homes would not be at the \$600,000 level, but would be less than that. But it still can add to the cost of housing. That is what I am concerned about, and until it is explained that it will not do this, then I have to oppose the bill no matter how noble the purpose to which the funding will be put."

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

"Mr. Speaker, also on Standing Committee Report No. 1067. This is a tax increase on the recordation fee at the Bureau of Conveyances. Just for your information, and it would also cover leases, and there are many businesses that do have leases that could exceed \$600,000 over the term of their lease which might be several years. So I think it is not just nice homes. It could hurt our businesses also. I am no."

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

"Thank you, Mr. Speaker. No same measure. And briefly, high end developments, at least on Maui, I am not certain of the other counties, often have an affordable housing component to them. When you start changing the numbers, from the developer, it affects every other thing that they are doing. And I see this as directly impacting affordable housing through that mechanism. Thank you."

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

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'd like to rise in support on the same measure. I think what was made very clear was that when this conveyance tax that would affect those are making purchases of homes of \$600,000 or more, what was presented to us in our Committee when we heard a similar measure to this was that the Realtors Association had indicated that they thought that this might be detrimental and it might hurt. Especially the idea that perhaps those who are trying to upgrade their housing might be affected, and it they might be moving into the \$600,000 range plus.

"What was clarified in the Committee when asked for them to justify or come forward with some of the information that would show us exactly what percentage of all of these sales are that we actually talking about in the total sales in the State of Hawaii. Today the President of the State Realtors Association, Mr. Tracy Stice came forward to me and said that they found in their research that this is affecting only 4% of all of the sales of houses in the State of Hawaii that would be affected by a

conveyance tax like this. In fact, they indicated that they were going to correct their testimony.

"So in light of that, I think what we are saying is that the money that we are asking for the conveyances to be used for, some very good work in the NARS and looking at conservation and preservation efforts which are going to affect our State of Hawaii. So here is an opportunity for us to really put forth some support in that direction. And the information is now corrected."

Representative Halford rose to respond, stating:

"Thank you, Mr. Speaker. This State is notorious over the last few decades that I've paid attention, of under-funding environmental concerns. Less than 1% of our State budget will go to environmental concerns. That has been disappointing and frankly an embarrassment to me. That our commitment to the environment would be so small. Now we are looking at a bill that looks at a very small group of people to do some heavy lifting for the environment. I think that is decidedly unfair and that our commitment to the environment should be pervasive throughout this Legislature, and not just left to some small group to go pick on."

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

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

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

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

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

"Thank you, Mr. Speaker. I rise in strong support of Standing Committee Report 1067. I just wanted to clarify actually I think that the numbers that I saw were a little different than that from the Representative from Lanai and Molokai. Actually it is lower. It is only 3.55% of all transactions that are conducted are over the \$600,000 range. So it is actually lower.

"I think it is also important to realize that our conveyance tax is one of the lowest conveyance taxes in the entire nation along with Illinois, Georgia and Virginia we're the lowest. So we are the fourth lowest amongst those. You know, when you compare to what other states are doing, some of them charge \$50 per \$1,000. Delaware charges \$20 per \$1,000. Washington charges \$15 per \$1,000. Here, we only charge \$1 per \$1,000 and we want to raise that up to \$3 per \$1,000.

"And when other people have spoken as to some of the good things this is going to, it is going to an environmental program, but it is also going to increase an estimate of \$1 million towards the Rental Housing Trust Fund and I think that is an important additional consideration for those people with the low income rental housing that we can assist them also.

"As to the argument that this could possibly affect some leasehold by businesses. When you look at the transactions, out of 17,000 transactions conducted last year, only 104 of

those were for leases. So it is basically 1/17th of all transactions over the \$600,000 range. So I really don't think it is too much of a large impact. Thank you."

Representative Souki rose to disclose a potential conflict of interest, stating

"Mr. Speaker, I wish to speak with some reservations, and I also have a potential conflict of interest. I am a realtor," and the Chair ruled, "no conflict." :

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

"Thank you very much. I hate to speak against my learned colleague who just spoke. Of course he is always very logical and on the surface, it does make sense as to what he is saying. It is a relatively small increase, but Mr. Speaker, similar to a previous speaker that has mentioned, because we as a Body here have not really been willing to make the hard choices to support the programs that we need to support, whether it is education, environment, health, etc., we keep on 'robbing Peter to pay Paul'. Mr. Speaker and Members, I just want to say at some point in time, we need to sit down and make the tough decision that we need to do. Thank you very much, Mr. Speaker."

Representative Marumoto rose to respond, stating:

"Thank you. In rebuttal, Mr. Speaker. This bill will tax, the tax imposed by this section shall be based on, "the actual and full consideration (whether cash or otherwise including any promise, act, forbearance, property interest, value, gain, advantage, benefit, or profit) paid or to be paid, which shall include any liens or encumbrances thereon at the time of sale, lease, sublease assignment, transfer or conveyance...." I think that would include many mortgages as well, in which case it will add up to a lot of money. There are a lot of mortgages that are over \$600,000, and over \$1 million, so I think this will raise a lot of money and further tax us when we are already overtaxed. If I am incorrect, I'd like to be corrected. Thank you."

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

"Mr. Speaker, very briefly in support. I'd just want to give the numbers a sense for how much tax is going to be paid. If you own a \$600,000 house, you will pay no additional tax unless you actually sold your, say \$700,000 house, and your conveyance tax would go where it is presently at, would be about \$700. It would go to \$1,400 only in the case if you actually sold your \$700,000 house. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1517, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was referred to the Committee on Finance with Representatives Blundell, Ching, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Stonebraker and Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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.

1068) recommending that S.B. No. 1446, SD 2, 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 S.B. No. 1446, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1446, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1069) recommending that S.B. No. 883, SD 2, 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 S.B. No. 883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1070) recommending that S.B. No. 884, SD 1, 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 S.B. No. 884, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR MEDICAID PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1071) recommending that S.B. No. 325, 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 S.B. No. 325, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1072) recommending that S.B. No. 661, SD 1, 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 S.B. No. 661, SD 1, HD 1, pass Second

Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose and asked that the Clerk record 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 her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 661, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1073) recommending that S.B. No. 745, SD 2, 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 S.B. No. 745, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1074) recommending that S.B. No. 1241, 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 S.B. No. 1241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CANCER EXAMINATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1075) recommending that S.B. No. 1357, SD 1, 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 S.B. No. 1357, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS REGISTRATION DISTRICTS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1076) recommending that S.B. No. 665, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 665, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE PLAN," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1077) recommending that S.B. No. 624, SD 1, 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 S.B. No. 624, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1078) recommending that S.B. No. 889, 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 S.B. No. 889, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1079) recommending that S.B. No. 1356, SD 1, 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 S.B. No. 1356, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VITAL STATISTICS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1080) recommending that S.B. No. 435, 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 S.B. No. 435, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1081) recommending that S.B. No. 1426, SD 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 S.B. No. 1426, SD 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1082) recommending that S.B. No. 1332, SD 2, 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 S.B. No. 1332, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1083) recommending that S.B. No. 1333, SD 1, 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 S.B. No. 1333, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE JUDICIAL BRANCH OF STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1084) recommending that S.B. No. 789, SD 1, 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 S.B. No. 789, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1085) recommending that S.B. No. 768, SD 1, 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 S.B. No. 768, SD 1, HD 1, 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:

"I rise in opposition to Standing Committee Report 1085. I'd just like to say this is just going backward. We just passed this legislation recently and I don't think we've given it time to settle in. I don't think we should keep backtracking every time we do something."

Representative Stonebraker 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.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 768, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance with Representatives Moses and Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1086) recommending that S.B. No. 534, SD 2, 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 S.B. No. 534, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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. 1087) recommending that S.B. No. 538, SD 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 S.B. No. 538, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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. 1088) recommending that S.B. No. 255, SD 2, 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 S.B. No. 255, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1089) recommending that S.B. No. 773, 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 S.B. No. 773, HD 1, 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 wanted to register a reservations on 1089. For the Members, there are a number of amendments and I just need to check on that further, and I hope that we can have a chance to look at it further.

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

"Mr. Speaker, in support of Standing Committee Report 1089. Just a few words. This will liberalize the collections of unemployment compensation benefits on the part of employees. And I would like to see it expanding so owner-employees can also collect unemployment compensation if they are forced out of business. Right now, they have to pay the tax on it monthly, on the pay roll. But very seldom are able to collect. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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. 1090) recommending that S.B. No. 664, SD 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 S.B. No. 664, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I would like to go back to No. 1090, with reservations. And the main reason on that one is if you look at the Standing Committee Report, it says the bill will fund the State's portion of the 200-bed long-term care facility. That is contingent on the federal government's appropriation of \$29,250,000, which is 65% of the cost. The reason I am voting with reservations is because that is way too much money for a long-term care facility and that really bothers me how much money they're asking for to build a 200 bed long-term care facility, which is not an acute hospital. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 664, SD 2, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representatives Ito and Hamakawa, for the Committee on Public Safety and Military Affairs and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1091) recommending that S.B. No. 1138, SD 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 S.B. No. 1138, SD 1, pass second Reading and be referred to the Committee on Finance, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1138, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives

Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representatives Ito and Chang, for the Committee on Public Safety and Military Affairs and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1092) recommending that S.B. No. 1619, SD 2, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1619, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'd like to cast a no vote against the tax credit for the motor sports facility, and that is Standing Committee Report No. 1092. Mr. Speaker, I think it is to Members' credit that on the vote sheet that cast their vote at least, with reservations. There were 1, 2, 3, 4, 5, 6, 7, 8, 9 with reservations on the Tourism and Culture, and only four votes that were clearly in favor. And then you go to the Committee on Public Safety and Military Affairs, and there were four that said okay in favor.

"But there were three with reservations and one as a flat out no. I think there is great recognition among the Members here in this Chamber that these tax credits do not help the financial situation in our State. That in fact these tax credits are really detrimental to our getting our economy moving again. I am hoping that when this bill goes to Finance it either will stay there or when it comes back to the floor it will be defeated. It is not a good idea to give this tax credit whether it is an unspecified amount or whether it was the \$50 million that was in the bill that has come before the body. It is not a good idea to do that. 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 and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

"Mr. Speaker, in support of No. 1092. Mr. Speaker, at the hearing of this bill, DBEDT didn't show up. The Department of Taxation didn't show up, Department of Hawaiian Homes didn't show up, and they didn't even testify on the bill. They weren't even around for the questions and answers. Mr.

Speaker, I hope they show up at the Finance Committee hearing if it is going to be heard, and give testimony, for or against, so an intelligent discussion and decision can be made. Thank you."

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

"With reservations on 1092, for the reasons previously stated."

Representative Thielen rose to respond, stating:

"Yes, Mr. Speaker. I would like to just again, in opposition to 1092, the Motor Sports Tax Credit. I would like to echo the words of the Chair of Public Safety. I think it is very important that those Departments and other entities show up to testify. However Mr. Speaker, it is unfortunate this bill was not assigned to the Agriculture Committee. The Committee Report states, "Your Committees are concerned about the potential loss of prime agriculture lands, as well as important farming operations in Kunia that could be affected by the construction of this race track."

"According to the Farm Bureau, and I note Mr. Speaker, the Farm Bureau did show up and testify in opposition at one point. According to the Farm Bureau, the Department of Hawaiian Home Lands owns a portion of the 139 acres needed for the racetrack in Kalaeloa. Because DHHL is interested in developing residential lots, Campbell Estates plans to sell to the racetrack developer a 158-acre parcel of agriculturally zoned land west of Kunia Road in the vicinity of the Royal Kunia development. DHHL would then swap its Kalaeloa parcel to the racetrack developer for the Kunia parcel. Currently a seed farm holds the lease to a portion of the Kunia parcel from Campbell Estate. If the land swap is completed there is concern that the seed farm may no longer be viable. Moreover, as DHHL will eventually take steps to construct homes on this parcel this could lead to the conversion of the region to urban development. So there we would go losing more agricultural land and we would put a viable agricultural operation out of business. Thank you."

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

"Thank you, Mr. Speaker. In support with reservations. I would like to declare a potential conflict of interest. The Kalaeloa Motor Sports Recreation Center would be in my district and so is that prime ag land," and the Chair ruled, "no conflict."

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

"Thank you Mr. Speaker. I've talked to some people about this too. DOTax is not in favor. You heard that the Hawaii Farm Bureau is not in favor. Many of the people there were not in favor because they're in the ag business. And I talked to the Hawaiian Homelands just today and I asked them, "Why weren't you there?" And they said because we're not necessarily going to take that prime ag land in exchange. There may be other lands available through Campbell Estate. So it is not locked into that, but that is not what it says in the bill. In hearing, we heard that Campbell Estate wasn't there because they don't come and testify when it may adversely affect their Trust. So there is a whole bunch of conflicts going on here as well, is what I am pointing out. That is why I have reservations. Until it is all sorted out it is very questionable."

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

"Mr. Speaker, with your indulgence if we can go back to Standing Committee Report No. 1092. First if I may be allowed to adopt the words of the Chair of Public Safety in support, but with some reservations," and the Chair "so ordered."

Representative Abinsay continued, stating:

"Because I was supposed to stand up because our Representative from Kaneohe did mention about this bill not being referred to the Agriculture Committee. I would just like to mention that this was discussed very lengthily during the discussion. As a matter of fact, the reason why I am one of those many who did vote with reservations is because of the many concerns being brought up by the Representative from Kapolei.

"One concern if I may, why I voted with reservations is the fact that this is a very important project. A project that I think we should support because this is economic development. On the other hand, based on the information we heard from our colleagues on the other side of the aisle, there are some reservations. But I think this bill is very important to continue to address.

"But on the point of view of the agricultural side, I did ask the question. If this is going to encourage investors to come to Hawaii right now, the company that is going to be affected has already invested some money. Also when it comes to investing money, and at the same time helping the economy of the State, employing about 60 people right now, and at the same time the major concern here is that seed company, as an industry that is growing here. When you encouraged me to attend the summit in the mainland last February, I had not mentioned to them the importance these companies coming to Hawaii. Because as we know in Hawaii there are 3 to 4 times that we can harvest our crops compare to the mainland, only 1 to 2 times.

"This is the concern that I have and again, I think there is a need for further discussion. But at the same time I'd like to reiterate that of our colleagues from across the aisle that we have discussed this measure lengthily and these questions were asked during the public hearing. So we made sure that we will follow up on these issues. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1619, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Finance with Representatives Blundell, Evans, Leong, Meyer, Ontai and Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1093) recommending that S.B. No. 635, SD 2, 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 S.B. No. 635, SD 2, 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:

"If I can cast a no vote for the special fund, the 'slush fund' on 1093. Thank you."

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

"Thank you, Mr. Speaker. I am rising in opposition to Stand Comm Report 1093. In Committee when it was heard, the Police Department and the City and County of Honolulu and Department of Budget and Finance were opposed. I would rather see these traffic fines go to the City and County rather than to this new special fund. We have so many special funds already. I don't think we want to create more of them. I believe that we did have another bill that was circulating where some of the traffic fine money was going to go to the counties and if we were to pass this bill, we are getting further and further away from that option. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 635, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

At 7:06 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:06 o'clock p.m. with the Vice Speaker presiding.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1094) recommending that S.B. No. 38, 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 S.B. No. 38, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1095) recommending that S.B. No. 843, SD 1, 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 S.B. No. 843, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1096) recommending that S.B. No. 857, SD 2, 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 S.B. No. 857, SD 2, HD 2, entitled: "A BILL

FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1097) recommending that S.B. No. 1477, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1477, SD 2, HD 2, 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, Madame Speaker. Just a with reservations on Standing Committee Report 1097. It is the county lease and lease back agreements. Madame Speaker, I just would hope that the Finance Committee would look at it very carefully. It sounds like a great scheme but when schemes are proposed, I am not sure that they ultimately turn out to be in the best interest for government bodies. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1477, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MUNICIPAL LEASES," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1098) recommending that S.B. No. 1675, 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 S.B. No. 1675, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1099) recommending that S.B. No. 516, SD 2, 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 S.B. No. 516, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I would like to ask if I could be excused from voting on Standing Committee Report 1099. I didn't jump up on that page fast enough. This is S.B. 516, SD 2, HD 1, dealing with Kaneohe Bay piers lease rents, the calculation of lease rents. My husband and I do own a pier and we would be affected by this bill. So I would ask that I could be excused from voting on it."

The Chair responded, stating:

"Members, on No. 1099, page 17, S.B. No. 516, SD 2, HD 1, Representative Meyer has been excused from voting on prior bills dealing with Kaneohe Bay piers because she is a direct beneficiary of this bill. Representative Meyer, you are excused."

Representative Souki rose to a point of order, stating:

"Yes, Madame Speaker. Point of order. I believe the State Constitution allows every Representative to vote on all the bills so they can give representation. If you do not vote, then your community is not represented in this Body. And I just want the Members to remember that, and as we move on and you ask for that, you are not being fair to your constituency. They have a right to know how you vote. Thank you."

The Chair responded, stating:

"Thank you. Your point is well taken. Representative Meyer has been excused on other Kaneohe Bay issues and she is excused from this bill also."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 516, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY PIERS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Meyer, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1100) recommending that S.B. No. 1152, SD 1, 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 S.B. No. 1152, SD 1, HD 1, 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:

"On Standing Committee Report 1100. I have reservations and would like to look further into it. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1152, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRESENTATION OF THE OFFICE OF HAWAIIAN AFFAIRS ON BOARDS, COMMISSIONS, AND ADVISORY BODIES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1101) recommending that S.B. No. 1154, 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 S.B. No. 1154, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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. 1102) recommending that S.B. No. 1256, 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 S.B. No. 1256, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine 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. 1103) recommending that S.B. No. 1257, 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 S.B. No. 1257, 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 Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1104) recommending that S.B. No. 1554, SD 1, 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 S.B. No. 1554, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN HISTORIC SITES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1105) recommending that S.B. No. 1593, SD 1, 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 S.B. No. 1593, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL JUSTICE," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1106) recommending that S.B. No. 658, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 658, SD 1, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

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

At 7:08 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:13 o'clock p.m.

Representative Mindo 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 Kahikina rose to speak in opposition to the measure, stating:

"I stand in opposition. Thank you, Madame Speaker. I know that living here in Hawaii and in America, we are the land of diversity. Diverse ideas, diverse beliefs, and I guess in this matter, it really speaks out. The line in the sand that is diversity. In Judiciary, they returned the bill that we sent over from Health and took the out the exemption clause. Madame Speaker, I am speaking to that diversity and I understand that in this world of freedom, that ideas change.

"It was once that in this country that you could actually own a black man as a slave. There was once that even women couldn't vote and now they hold that freedom. I just hope that one day that the pendulum swings back that the religious freedom of this country will hold really truly, that our forefathers meant that the division between the church and state was really to keep the state out of the church. Thank you."

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

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

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

"Yes, reservations. I rise with strong reservations. And that I wanted to agree with the Representative from Waianae that there are diverse feelings on things and that we should respect religious differences. The bill that we passed out that I saw last, out of Health Committee had that respect for religious differences. And what I see before me, somehow that is not there anymore. So I can no longer support this further. Thank you."

Representative Abinsay 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 in support.

"Mr. Speaker, in regards to the exemption, churches, temples, mosques, seminaries, and other pervasively sectarian institutions engaged in religious practices should generally be free of laws repugnant to their beliefs.

"For example: A Christian Science Sanatorium; this would be staffed by Christian Science Healers and attends to those seeking to be healed exclusively by prayer.

"However, when religious affiliated organizations move into secular pursuits such as providing medical care, social services or running a business which caters to the public, they should not be insulated from secular laws. In the public world, they should play by the public rules.

"The vast majority of health care institutions, including those with religious affiliations, serve the general public. They employ a diverse workforce, and they depend upon government funding. A recent study in California found that Medicare and Medicaid accounted for 46% of the total revenues of religiously affiliated hospitals, while donations from members constituted .0015% of total revenues!

"It seems logical that such institutions ought to abide by the same Standards of Care and Reproductive Health Mandates that apply to other health care institutions being supported by public funds.

"But let's get back to the bill. This measure is really about victim's rights- the whole purpose is to ensure that every rape victim/survivor in a Hawaii emergency room would receive the Standard of Care recommended for a sexual assault victim- and that means offering emergency contraception on site.

"Merely being told of the existence of EC does not guarantee that a rape survivor (who only wants to be safe at home, in bed, in the immediate aftermath of the assault) will find a way to obtain the drug. Even with a referral, she may not be able to get a prescription from an alternate provider or to fill it at a pharmacy before time runs out.

"Refusal means an excruciating dilemma for a victim - and that is unacceptable.

"I urge the members to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 658, SD 1, 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 Jernigan, Kahikina, Leong, Meyer, Mindo, Moses, Ontai, Stonebraker and Tamayo voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Say, Shimabukuro and Takamine being excused.

At 7:18 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:14 o'clock p.m.

SUPPLEMENTAL CALENDAR #1

At this time, the Chair announced:

"Members, we are moving on to the Supplemental Calendar. Members, on page 3, Standing Committee Report No. 1119, S.B. 975, HD 1, will be taken at the end of calendar separately from the regular motion."

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1119) recommending that S.B. No. 975, as amended in HD 1, be referred to the Committee on Finance.

By unanimous consent, Stand. Com. Rep. No. 1119, and S.B. No. 975, HD 1, was deferred to the end of the calendar.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1107) recommending that S.B. No. 1319, SD 1, 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 S.B. No. 1319, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1108) recommending that S.B. No. 481, SD 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 S.B. No. 481, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I would like to have a no vote cast for me on Standing Committee Report 1108. This is the Motor Vehicle Rental Commissions. And I have spoken against this before. I think it is a very bad mark on the Aloha Spirit. Thank you."

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

"Madame Speaker, I would like the Clerk to register a no vote for the entire Republican Caucus present on this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 481, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Blundell, Ching, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Stonebraker and Thielen voting no, and with

Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1109) recommending that S.B. No. 85, 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 S.B. No. 85, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, 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 Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 85, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell and Meyer voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1110) recommending that S.B. No. 1401, 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 S.B. No. 1401, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

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 S.B. No. 1401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representatives Takai and Arakaki, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1111) recommending that S.B. No. 402, SD 2, 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 S.B. No. 402, SD 2, HD 1, pass Second

Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 402, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1112) recommending that S.B. No. 576, 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 S.B. No. 576, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative 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 S.B. No. 576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Jernigan and Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1113) recommending that S.B. No. 919, SD 1, 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 S.B. No. 919, SD 1, HD 1, 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:

"Thank you, Madame Speaker. I'd like to rise in strong support of Standing Committee Report 1113, Bioremediation Research Appropriation. Technology in this area, we need to go ahead with it. It is needed in this time. In light of some of the conversations supporting our environment, this is a measure that does that. Thank you, Madame Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 919, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1114) recommending that S.B. No. 11, 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 S.B. No. 11, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY PUBLIC SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1115) recommending that S.B. No. 945, SD 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 S.B. No. 945, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1116) recommending that S.B. No. 929, SD 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 S.B. No. 929, SD 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:

"Thank you, Madame Speaker. I'd like to just register an aye with reservations on Standing Committee Report 1116, which creates a new special fund."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 929, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AFTER-SCHOOL PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1117) recommending that S.B. No. 17, SD 1, 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 S.B. No. 17, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

"Yes, I would like to rise in opposition to Standing Committee Report No. 1117. It seems to me that the prevailing philosophy on making a requirement that children be older to enter kindergarten actually serves as reverse discrimination.

There are some children who are younger than 5 that enter kindergarten that actually are very ready for kindergarten. My concern is that this bill will affect those with the lowest income and be harmed by it the most. Because whereas families with substantial incomes, they have the resources to provide early education. The fact is that a lot of families do not and they rely on kindergarten. Until we can fund pre-kindergarten, until we can fund early education, this will damage education opportunities for our low-income families."

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

"Thank you. I'll have a no vote on this same measure and for the same reasons."

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 S.B. No. 17, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Jernigan, Stonebraker and Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1118) recommending that S.B. No. 337, SD 1, 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 S.B. No. 337, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 337, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Jernigan, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1120) recommending that S.B. No. 1393, SD 2, 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 S.B. No. 1393, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE DEPARTMENTS OF STATE GOVERNMENT," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1121) recommending that S.B. No. 1404, SD 1, 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 S.B. No. 1404, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1404, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1122) recommending that S.B. No. 830, SD 1, 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 S.B. No. 830, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1123) recommending that S.B. No. 837, SD 1, 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 S.B. No. 837, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1124) recommending that S.B. No. 205, SD 3, 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 S.B. No. 205, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

"Reservations on 1124 and I have some comments. Thank you, Madame Speaker. The adverse ideas on this bill, I think are matters relating to leave, and are subject to collective bargaining. That is the first thing, and it should remain such. And I know this bill, I believe this is the one that tries to set a floor, not a ceiling. Still it should be left up to collective bargaining. Act 253 delineates negotiable rules as non-negotiable matters. This bill will undo the progress achieved through Act 253. Significant overtime cost and loss of productivity implications would come from this bill at a time that the State is having to do a lot more with a lot less.

"The term 'employees' is not defined well in the bill, nor the concept of personal matters involving education or health. What does that mean? That's important for the child's well-being. What does that mean? It doesn't explain exactly what does that mean. It is open. Already employees are allowed up to two hours paid administrative leave to attend PTA conferences, for each child per school year. This is adding to that. So it is that and many other things in the bill, and that is why I have reservations. They need to be tightened up."

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 S.B. No. 205, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1125) recommending that S.B. No. 931, SD 2, 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 S.B. No. 931, SD 2, 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:

"Thank you, Madame Speaker. Reservations on the next bill, 1125. Again, I have several areas of concern. Chapter 89 of HRS provides that matters pertaining to leave are subject to collective bargaining and not legislative. Again we are trying to take away what is in the law already. The Civil Service Modernization Act's bright lines delineate matters deemed to be within civil service and all others including leaves are subject to negotiations. The bill will undo the Act by blurring the line between civil service and collective bargaining. The State already provides ample paid vacation and sick leave, plus one year of unpaid leave for this purpose. It is personal business of emergency nature. It overlaps with other leave benefits. It could result in stacking. It gives the employee right of action against the employer if the employer denies an employee victim leave and willful violation instead of being in a negotiating grievance procedures. So for that and many other things in the bill."

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

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

"I rise in strong support and just to point out to the Members that they should read the bill, HD 1, because it addresses their concerns regarding stacking. And there is no private cause of action."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 931, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS LEAVE ACT," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1126) recommending that S.B. No. 666, SD 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 S.B. No. 666, SD 1, 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:

"Madame Speaker, please register a no vote for Standing Committee Report 1126. I don't believe that any teachers are required to use personal funds, and if they do, I think they should be complimented. But I don't see it as a necessity for paying them back. Thank you."

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

"Reservations on 1126. This has been issue for a long time that I have been very concerned with, reimbursing teachers for the money that they spent. You know in our State, we allocate a lot money toward education and some would like more. The real issue is getting that money to the classrooms. Many of us know teachers who spend quite a bit of money on supplies and so forth, for their students. We applaud them for their extra efforts. And we would like to do what we can to support them, but I believe that there are a number of other things that are part of this bill that many of us had difficulties with. So we will be watching this, and so I vote with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 666, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representative Hale voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1127) recommending that S.B. No. 1237, SD 1, 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 S.B. No. 1237, SD 1, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1128) recommending that S.B. No. 1381, SD 1, 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 S.B. No. 1381, SD 1, 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 of Standing Committee Report No. 1128. I am a Director of the Friends of the Kapolei Library Inc."

The Chair responded, stating:

"Did you want me to declare on a conflict?"

Representative Moses: "I am just pointing out that I am Director of the Association."

Vice Speaker Luke: "No conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1381, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1129) recommending that S.B. No. 1700, SD 1, 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 S.B. No. 1700, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representatives Takumi and Takai, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1130) recommending that S.B. No. 16, SD 2, 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 S.B. No. 16, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine 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. 1131) recommending that S.B. No. 1034, SD 1, 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 S.B. No. 1034, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1132) recommending that S.B. No. 1151, 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 S.B. No. 1151, HD 1, 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 with reservations, stating:

"Yes, Madame Speaker. This is on Standing Committee Report No. 1132. Thank you very much. I wish to speak for this bill with some reservations. First of all, I want to thank the Water and Land Use Committee for passing this very important bill out. It does provide some language for the ceded land disbursement. I think it is very important that we have a bill like this. However I note that in the exclusion of revenue and fees etc., you do not include airports.

"Madame Speaker and Members, if you recall we got called for allowing airport dollars to be used for ceded land purposes. We stand to lose all airport federal funds if we continue to take money from the airports. Of course we have ceased to take money from airports but in here, there is no exclusion. I may be wrong. I may have read or I may have missed something. When it goes to the Finance Committee, they can make that correction in the Finance Committee. It is important that the language, which excludes airports be included in this bill. Thank you."

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

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

"Madame Speaker, the same reservations as expressed by the Speaker Emeritus. I believe that issue is to be decided by Conference Committee, and I am hesitant to vote free and clear on a bill that is not totally decided as yet. Thank you."

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

Representative Meyer rose and asked that the Clerk record 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1151, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with

Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1133) recommending that S.B. No. 1418, SD 2, 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 S.B. No. 1418, SD 2, 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 Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine 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. 1134) recommending that S.B. No. 959, SD 1, 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 S.B. No. 959, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine 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. 1135) recommending that S.B. No. 1399, SD 2, 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 S.B. No. 1399, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A LONG-TERM CARE TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1136) recommending that S.B. No. 360, 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 S.B. No. 360, HD 1, 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:

"Yes, I would like to rise in support of Standing Committee Report No. 1136, regarding reusable resource centers. Thank you. I introduced a measure similar to this, very similar. And what this needs to do is make use out of the resources that our teachers do have. And that to recycle instead of destroy some of the extra surplus supplies that we have and using a reusable center is not only good for the environment, but it is good for our budget. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 360, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

REUSABLE RESOURCE CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1137) recommending that S.B. No. 1279, SD 2, 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 S.B. No. 1279, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1138) recommending that S.B. No. 610, SD 2, 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 S.B. No. 610, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL CLAIMS RESOLUTION UNDER THE HAWAIIAN HOME LANDS TRUST," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1139) recommending that S.B. No. 1156, 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 S.B. No. 1156, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

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

"I'd like to register a no vote on 1139. A few comments here. This program is currently in place and OHA pays for it. Codifying the program creates an obligation for the State to help pay. If the Akaka bill becomes law, the federal government will pay for this registry. I just think that we should leave it alone the way it is. Thank you."

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

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

Representative Leong rose in opposition to the measure and asked that the remarks of Representative Meyer be entered in the Journal as her 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1156, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Finance with Representatives Leong, Meyer and Ontai voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1140) recommending that S.B. No. 1351, 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 S.B. No. 1351, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR ADULT SERVICES PROGRAMS," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine 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. 1141) recommending that S.B. No. 1109, SD 1, 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 S.B. No. 1109, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine 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. 1142) recommending that S.B. No. 1088, SD 2, 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 S.B. No. 1088, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

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

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

Representative Thielen 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 Leong 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 Marumoto 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 Evans 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, Madame Speaker. If I may, I know this is Second Reading but every once in a while in the course of holding hearings, we come across some real compelling testimony from people. Yes, I am in support. I am sorry.

"The testimony is so compelling, and these aren't people who are advocates or part of an agency or organization. This lady actually came in for the first time testifying, and I think she turned in handwritten testimony. Her name was Kelly. I didn't even get her last name. But she talked about helping her neighbor, and her neighbors were Cora and Nick Fiesta. She talked about Cora having to go to a nursing home because she fell and had to go to the hospital. And from the hospital, was transferred to a nursing home. Her husband Nick, who Cora took care of, was in wheel chair, an amputee with diabetes. Because his wife was placed in a nursing home he had nowhere to go. So he was also forced to go to a nursing home.

"This lady tried to take care of Nick, but unfortunately she got burned-out and he was eventually placed in a nursing home as well. There were a couple of times when he checked himself out of the nursing home and he tried to return home to the apartment where they used to live. They still had the apartment because Cora had paid for the apartment, the full rent for three months. So even though both of them were in a nursing home, they still had this apartment and he kept crying and wanting to be kept at home.

"Unfortunately this neighbor could not do it. And she really made a case for why we need a long-term care plan like this. If it were in place today, this would really help Nick and Cora. Because they would be able to stay at home, they would be able to take care of each other and perhaps they could use the benefits to even hire Kelly to be a caregiver for both of them. But as it is, in their situation they are now both in a nursing home. They don't want to be there but there is no one else to care for them. So for the Nicks and the Cora's of today and for tomorrow, I want to ask everyone to really consider this seriously.

"I also wanted to say that we really, and our Committee really tried to address some of their concerns including the issue of portability. We also included a tax credit for those who have the means to obtain their own long-term care insurance. So as this moves along, it gets even better and addresses many concerns. I hope for our future we can all support this measure in the end. Thank you, Madame Speaker."

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 in support of the measure.

"In the past, the problems of an aging population may have seemed manageable; and there was a possibility of help from the federal government. However, the tax cuts made by the

Bush Administration, accompanied by the costs of the war, have transformed our fiscal outlook.

"Nothing, but an economic miracle will save us from a fiscal crisis in long-term care if we don't do something about it now.

"This is a good program - consumer driven; modest; but with the potential to make a big difference in the lives of caregivers.

"The program will enable people to stay at home; choose the services they need; and delay entrance into long-term care facilities. The bill as amended is improved, and will continue to improve as it moves along in the process.

"I urge the members to support it."

Representative Moses rose to respond, stating:

"Second rising, Madame Speaker. I care deeply about Nick and Cora, I believe it was. But I just want to point out that this bill, after paying \$10 a month, which will increase in tax throughout the years, what would they get? They would get \$70 back a day, and I don't know if that would cover those expenses. And that is only for a year. What would happen then? Then they have nothing. So I think there are a lot of problems to look at. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1088, SD 2, 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 Ching, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Stonebraker and Thielen voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine 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. 1143) recommending that S.B. No. 964, SD 1, 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 S.B. No. 964, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TREATMENT SERVICES FOR CHILD VICTIMS OF INTRAFAMILIAL SEXUAL ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1144) recommending that S.B. No. 963, SD 1, 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 S.B. No. 963, SD 1, 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 Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1145) recommending that S.B. No. 1361, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1361, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1146) recommending that S.B. No. 354, SD 2, 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 S.B. No. 354, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1147) recommending that S.B. No. 840, SD 1, 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 S.B. No. 840, SD 1, HD 1 pass Second Reading and be referred to the Committee on Finance.

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

"Thank you, Mr. Speaker. I am rising in opposition to Standing Committee Report No 1147. This bill would give some additional powers to the OEQC, the Office of Environmental Quality. I believe that this bill asks them to do something that isn't necessary. Agencies now comply with land use and environmental requirements through the State and county project permitting system. Also, agencies have the technical expertise to evaluate a project's impacts. The public, including OEQC, already have the right to appeal a determination. It seems like kind of an overkill situation. We are already well-known for having a reputation here of having these innumerable regulations and hoops that people have to jump over. In Committee, I would just note, that the opponents for this particular measure were the Department of Transportation, the Board of Water Supply, and the City and County of Honolulu. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 840, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy and Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1148) recommending that S.B. No. 1505, SD 1, 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 S.B. No. 1505, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representatives Morita and Schatz, for the Committee on Energy and Environmental Protection and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1149) recommending that S.B. No. 1611, 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 S.B. No. 1611, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine 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. 1150) recommending that S.B. No. 1584, SD 1, 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 S.B. No. 1584, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1151) recommending that S.B. No. 855, SD 1, 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 S.B. No. 855, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1152) recommending that S.B. No. 1468, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted and that S.B. No. 1468, SD 1, HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection and Commerce.

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

"Thank you, Madame Speaker. I rise to speak in strong support of Standing Committee Report No 1152, S.B. No. 1468, SD 1, HD 1. Thank you, Madame Speaker and Members. This is a bill to address the right of property ownership. Indeed this bill preserves the right of property

ownership on what appears to be several hundred small landowners.

"Before delving into the merits of this measure Madame Speaker and Members, I must first impose on your valuable time to accurately explain how this bill surfaced to this point in our legislative process. There is a most slanderous and defamatory letter to the editor in today's *Star Bulletin*. Unconscionably, the Assistant Minority Floor Leader from Kailua omitted pertinent information to strengthen her libelous charge. Madame Speaker and Members, my reputation is my single most valuable possession, on an equal to my very life. It is a reputation built on a lifetime of honesty and integrity. I am not about to sacrifice and jeopardize my life, certainly not for a bill. Therefore I hope you will understand why it is that I am deeply, very, very deeply, offended and why it is that I must take this Body's time to respond to the false charge that this bill was deceptively maneuvered through the legislative process.

"Madame Speaker and Members, H.B. 1454, Relating to the Counties Eminent Domain Powers, was heard and passed out of the Water, Land Use and Hawaiian Affairs Committee on February 10th. The vote of the 7-member Committee was 6 ayes, with the Representative from Kailua voting no. On February 13th this bill passed Second Reading by a vote of 48 ayes and 3 excused, including the same Representative from Kailua. This measure, which passed Committee on Second Reading would have prohibited the counties from exercising eminent powers with respect to the condemnation of leasehold condominiums.

"As you know Madame Speaker, because of the anticipated controversy, much time and thought was given to this matter, including discussion with House Leadership and Senate counterparts to determine whether or not this bill should move forward. Unfortunately, by the time the green light was given, it was too late to meet the First Decking deadline, primarily because we preferred not to ask the Judiciary Committee to seek a waiver of the 48-hour hearing notice requirement.

"Additionally, we anticipated that a Senate Bill on the same subject would be passed to the House. Expecting to receive the House bill, the Senate did not act on this measure beyond the Subject Matter Committee. On this past Monday, March 17th, the Water, Land Use and Hawaiian Affairs Committee heard this measure before us, S.B. 1468, SD 1, in its original intended form. Upon learning that the House companion on this other subject had crossed first, I advised the Committee and the members of the public present, that decision-making would be deferred to Wednesday, March 19th, the Committee's next scheduled hearing date. I clearly explained that S.B. 1468, SD 1, could either be passed un-amended or in the form of an HD 1 to incorporate the provisions of H.B. 1454, HD 1, which was previously heard and passed. As a reminder, I very carefully explained that in its amended form in incorporating the intent of H.B. 1454, HD 1 ..."

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

Representative Kanoho continued, stating:

"Thank you, Representative. As a reminder, I very carefully explained that in its intended form in incorporating the intent of H.B. 1454, HD 1, the counties would be prohibited from exercising their eminent domain powers toward leasehold condominiums. Since the Committee's hearing notice had already been posted for Wednesday, and is an accepted standard practice when such announcements are made for such time periods, no additional notices are posted. And it was not really known for sure at that time just what the decision could be. I had to make certain first that the House companion would

move through the Senate. And secondly that the green light was still on both in the House and in the Senate towards the consideration of this subject.

"Madame Speaker and Mr. Speaker, as well as the House Judiciary Chair and the Senate TMG Chair will attest to these discussions because there would be no point in me passing this measure out of our Water, Land Use and Hawaiian Affairs Committee if it would not be given consideration by these individuals.

"Unfortunately there was a further misunderstanding on Wednesday, two days ago, March 17th. Following the first of two agendas at 8:30 in room 423, after concluding the first agenda, the Water and Land Committee decided to have decision-making on this measure, whereupon the Representative from Kailua said that if it moved forward, she would excuse herself from the room. As mentioned before, the Water and Land Committee is comprised of just 7 members. Unfortunately, 3 others had prior commitments on the Neighbor Islands and only 4 were present, so with 1 leaving, we would not have a quorum. So at that point, I indicated that decision-making would be made later. What I did say was that it would be made later today. But because our second agenda was a joint hearing in another room, it was clear that, that was the intention.

"So for the Members' information H.B. 1454 as it was passed out of the Water and Land Committee indicated that the counties could continue to exercise their right of eminent domain to fulfill a public purpose. That is current law, and the amendment there defined in Chapter 46-61. That was the amendment that would accomplish the identical purpose. It was determined by the Chair that it would be best to be up-front, to explain exactly what we are going to do, rather than be subjected to criticism, perhaps of deceiving the public by the mere reference to the definition of what public purpose is, because Chapter 46-61 clearly indicates that public purpose is only to construct roads, police stations or transformers ..."

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

Representative Kanoho continued, stating:

"Clearly to serve a public purpose and not to include the taking of property from one to give to the other. And so in our effort to be very up-front and to make it clear that this bill now would preclude the counties from taking property, condominium leaseholds from one to give to the other, we decided that, that would be the right thing to do. And for those reasons, Madame Speaker and Members, I believe the charges delivered were not only uncalled for, but blatant and despicable.

"Now for the issue. This is a bill about property rights. This is a bill to honor and protect the sacred rights of property ownership. This is a bill to overturn the unconscionable policy of taking property from one to give to another. And as indicated before, this bill is being acted upon and being proposed to preserve the rights of small landowners.

"I'd like to reference a report which was prepared for the Housing Finance and Development Corporation in 1987. This was prepared by four different firms: the firms of Ezra, O'Connor, Moon & Tam; DHM Planners, Inc.; John Child & Co.; and Peat Marwick Main & Co. There are many salient points in this, but only two that I would like to touch upon at this time.

"The first is that it says that mandatory conversions, as it applies to condominiums is not the thing to do. Secondly, it

says that 89% or 415 of the landowners of the 750 condominiums and cooperative projects in Hawaii, these are leasehold projects. Again, 89% of the landowners own land under a single condominium or cooperative project. At this point, I am really not sure what that number is. But the fact that it was 415 at that time indicates that the numbers remaining would still be quite large. The problem here Madame Speaker, is that the City and County of Honolulu adopted an ordinance, which would permit lessees to acquire the fee interest right on their properties. And the basis for that ordinance was the precedent which had been established under Chapter 516, the Mandatory Leasehold Conversion Act of 1967.

"It was clear at that time, as it is now, that Chapter 516 Mandatory Leasehold Conversions only affected residential lots, and described in the statutes that house lots, residential lots, and residential house lots, as a parcel of land 2 acres or less in size, which is used or occupied or is developed, devoted, intended or permitted to be used or occupied as a principal place of residence for 1 or 2 families. Clearly condominiums were not included. However that precedent established by the Legislature was adopted as an okay thing to do for the counties to exercise their right of eminent domain for a public purpose, this being the established precedent. So it is necessary for this Legislature to overturn that presumed precedence.

"Much has been said that this issue has been discussed many times before, and before the US Supreme Court, and that the US Supreme Court validated that action. And that is true, but that validation by the US Supreme Court was the result of the Supreme Court acknowledging that it was in this Legislature's purview to adopt a policy, which it felt justified. So it was acknowledgment of the law that this Legislature passed. So by the same token, if we passed a law to say that we don't do it anymore, the Supreme Court would also likewise acknowledge that.

"Madame Speaker and Members, this is time for us to do that, which is right. It is time to close the barn door albeit, just about all the horses have now escaped. But we have to do that which is right because this is a bill to finally do the right thing after all these years. To honor the right of property ownership especially the small owners who have been beating on our doors for years and begging that we prevent this from occurring so that they can still continue to hold on to their most valuable monetary possession, and it is their land and their property. And so I ask all of you to consider this and to vote in support of this measure. Thank you."

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

"Madame Speaker, I rise in support. Not only of this legislation, but in support of our Representative from Lihue, a true gentleman, a kind man, a good man, a man who represents all the very best about Hawaii. Before I proceed, Madame Speaker, I want to declare a potential conflict.

Representative Jernigan rose and stated:

"Madame Speaker, is he addressing the bill?"

The Chair responded, stating:

"I believe he is. Continue to state your conflict."

Representative Caldwell continued to declare a potential conflict of interest, stating:

"The conflict is I am a partner in a firm that represents large and small landowners on this issue," and the Chair ruled "no conflict."

Representative Caldwell continued, stating:

"Thank you. Madame Speaker, the Land Reform Act of 1967 was a crowning achievement of the Democratic Party. It was designed to break apart a landowner's oligopoly that existed in our State at that time in which the majority of residential leasehold land was owned by a few large landowners. In fact the findings of this very Legislature, Madame Speaker, back in 1967 was that on the island of Oahu alone, there were 22 major private landowners that own 72.5% of all leasehold lands. That is an oligopoly, Madame Speaker. Since then, much has changed.

"Let's look at some of that. The Kamehameha Schools have sold much of their leasehold lands ..."

Representative Jernigan rose and stated:

"Is the speaker speaking for or against this bill?"

Representative Caldwell continued, stating:

"Madame Speaker, again I emphasize that I am speaking for this legislation. The Roman Catholic Church, which owns leasehold lands, has sold their land. The Kaneohe Ranch, which owned the 'ahu pua'a of Kailua and Kaneohe, have sold most of their leasehold land. But enough is enough, Madame Speaker. There is no oligopoly of landowners for condominiums or cooperative projects in our State, Madame Speaker.

"To emphasize, currently there are, 89% of all owners of lands under condominiums or about 415 people only, own that land that exists under the condominium. No others. How can this be an oligopoly? Therefore breaking the oligopoly of land ownership in Hawaii is not a public purpose. Not a public purpose, which could support mandatory condominium and cooperative fee conversion in our State at this time.

"And let's look at who these landowners are, Madame Speaker. They are people like the Lili'uokalani Trust whose revenue from the Queen's lands under condominiums in Waikiki goes to orphaned and indigenous children, Madame Speaker. Or the First Methodist Church whose revenue from lands under a condo goes exclusively to the Foodbank, Immigrant Services, and a youth center for kids at risk. Or let's talk about some of the smaller families. The Kealoha family of which Gard and Eunice Kealoha, who recently passed away. Or the Piianaia Family of which Abraham, who recently passed away, is from. Or the Hanohano Family from the North Shore who many of us know. It also includes the Yee's, the Leong's and the Sakata's. These are local families who always lived in the area and whose homes were located on the lands where the condominiums are now built. These institutions and families held on to the lands over many generations. They now lie in the urban core and are extremely valuable. They should not be forced to sell.

"We have all heard of the Lunalilo old folks home. Well at the time the Lunalilo Trust was created, it held more land, more land Madame Speaker, than the Kamehameha Schools owns today. Yet in the 1880s, pursuant to court order, the Trust was forced to sell all their lands and invest it in stocks and other instruments of investment. Today the Lunalilo Trust can barely afford to maintain the old folks home. These owners should not be forced to sell their lands and invest in such things as the stock market which has lost one-third to half its value since March of 2000, depending on which market you're in.

"Enough is enough. The goals of the Land Reform Act have been achieved. Madame Speaker, Hawaiians have a saying. It goes like this, *'He al'ii ka aina he kaua ke kanaka'*, which translates, 'The land is the Chief. Man is steward.' Madame Speaker, we are here to take care of the land. The land continues. Let these stewards continue their stewardship. Thank you very much, Madame Speaker."

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

"Thank you, Madame Speaker. I am rising to speak against the bill. Madame Speaker, the two former speakers' impassioned speeches show exactly why the process was flawed. I objected to the process. I don't get to the merits of the bill because I believe that the way the process was misused prevented this bill from really having the full attention of the people that are directly affected. You stop and take a look, right now. We've had probably about 20 minutes of speeches on this issue, which shows what a deeply, deeply important issue this is, not just in this Chamber, but to the public."

"Madame Speaker, let me read you something from the Hawaii Pro-Democracy Initiative. "In our opinion, promoting the use of 'gut and replace' bills is contrary to the fundamental principles of democracy that we believe should be practicing in a bicameral Legislature." The President of the Hawaii Pro-Democracy Initiative goes on. "Should a Chair feel compelled to hold a Committee hearing or decision-making meeting on a proposed House draft, we request that the text of this draft be made available on-line at the Legislature's Capitol website by the time the notice is posted. We also recommend that the draft be faxed to citizens upon requests."

"The hearing notice that day, Madame Speaker, had one bill on it, Relating to Transient Accommodations Tax. That was all the notice said. The hearing was held on Wednesday and this issue clearly could have been addressed today because there was only one subsequent Committee, the Judiciary Committee where this bill goes. There was no urgent need to rush this through without having a hearing notice showing what was intended to be put into that bill. And Madame Speaker, I would like the Journal to note that the hearing notice that the Chair of Water and Land put out for today's hearing, Friday's, did precisely the right thing for another bill that is not of this heated or contested nature. It put in parenthesis below the bill, it was noticed that the language from another bill giving the language, the bill number, and the title number, was going to be considered for insertion into the first bill. A lesson learned a bit late and a lesson learned which shut-out those who were so intensely involved in this issue."

"When the bill on removing the City's power to do lease-to-fee conversion was originally heard, the room was filled to overflowing. When this Wednesday hearing was held, and the bill which was this bill, was gutted and the lease-to-fee language inserted, no one, no one was there from the public. Why? Because they had no idea that the Chair intended to do this. Had they known, they would have come out in force to be there for the decision-making. Had they known, they would have been there to try to give their input to the Committee either before the hearing, or at least sitting there to be able to answer questions for any Committee members wanting to raise those questions during decision-making."

"Madame Speaker, after the Chair tried to do this at the first morning hearing, I went back and called the one person who has been involved in this issue for a number of years. Richard Port. Richard Port is a former Chair of the Democrat Party."

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

Representative Thielen continued, stating:

"Richard Port is the Chair of the Democrat Party. He was shocked. I believe some of you heard from Mr. Port and I believe that he has expressed to you his opinions on the lack of the democratic process that was followed. Madame Speaker, you can get up and opine or speak of the merits of the bill. But the merits of the bill don't carry a bill when the process used was so undemocratic and so faulty. This is a very, very important issue. Not only to those on the side of the Manoa Representative, and on the side of the Water and Land Committee Chair, but to all of those condominium owners who are in the process of or seeking to acquire their ownership of the land beneath their condos."

"I am not talking, again, about which side I feel people should come down on, because that is not the issue before us. The issue before us is good government and open process where the public is adequately informed of what is going to take place. There was absolutely no urgent reason that the bill had to move on Wednesday, and I don't believe that the Chair of Water and Land will refute that because he said as much to me. The bill could have been properly noticed with what was going to actually be done by the Chair of Water and Land, and it could have been noticed. That notice could have been posted 24 hours, or 48 hours before a Friday hearing. And we met today, Madame Chair. We met in Water and Land. We could have dealt with the bill then."

"I don't think that all of the emotional talk of whether or not landowners should retain their land can take away from this serious, serious anti-democratic process that was used to push this bill through. And I think on that basis Madame Speaker, this bill should fail tonight because all it does is enforce the public's view that government isn't open, government isn't democratic. And when someone really wants something to move, they will find a way to do it. That's what happen in this case Madame Speaker, and frankly, it was wrong. I would hope that there would be some Members in this Body that will feel enough in the belief that we should have good and open government, and they will feel strong enough to cast their vote no against this bill. Thank you."

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

"I would just like to cast a no vote because I am opposed to the bill. I have no problem with the process that was used. Thank you."

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

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

"Yes, Madame Speaker. I would like to vote for the measure please. I believe this measure is long overdue Madame Speaker and Members, and I do support the Chairman and the Committee of Water and Land. However, I am dismayed at the speech that I've heard from the Representative from Kailua speaking against the process. Madame Speaker, I believe the Representative from Kailua, in the past, has voted for measures where there was no public hearing, where they requested ..."

Representative Meyer rose and stated: "Madame Speaker, will the present speaker from Maui please just address the bill rather than speaking about ..."

Representative Souki: "I am addressing the process."

Representative Meyer: "I think we are addressing the bill."

Representative Souki: "I am addressing the process as the speaker from Kailua did. The speaker from Kailua did not address the merits of the bill. She was discussing the process of the bill. I am saying, if we are going to discuss the process of the bill, let us be consistent and not disingenuous in our style and method, especially when you look at the past, at what has been done, and in the future, what will be done. Thank you."

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

"Madame Speaker, I rise in opposition to this measure. Thank you. First of all I would like to say I have much respect for the Chairman of the Water Land Committee, and I like him. I like him a lot. I was not privy to what happen at the Committee hearings, but what I have in front of me is what you have in front of you, and that is the Standing Committee Reports for not only this bill, S.B. 1468, but also the subsequent bills that the Standing Committee Report references to. And I do want to spend some time just briefly on the process because what I see in the Standing Committee Reports is that it makes reference to deleting the contents and replacing it with provisions from another House bill, HB 1454, HD 1.

"I had an opportunity to take a look at HB 1454, HD 1, and the fact of the matter is the piece of this legislation that everyone is concerned about and discussing is very radically different from the provisions that we adopted previously by this House in HB 1454, HD 1. What is interesting about that bill is that if you take a look at that Standing Committee Report, it makes mention that the Committee has amended this bill by adding to it the contents of HB 1549. And if you take a look at HB 1549, you'll note that the same language. Again, it is interesting to note that the discussion tonight is focused on just one provision and that is subsection 6, on page 3 of SB 1468, which the Committee report says was replaced by HB 1454, the language is very different. Which was replaced by language of HB 1549. I think the point here is that I don't believe that the public did have an opportunity to discuss the specific provisions that are in front of us today. And I believe that the Representative from Kailua does have a point in that the provisions now in SB 1469, SD 1, HD 1, page 3, at the bottom, and at the top of page 4, have not had adequate notice and a hearing on the provisions.

"Now I would like to talk a little about the demerits of the bill. First of all, the amendment to HRS 46-1.5, subsection 6 reads: "Each county shall have the power to exercise the power of condemnation by eminent domain when it is in the public's interest to do so." And this is the added language: "... provided however notwithstanding any law to the contrary, the power shall not be exercised to assist any owner of a residential leasehold in acquiring the lease fee interest apparent to the leasehold interest." The problem is that since no other county but Oahu County has a mandatory lease-to-fee conversion law, this is directed only at Oahu County.

Chapter 38, which by the way has been upheld as constitutionally valid by the Hawaii Supreme Court, the US District Court of Hawaii, the Ninth Circuit Court, and the US Supreme Court. If this bill passes in this form, it will effectively eliminate the rights of lessees on Oahu to buy their fee and negotiate at fair market prices, and will expose them to the loss of their homes when their leases terminate. The City and County of Honolulu has worked long and hard and was involved in litigation for 8 years to implement Chapter 38. In the 12 years that it has been in effect, many condo lessees have been able to acquire their fee through settlement with the lessor

through the Chapter 38 process. Many other projects were able to negotiate an extension of their leases for a fee purchase with the lessors because of the existence of Chapter 38.

"On March 19th, 2003 the City Council the Honolulu City Council established a lease hold conversion taskforce."

Representative Takumi rose and asked that the Clerk record an aye vote with reservations for him, and then yielded his time, and the Chair "so ordered."

Representative Takai continued, stating:

"The Honolulu City Council established a leasehold conversion task group made up 3 lessees and 3 lessors with a neutral facilitator to investigate and explore the contentious issues arising from the implementation of the law and recent court decisions. The Legislature should not interfere with this ongoing process and we should not be passing laws that usurp the legitimate and long-standing efforts by the City and County of Honolulu to address a very serious social, and economic problem faced by many people on Oahu. For these reasons Madame Speaker, I urge my colleagues to vote no on this bill. Thank you."

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

"Thank you, Madame Speaker. I rise to speak in strong opposition to SB 1468. Many of my constituents in District 18 would be affected without the opportunity to have their say in this measure. That is what public hearings are for. They are supposed to accomplish that but the changes in this measure would not have had a proper public hearing. Many people believe that the community benefits when owner-occupant lessees get the security that comes from purchasing the fee of their homes at fair prices.

"On the other hand, landowners will receive fair market compensations from the sale of the units and if it is prudently invested, should be able to earn more than the lease rent they collect. In addition, the courts have consistently ruled that leasehold conversion is a proper use of the City's condemnations powers. SB 1468 would end the power to the detriment of the community at large, and I don't believe that this bill should be heard tonight. Thank you, Madame Speaker."

At 9:14 o'clock p.m., Representative Sonson requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:23 o'clock p.m. with the Speaker presiding.

The Chair then stated:

"Members, I believe we've had a lot of discussion on Standing Committee Report 1152, and the Chair at this time will recognize any Member who would like to state their will with reservations and no vote, and to submit written comments. The Chair will honor your vote."

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

Representative Marumoto's written remarks are as follows:

"I oppose SB 1468 because it contradicts the State Land Reform Act passed by this Legislature in 1967. Bishop Estate

fought this measure, but the U.S. Supreme Court upheld this law. The Representative from Manoa correctly spoke about the land ownership monopoly which existed at the time. That was one of the reasons this law was upheld. But another reason the Supreme Court upheld the Land Reform law was to promote homeownership which was woefully low in Hawaii in the past and still is today. Today, we still have an inordinate number of residents who have purchased their condominium units, but who do not own the underlying land. They will have to leave the condo at the end of the lease. The landowner will have received rent for the 30, 50, 60 years on the lease, the condo owner/lessee would have paid the property tax for all those years, and the lessee would have to pack up, lock the door and walk away from the unit at the end of the lease.

"Bishop Estate can make much more money for its beneficiaries if they relinquished their residential properties and invested in commercial properties or stocks and bonds.

"We should allow counties to allow leaseholders to obtain the leased fee interest. Both parties would be better off."

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

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

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

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

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

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

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

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

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

Representative Meyer's written remarks are as follows:

"I'm standing in support of SB 1468, with reservations. Earlier in the Session, we considered a House bill that created an exemption for the Ali'i trust lands impacted by the City's lease to fee conversion for condominium owners. I am sympathetic to the concerns of the Hawaiian community regarding the loss of present revenues generated by lease rents from condominium owners living in apartments built on Ali'i trust lands. Much of this revenue currently goes to fund the bulk of their service programs for Hawaiian youth.

"At the present time, the City and County of Honolulu is working with all condominium land owners in an effort to hear

all concerns and work towards a mutually satisfactory resolution.

"As a matter of public policy, condominium owners face the same situation that single family home owners did when the legislature previously passed the original lease to fee law.

"My primary reservation is that I'm not in favor of the State passing a law to block the county's ability to condemn land using eminent domain when it is in the interest of the public to do so.

"I would prefer to see HB 675, HD 1 move forward. Thank you, Mr. Speaker."

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

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

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

Representative Sonson rose and stated:

"Mr. Speaker, I was the last person to stand up. I did wish to make comments on the floor if I may."

The Chair responded, stating:

"The Chair will recognize you. I apologize I was not up here, but the Vice Speaker."

Representative Sonson continued to speak in support of the measure, stating:

"I am standing in support of the measure. First and foremost, I would like to tell the Body why I requested a quick recess, and that is because I had a question regarding the process. The process was questioned and therefore, as a freshman, I was wondering what was going on. It was clarified to me by the House council that the process is established by our Rules and that our Rules were followed. The votes on this will validate the process. So with that understanding I am very comfortable to stand in support of this measure.

"First, I'd like the record to reflect the words of the Representative from Kauai, Representative from Manoa and the words of the Speaker Emeritus to inserted into the Journal as my own. Clearly this measure will be heard in the next Committee, and I am in that next Committee and I will have a chance to work on this bill and to address the concerns of those who will testify. But tonight, I find that I need to stand up and also to add my 'two cents'.

"You know, there is very interesting discussions on both sides. I'd like to point out that really what we are talking about are contracts. Contracts are an agreement between two parties. Lease agreements to purchase a leasehold property is clearly something that both parties understand when they go into a transaction. A seller says, "Mr. So and so, here is my property. You are not buying the land underneath. You are buying the right to live in this property for the length of the lease. Could be 99 years, 30 years, 40 years, and because it is not including the land, it is going to be a lot cheaper." And Mr. and Mrs. Buyer say, "Mr. Seller, I will accept those terms."

"Somewhere along the line, things change for the buyer, and then somewhere along the line, public policy is established by certain bodies of government. Just because those laws are our Legislative taking those steps such as Act 38, it doesn't preclude other bodies such as this Legislature to make changes as a matter of public policy. And yes, indeed, I want this Body to note that we have the right to do so, and I think we should. And yes, we should also make sure that the process is correct.

"But let me get back to that buyer and seller situation. This is a situation where both sides know what they are doing. Both sides know what they were doing prior to getting into the situation, and clearly I would tend to side with the landowners with this issue, and when it comes to Third Reading, I will again express that in my support for those landowners who did their part in selling this land to these buyers who are now changing the rules, and the rules they have accepted from the beginning. The process must also be followed. Thank you very much, Mr. Speaker."

Representative Kaho`ohalahala rose in support of the measure and asked that the remarks of Representatives Sonson, Kanoho and Caldwell be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kaho`ohalahala continued, stating:

"And just a real brief comment. *Ua mau ke ea o ka aina i ka pono.*"

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

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

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

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1468, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection and Commerce with Representatives Blundell, Ching, Leong, Marumoto, Nishimoto, Schatz, Stonebraker, Takai, Thielen and Wakai voting no, and with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

At this time, the Chair announced:

"Members, may we turn back to page 3, to the End of Calendar."

At 9:30 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:30 o'clock p.m.

At this time, the Chair announced:

"I have to apologize, Members. Is there any other discussions on page 7, from Standing Committee Report 1147, all the way to 1151, since we have already discussed 1152?"

END OF CALENDAR

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1119) recommending that S.B. No. 975, as amended in HD 1, be referred to the Committee on Finance.

At 9:33 o'clock p.m., Representative Herkes requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:33 o'clock p.m.

At this time, the Chair announced:

"Members, we are back on page 3 which was Standing Committee Report 1119 which was deferred to the End of Calendar. The Chair recognizes Representative Saiki."

Representative Saiki moved that the report of the Committee be adopted and that S.B. No. 975, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

At this time, Representative Stonebraker offered Floor Amendment No. 8, amending S.B. No. 975, HD 1, as follows:

SECTION 1. The contents of Senate Bill No. 975 House Draft 1 are deleted and replaced with the following language to read as follows:

"SECTION 1. The legislature finds that tougher sentencing guidelines for career criminals with a history of violence could have prevented the unfortunate slaying of Honolulu Police Department Officer Glen Gaspar on March 4th, 2003. The legislature also finds that Officer Gaspar was killed in the line of duty while attempting to apprehend career criminal Shane Mark on an outstanding warrant for investigation of attempted murder and multiple weapon offenses. The legislature further finds that Shane Mark had a history of criminal behavior, including assaulting a police officer, and had been charged over sixty times while having been convicted for fourteen offenses.

The legislature further finds that tougher sentencing guidelines for recidivist behavior, such as a "three strikes" law, are a valid policy tool for dealing with career criminals. The recent U.S. Supreme Court case of *Ewing v. California*, which upholds the constitutionality of California's "three strikes" law, cites to a California Department of Justice study that shows that four years after the enactment of their "three strikes" law, the recidivism rate of parolees returned to prison for the commission of a new crime dropped by nearly 25 per cent. In addition, after the enactment of the "three strikes" law, the number of parolees leaving California was greater than the number entering the state, and that trend continues. Recent studies in California show that nearly 60 per cent of the crimes in the state are committed by roughly 6 per cent of the criminal offenders.

The purpose of this Act is to enact a "three strikes" law in Hawaii that will penalize the career criminal with tendencies towards violence and prevent avoidable tragedies like the slaying of Honolulu Police Department Officer Glen Gaspar.

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§706-A Sentencing principles for repeat offenders with two or more prior convictions, where at least one is for a violent crime.

(a) Notwithstanding any other provisions of law, if a defendant has been convicted of a felony and it has been pled and proved that the defendant has (1) two or more prior felony convictions, and that (2) any of the defendant's prior convictions, including a prior felony conviction pled pursuant to (1), is for a violent crime, as defined in -B, the term for the current felony conviction shall be an indeterminate term of life imprisonment with a mandatory minimum term of the indeterminate sentence calculated as the greater of:

- (A) three times the term otherwise provided as punishment for each current felony conviction subsequent to the two or more prior felony convictions; or
- (B) twenty-five years or
- (C) the term of imprisonment for the underlying conviction, including any enhancement applicable under the Penal Code.

§706-B Violent crime; definition. (a) For the purposes of this section and notwithstanding any other provision of law, "violent crime" shall mean any of the following:

- (1) Murder or manslaughter;
- (2) Assault in the first, second, or third degrees;
- (3) Assault against a police officer;
- (4) Reckless endangering in the first degree;
- (5) Terroristic threatening in the first degree;
- (6) Kidnapping;
- (7) Unlawful imprisonment in the first degree;
- (8) Custodial interference in the first degree;
- (9) Sexual assault in the first, second, or third degree;
- (10) Continuous sexual assault of a minor under the age of fourteen years;
- (11) Electronic enticement of a child in the first degree;
- (12) Extortion in the first or second degree;
- (13) Burglary in the first or second degree;
- (14) Criminal property damage in the first degree;
- (15) Robbery;
- (16) Endangering the welfare of a minor in the first degree;
- (17) Abuse of family or household member, where the prescribed penalty would be a felony conviction;
- (18) Escape in the first degree;
- (19) Intimidation of a correctional worker;
- (20) Retaliating against a witness or juror;

(21) Intimidating a juror; and

(22) Aggravated harassment by stalking.

(b) A prior conviction for a violent crime shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular crime as defined under subsection (a) and Hawaii law and is punishable by imprisonment if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under Hawaii law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(c) None of the following dispositions shall affect the determination that a prior conviction is a prior conviction for a violent crime for purposes of this section:

- (1) The suspension of imposition of judgment or sentence;
- (2) The stay of execution of sentence; or
- (3) The commitment to any other facility whose function is rehabilitative diversion from prison."

SECTION 3. Section 706-606.5, Hawaii Revised Statutes, is amended to read as follows:

"§706-606.5 Sentencing of repeat offenders. (1) Notwithstanding section 706-669 and any other law to the contrary, and with the exception of sections 706-A and 706-B, any person convicted of murder in the second degree, any class A felony, any class B felony, or any of the following class C felonies: section 188-23 relating to possession or use of explosives, electrofishing devices, and poisonous substances in state waters; section 707-703 relating to negligent homicide in the first degree; 707-711 relating to assault in the second degree; 707-713 relating to reckless endangering in the first degree; 707-716 relating to terroristic threatening in the first degree; 707-721 relating to unlawful imprisonment in the first degree; 707-732 relating to sexual assault or rape in the third degree; 707-735 relating to sodomy in the third degree; 707-736 relating to sexual abuse in the first degree; 707-751 relating to promoting child abuse in the second degree; 707-766 relating to extortion in the second degree; 708-811 relating to burglary in the second degree; 708-821 relating to criminal property damage in the second degree; 708-831 relating to theft in the first degree as amended by Act 68, Session Laws of Hawaii 1981; 708-831 relating to theft in the second degree; 708-835.5 relating to theft of livestock; 708-836 relating to unauthorized control of propelled vehicle; 708-852 relating to forgery in the second degree; 708-854 relating to criminal possession of a forgery device; 708-875 relating to trademark counterfeiting; 710-1071 relating to intimidating a witness; 711-1103 relating to riot; 712-1203 relating to promoting prostitution in the second degree; 712-1221 relating to gambling in the first degree; 712-1224 relating to possession of gambling records in the first degree; 712-1243 relating to promoting a dangerous drug in the third degree; 712-1247 relating to promoting a detrimental drug in the first degree; 134-7 relating to ownership or possession of firearms or ammunition by persons convicted of certain crimes; 134-8 relating to ownership, etc., of prohibited weapons; 134-9 relating to permits to carry, or who is convicted of attempting to commit murder in the second degree, any class A felony, any class B felony, or any of the class C felony offenses enumerated above and who has a prior conviction or prior convictions for the following felonies, including an attempt to commit the same: murder, murder in the first or second degree, a class A felony, a class B felony, any of the class C felony offenses enumerated above, or any

felony conviction of another jurisdiction shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole during such period as follows:

- (a) One prior felony conviction:
 - (i) Where the instant conviction is for murder in the second degree or attempted murder in the second degree--ten years;
 - (ii) Where the instant conviction is for a class A felony--six years, eight months;
 - (iii) Where the instant conviction is for a class B felony--three years, four months;
 - (iv) Where the instant conviction is for a class C felony offense enumerated above--one year, eight months;
- (b) Two prior felony convictions:
 - (i) Where the instant conviction is for murder in the second degree or attempted murder in the second degree--twenty years;
 - (ii) Where the instant conviction is for a class A felony--thirteen years, four months;
 - (iii) Where the instant conviction is for a class B felony--six years, eight months;
 - (iv) Where the instant conviction is for a class C felony offense enumerated above--three years, four months;
- (c) Three or more prior felony convictions:
 - (i) Where the instant conviction is for murder in the second degree or attempted murder in the second degree--thirty years;
 - (ii) Where the instant conviction is for a class A felony--twenty years;
 - (iii) Where the instant conviction is for a class B felony--ten years;
 - (iv) Where the instant conviction is for a class C felony offense enumerated above--five years.

(2) Except as in subsection (3), a person shall not be sentenced to a mandatory minimum period of imprisonment under this section unless the instant felony offense was committed during such period as follows:

- (a) Within twenty years after a prior felony conviction where the prior felony conviction was for murder in the first degree or attempted murder in the first degree;
- (b) Within twenty years after a prior felony conviction where the prior felony conviction was for murder in the second degree or attempted murder in the second degree;
- (c) Within twenty years after a prior felony conviction where the prior felony conviction was for a class A felony;
- (d) Within ten years after a prior felony conviction where the prior felony conviction was for a class B felony;

- (e) Within five years after a prior felony conviction where the prior felony conviction was for a class C felony offense enumerated above;
- (f) Within the maximum term of imprisonment possible after a prior felony conviction of another jurisdiction.

(3) If a person was sentenced for a prior felony conviction to a special term under section 706-667, then the person shall not be sentenced to a mandatory minimum period of imprisonment under this section unless the instant felony offense was committed during such period as follows:

- (a) Within eight years after a prior felony conviction where the prior felony conviction was for a class A felony;
- (b) Within five years after the prior felony conviction where the prior felony conviction was for a class B felony;
- (c) Within four years after the prior felony conviction where the prior felony conviction was for a class C felony offense enumerated above.

(4) Notwithstanding any other law to the contrary, any person convicted of any of the following misdemeanor offenses:

- (a) Section 707-712 relating to assault in the third degree;
- (b) Section 707-717 relating to terroristic threatening in the second degree;
- (c) Section 707-733 relating to sexual assault in the fourth degree;
- (d) Section 708-822 relating to criminal property damage in the third degree;
- (e) Section 708-832 relating to theft in the third degree; and
- (f) Section 708-833.5(2) relating to misdemeanor shoplifting,

and who has been convicted of any of the offenses enumerated above on at least three prior and separate occasions within three years of the date of the commission of the present offense, shall be sentenced to no less than nine months of imprisonment. Whenever a court sentences a defendant under this subsection for an offense under section 707-733, the court shall order the defendant to participate in a sex offender assessment and, if recommended based on the assessment, participate in the sex offender treatment program established by chapter 353E.

(5) The sentencing court may impose the above sentences consecutive to any sentence imposed on the defendant for a prior conviction, but such sentence shall be imposed concurrent to the sentence imposed for the instant conviction. The court may impose a lesser mandatory minimum period of imprisonment without possibility of parole than that mandated by this section where the court finds that strong mitigating circumstances warrant such action. Strong mitigating circumstances shall include, but shall not be limited to the provisions of section 706-621. The court shall provide a written opinion stating its reasons for imposing the lesser sentence.

(6) A person who is imprisoned in a correctional institution pursuant to subsection (1) shall not be paroled prior to the expiration of the mandatory minimum term of imprisonment imposed pursuant to subsection (1).

- (7) For purposes of this section:

- (a) Convictions under two or more counts of an indictment or complaint shall be considered a single conviction without regard to when the convictions occur;
- (b) A prior conviction in this or another jurisdiction shall be deemed a felony conviction if it was punishable by a sentence of death or of imprisonment in excess of one year; and
- (c) A conviction occurs on the date judgment is entered. "

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval."

Representative Stonebraker moved that Floor Amendment No. 8, amending S.B. No. 975, HD 1, be adopted, seconded by Representative Moses.

Representative Schatz rose to speak in opposition to the proposed amendment, stating:

"Mr. Speaker I rise in strong opposition to this amendment. I actually find it difficult to ..."

At 9:34 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:35 o'clock p.m.

At this time, the Chair stated:

"At this time, the Chair recognizes the mover of the motion, Representative Stonebraker, on the floor amendment that is before us."

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

"Thank you, Mr. Speaker. I rise in support. Many Members are 'chomping at the bit' to speak against this amendment. That is fine, but at least we can get the discussion on the floor. And that is really the point of this. There was a lot of discussion on a previous measure that there wasn't open public debate on the issue, and I'd like to defuse that before we get into this issue. The Supreme Court ruled on March 5th, that the California State Law, 'Three Strikes and You're Out', was indeed constitutional. That allowed us in Hawaii to move forward with such legislation. This was after the deadline that we had in our internal calendar and so the only way to present this bill for discussion is through an amendment like this. It has been said that you can't legislate by press release, so we will legislate with amendment, the proper way to do it.

"The reason I stand in support of this is because of the fact, a number of reasons actually. First of all, it is effective. 'Three strikes' laws work. In California when the law was passed in 1994, the constitutional amendment passed by 72% vote. The recidivism rate in California dropped by 25%. Crime itself

dropped by 41%. There was unintended positive consequence. They found that felons and parolees actually began to leave the State in California, contributing to the drop in crime. The reason is Mr. Speaker, 60% of all crimes are committed by 6% of the perpetrators, according to the California Secretary of State. And so what we want to do with tough crime laws such as this one is to address those career criminals. Those who we've attempted to help, we've attempted to rehabilitate, we have attempted to treat, and yet there is no hope for their rehabilitation. These are criminals who are in and out of jail numerous times. The criminal who was brought up recently, that was sent to jail for a period of time for stealing golf clubs had been in jail 9 times prior to that. This was a career criminal. Every person that goes to jail on 'three strikes' laws is a career criminal. So it is effective.

"Secondly, it is constitutional as I've mentioned. The Supreme Court ruled indeed that 'three strikes' laws such as this are constitutional.

"Finally, it is discretionary, Mr. Speaker. This is not by default. Somebody who steals a piece of pizza or video tapes does not automatically go to jail. It is a tool rather, in the hands of the Prosecutor to invoke at their discretion. The Prosecutor looks in to the past of this criminal and they ask themselves is this person going to amend their ways? Are they going to fix their ways or are they not? And if they are not, the Prosecutor has this tool in their hands to invoke at their discretion. It is a threat to criminals that they cannot hang around in our shopping malls, in our public parks and in our ice cream shops. Polls show that 80% to 90% of people in Hawaii support such legislation. This is a means and a perfect vehicle, "Relating to Government," to open that discussion. So I invite the Members on both sides of the aisle to join with the 80% to 90% of those in Hawaii and vote up on this amendment. Thank you."

Representative Schatz rose to speak in opposition to the proposed amendment, stating:

"Thank you Mr. Speaker I rise again in opposition to this amendment. And I want to speak to the process first. In my mind, this represents a very dangerous kind of policy-making. The issue of 'three strikes and you're out' has not received a public hearing in the House. There has been no public testimony. The Members of at least half of this Body were not aware that we were going to even discuss this amendment until about an hour and a half ago. You want to talk about anti-democratic, anti-open government, anti-good government.

"I find it unfathomable that you can make an argument in favor of open government and in opposition to a bill, and then 20 minutes later do the same thing, even worse. At least the previous bill had a hearing ..."

Representative Stonebraker rose and stated:

"Is the previous speaker ... Is the present speaker impugning my motives? I voted no on the previous measure that he is referring to, but it was not for the reasons that he is trying to indict me on. I just wondering if he wanted to retract ..."

The Chair responded, stating:

"I don't think he was impugning you. Please proceed, Representative Schatz."

Representative Schatz continued, stating:

"Perhaps we could just allow each other to finish our statements and then we would have a little bit better of debate. I want to just reiterate that this bill has not had a public hearing in the House of Representatives. We were about to move this

thing almost to Conference Committee where we negotiate over the differences between House and Senate, and then we move the thing to the Governor's office. No public input because the Supreme Court rules on a California law and the constitutionality? That is the argument?

"Maybe it has something to do with this. This is the Section 1, I suppose, the findings of the proposed House draft. "The Legislature finds that tougher sentencing guidelines for career criminals, blah, blah, blah, would have prevented the unfortunate slaying of Officer Glen Gaspar ..." It makes me sick to my stomach to use something like that.

"I want to read something from Greg Gaspar. "I am sad and disappointed about the use of my brother's name and his tragic death. Please know that my family is still grieving and people should not use our tragedy for political gains."

"This is shameful."

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

"Thank you, Mr. Speaker. I can bang the gavel too, or bang the mic around. But Officer Gaspar's brother, and I am in favor, yes Mr. Speaker. Right after he made that statement he went on to say, "And I hope you pass this law." Okay. Mr. Speaker, Glen Gaspar was a friend of mine. I knew him."

At this time, Representative Blundell requested a roll call vote at the appropriate time.

The Chair responded, stating:

"The Chair is going to call a roll call vote, so there is no problem. Please proceed."

Representative Moses continued, stating:

"Officer Gaspar was killed in an ice cream parlor in my district. An ice cream parlor where my children frequent. It could have been an ice cream parlor in any of your districts. The point is, there was a career criminal with four felony convictions and many other convictions and arrests that shouldn't have been out on the street, and he was.

"Now, if this Body wants to talk about procedure, I voted on the last measure with reservations based on the merits of the bill. But I could have voted no on the procedure. I didn't, okay. One of the Representatives that voted on that bill stood up in support and said that the vote on the measure validates the procedure. The same thing applies here. If this Body has the guts and the willingness to move this bill forward, that will validate the procedure. This would go on for public hearing in the next Committee.

"We are not voting on this just because it is something nice to vote on. We are talking about this. We are debating it now so it can be debated later in another Committee. Also because it is something necessary for our State. Right now, we send prisoners to other states. Why don't we let the felons send themselves to other states as they do in California? And I believe that would save us money for incarceration because they will leave voluntarily because they don't want to get caught here and be subject to 'three strikes and you're out'. Actually, Mr. Speaker, the law is 'three strikes and you're in'. You go to prison. Thank you, Mr. Speaker."

Representative Hamakawa rose to speak in opposition to the proposed amendment, stating:

"Mr. Speaker, I rise in opposition to this amendment. First of all Mr. Speaker, I'd like to dispute the comments made by the brother of the slain officer today. I have the comments here from the brother of the slain officer, and I would ask that Members not make up comments and attribute them to people who are speaking on this issue."

Representative Moses rose and stated:

"Mr. Speaker, I rise on a personal privilege. Am I being impugned? I was there and heard him speak today."

The Chair responded, stating:

"You may be impugned as far as the record that the present speaker has, that data or information ..."

Representative Moses: "But he didn't hear the whole comments of the speaker today. Officer Gaspar's brother."

Speaker Say: "Well, he has the transcripts. Representative Hamakawa, please proceed."

Representative Hamakawa continued, stating:

"Thank you, Mr. Speaker. Mr. Speaker, after the embarrassing debacle this afternoon, we found an attempt by the proponent of this amendment to shamelessly use the memory of a recently slain HPD officer to promote this amendment. Very interesting, Mr. Speaker ..."

Representative Meyer rose and stated:

"Mr. Speaker, is he speaking in favor or against the amendment?"

The Chair responded, stating:

"Against the amendment. He stated that for the record already. Please proceed, Representative Hamakawa."

Representative Hamakawa continued, stating:

"Thank you, Mr. Speaker. Very interesting, Mr. Speaker because HPD, the Chief of Police and SHOPO were asked to attend and support this amendment, and they declined their support. They declined because they recognize this as a shameless promotion. Even a close family member, as was brought up, still grieving from his deep loss, declined support.

"Mr. Speaker, this attempt is nothing more than a shameless attempt at political opportunism. I urge everyone to recognize this for what it is."

Representative Halford rose and stated:

"He is speaking to the motive of the movant which may or may not be. I don't believe that is the case, but he is not speaking to the merits of the amendment, but is simply commenting on what he believes is the motive of the movant."

The Chair addressed Representative Halford, stating:

"Representative Halford, he is speaking on the motion of the amendment that is before us. We are not back on the main motion. Please understand that."

Representative Halford: "I mean the movant of the amendment."

Speaker Say: "I am not questioning the movant on the amendment. I am talking about, and he is talking about the

floor amendment, which is stated in the preamble the individual's name, which was drafted by the movant. The name is recognized here in the preamble of this floor amendment, and he is addressing this particular point, Representative Halford."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. I believe the Speaker has already made a ruling."

Speaker Say: "Thank you very much. Representative Halford will you please sit? Thank you. Representative Hamakawa, are you finished?"

Representative Hamakawa: "Yes, Mr. Speaker. Thank you."

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

"Mr. Speaker, I rise to speak in favor of the amendment. Our US Attorney, Ed Kubo, has taken the lead in calling for a 'three strikes and you're out' legislation in Hawaii. He made a statement on March 5th and he noted that the Supreme Court found that the 'three strikes' law in California did have positive results. Four years after the passage of California's law, the recidivism rate of parolees returning to prison after the committing of a new crime, dropped by nearly 25%.

"Even more dramatically, the Supreme Court observed an unintended, but positive consequences of 'three strikes' had been the impact on parolees leaving the state. I hope none of them came to Hawaii. More California parolees are now leaving the state than parolees from other jurisdictions entering Hawaii. This striking turnaround started after the law was enacted and it was the first time more parolees left the state than entered since 1976. This trend has continued and in 1997. More than 1,000 net parolees have left California. I believe that this measure, if adopted, would mean protection of many of these habitual offenders.

"Another reason the US Attorney called for this legislation is that he said he, "had seen a growing trend toward violent crimes in Hawaii. I have stated that most of these crimes are due to Hawaii's drug problem, and more so our crystal meth, ice abuse. However, what is alarming to me the most is that I have seen more and more suspects display aggressive violent behavior toward law enforcement officers. If they will assault a law enforcement officer who carries a gun, what could possibly deter them from attacks against unarmed citizens. I feel compelled to speak out on this issue the public needs to know about the frustration voiced by their law enforcement community who are trying so hard to keep our streets and your families safe. If the State laws can be changed to protect us from these repeat offenders, Officer Gaspar's death would not have been in vain."

"Thank you, Mr. Speaker."

At this time, Representative Saiki called for the previous question, and asked that Members be allowed to insert written remarks into the Journal.

The Chair then announced:

"The Chair will allow all of you to submit written comments, but on the context of the measure. You all have been given the latitude this evening, to not talk about the floor amendment itself, but to an event that occurred. And then proposing your suppositions and your statements about why this bill is needed. And none of you have talked about the context of this bill. What the 'three strikes and you're out' means. Is it a class C felony? A class A felony? Is it a felony that occurs twice?

One time? Or in separate events? What is happening this evening is your emotions have gotten this particular measure on the floor, because I never heard from any of you about what this issue, 'three strikes and you're out' is all about.

"Yes, you have taken comments from a particular family member. Yes, you have taken comments from the US Attorney. But does it make reference to what the impact of 'three strikes and you're out' bill is all about? So that you could educate the Members of this House? Those who are for or against.

"Let us not, I share with you, let us not make a mockery of this House in these types of debates, but to address the context of the floor amendments. It is easy, as far as the Speaker, allowing you to refer to individuals making these statements. But are you addressing the issue of this? I ask all of you. My answer to you this evening, to the Members of this House, is no.

"The request to call for the question has been raised, and I will allow Members of this House now to submit written comments, for or against this floor amendment, on the context, and not making statements about what happened this afternoon, or what happened a week ago in the death of Officer Gaspar."

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

Representative Ontai's written remarks are as follows:

"Thank you, Mr. Speaker. Now that the Supreme Court has found California's 3-strikes law constitutional, we are compelled to engage in this debate. The question to us, as lawmakers, is: "Have we created a system of law enforcement in Hawaii that allows for a successful career in crime?" I believe that our constituents feel it is certainly true--that criminals can make careers in crime, despite many arrests and convictions.

"Mr. Speaker, 3 strikes is a reasonable level to weed out career criminals. We need to send a message to criminals--whether they steal cars, hurt citizens, or perform burglaries--that Hawaii offers no careers for criminals here. Stop your criminal behavior, or if caught too many times, go to jail for a long time.

"I urge my colleagues to please vote in favor of this timely amendment. Mahalo."

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

Representative Meyer's written remarks are as follows:

"I support SB 975, HD 1. I support citizens' responsibility to heed the warning signs that are posted in recreational areas. I support the responsibility of citizens to exercise caution and prudence when participating in hazardous activities.

"This is an important bill that we should support, to protect the counties from unlimited lawsuits.

"Life is full of danger and risk. It is the responsibility of adults to manage that risk and to weigh the risks and benefits of any activity. Limiting the liability of the counties, and placing the responsibility on citizens to be cautious will free up resources to better maintain and improve the parks we currently have. I support people taking responsibility for their actions and

the consequences of those actions rather than trying to scapegoat through litigation.

"Let us encourage people to know their limits of experience and expertise, to read posted warnings, and to take responsibility for the decisions they make."

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

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise in favor of this measure.

"Mr. Speaker, Cherished Colleagues. I feel that it is vital that we support this bill. We have stood by as violent criminals repeat their despicable offenses for far too long. We cannot tolerate this behavior any further.

"Three Strikes' legislation has shown to significantly decrease crime in California by 41 percent, as compared to the national decline of 22 percent. While there are reservations about how California and other states have implemented these laws, our version is different in that it would target violent criminals who are repeating their transgressions.

"Our version of the 'three strikes' law is not intended to overcrowd our prisons more than they already are. Its purpose is to take those who have a history of violent crimes off our streets, not just any crime. It is these violent career criminals that pose the most threat, and are the most likely to repeat their offenses.

"Twenty six states already have a similar law. It is time for us to pass our own "Three Strikes and You're Out" law, where these violent criminals are locked away for a long time and no longer a danger to the rest of society.

"Thank you."

Representative Saiki rose in opposition to the proposed amendment, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker I rise in opposition to this floor amendment.

"The proposal before us requires much deliberation and thought. I know the circumstances that gave rise to the proposal are tragic. However, we must ensure that we do not make the same mistakes that other states made when they crafted "3 strikes" laws.

"The *Honolulu Advertiser* said it best in the following editorial that appeared on March 7, 2003:

"Three-strikes law too harsh for Hawai'i

U.S. Attorney Ed Kubo posits that if Hawai'i had adopted a "three strikes, you're out" law, Honolulu police officer Glen Gaspar, who was fatally shot Tuesday at a Kapolei ice cream parlor, might be alive today.

His accused killer, Shane Mark, certainly fits the profile of a career criminal. His 14 convictions include a misdemeanor assault of a police officer, first-degree burglary and auto theft.

Sure, Mark couldn't have shot Gaspar had he been locked up in prison. Then again, does one highly unusual case of a

police shooting — the last fatality occurred in 1987 — warrant turning Hawai'i into a three-strikes state? Let's consider the ramifications of adopting this law.

First of all, three-strikes was the result of a highly politicized groundswell. California voters and lawmakers approved it in 1994 after a parolee snatched a Petaluma schoolgirl from her own bedroom and later murdered her.

It was an unusually heinous crime, and the killer, Richard Allen Davis, a repeat offender, would have received the death sentence regardless of three-strikes. In most states, harsh sentencing provisions for serious violent offenders have long been on the books.

While we sympathize with impatience with a "revolving" prison door for career criminals and mourn the loss of a fallen police officer, we're wary of Hawai'i adopting three-strikes in the politically charged aftermath of a police shooting. Such a crime is unusual in Hawai'i.

Moreover, anecdotal evidence suggests life sentences under three-strikes are often arbitrarily meted out and disproportionate to the crime.

Consider the two California three-strikes cases brought before the U.S. Supreme Court on grounds that they were unconstitutionally cruel and unusual punishment.

In one case, a defendant with prior felony convictions was sentenced to a minimum of 25 years in prison for trying to make off with golf clubs stuffed down one pant leg. In another, the defendant, a heroin addict, got 50 years for stealing \$152 worth of children's videotapes from Kmart. His prior convictions had all been nonviolent.

In a 5-4 ruling, the high court upheld both sentences, finding them not too harsh for repeat criminals. We agree with the dissenting opinion of Justice Stephen Breyer, who said "the punishment is grossly disproportionate to the crime."

Whatever happened to judicial discretion? Judges ought to be able to evaluate a variety of factors before they dole out punishment. But with minimum mandatory sentencing laws, they just add up numbers without taking into account the mitigating circumstances of a crime.

It seems highly likely that a three-strikes law in Hawai'i would necessitate an expansion of prison facilities. That's a burden on taxpayers because incarceration — even the sort that contributes nothing toward an inmate's rehabilitation — does not come cheap.

So by all means, let's be tough on repeat violent offenders, on a case-by-case basis. But let's not hastily adopt one-size-fits-all laws that are based on the exception rather than the rule.

The Honolulu Advertiser
March 7, 2003

"Hawaii law currently provides for an intricate enhanced sentencing scheme that covers crimes like the one that occurred a few weeks ago. It is also worth noting that under Hawaii law, the offense of murder of a law enforcement officer is a Class A felony and carries an indeterminate life sentence. The House has also acted in recent days to enhance the penalty for the assault of a law enforcement officer from a misdemeanor to a Class C felony.

"If we are to further enhance sentences, we must ensure that any sentencing scheme targets the specific conduct that we wish to prevent or punish. This is why the floor amendment is inappropriate at this time. The rushed manner of approving a

floor amendment does not allow for the depth of public comment and involvement that an issue of such complexity requires.

For these reasons, I respectfully oppose the floor amendment. Thank you."

Representative Lee rose in opposition to the proposed amendment, 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 in opposition to the measure.

"First, let me say, all of us are troubled deeply by the death of Officer Gaspar, and we grieve with his family, friends and members of HPD.

"Officer Gaspar's brother has made a plea. He said do not use this loss as a means towards political gain; we should heed his warning.

"The three strikes issue has the potential to reduce violent crimes, yet it would exacerbate our present prison overcrowding and open the state to possible federal action. This comes as a time when our fiscal situation is uncertain and funding for the construction of prisons as well as programs is in question.

"We should look at the three strikes concept for its potential to deter recidivism and increase the public safety as well as being proactive regarding the ice epidemic which is driving many of the crimes we see- how different might the life of Shane Mark might have been with early intervention and mandatory drug treatment?

"We must keep in mind also- the public safety is our prime responsibility and we must do all that we can to promote it.

"There is time for discussion and community input on this issue. This amendment comes at an inappropriate time. Therefore, I encourage my colleagues to vote no."

Representative Hamakawa rose in opposition to the proposed amendment, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hamakawa's written remarks are as follows:

"I rise in opposition to the floor amendment to SB 975, HD 1.

"This amendment would create a very bad law with dire consequences.

"This amendment would require a lifetime sentence and a mandatory minimum term three times the normal maximum jail term of the felony offense for which the defendant is being sentenced. This would mean a person who qualifies for the three strikes sentencing who is convicted of felony theft would sentenced to lifetime jail with a minimum term of fifteen years. This absurdity means the defendant serves fifteen years for stealing \$300 worth of property.

"This amendment applies to persons with a prior conviction for a violent crime as listed. However, the list also includes offenses that are not of a violent nature such as: unlawful imprisonment in the first degree, custodial interference in the first degree, endangering the welfare of a minor in the first degree.

"The amendment would require massive amounts of funds to implement. Prisoners would be thrown in jail and would not be released, resulting in a large aging population. We are not prepared to deal with the issues surrounding the care of these geriatric inmates. The cost to build facilities to adequately address their special health needs has not been investigated.

"This amendment is not supported by any serious study as to effectiveness. There is no showing that the present sentencing provisions for extended terms and mandatory terms are not working to address the present problems.

"If this amendment is adopted it would do more harm than good. I urge that it be voted down."

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

"In support and I will submit comments pointing out that starting on page 3 to the end of the bill, it does explain exactly what the guidelines are."

The Chair addressed Representative Moses, stating:

"Representative Moses, was that a sarcastic remark that you made to the Chair? I didn't have time to read ..."

Representative Moses: "I am just explaining that I am going to submit the exact thing you asked for in written comments."

Speaker Say: "I hope that was the interpretation you stated to the Chair. It did not sound like that."

Representative Moses: "Mr. Speaker, I apologize if that was coming across wrong. I was just explaining that I was going to submit the comments that explains exactly what the bill is about."

Speaker Say: "On the floor amendment. So ordered."

Representative Moses' written remarks are as follows:

"Per request from Speaker Say explaining how prior convictions were determined.

"§706-A Sentencing principles for repeat offenders with two or more prior convictions, where at least one is for a violent crime.

(a) Notwithstanding any other provisions of law, if a defendant has been convicted of a felony and it has been pled and proved that the defendant has (1) two or more prior felony convictions, and that (2) any of the defendant's prior convictions, including a prior felony conviction pled pursuant to (1), is for a violent crime, as defined in -B, the term for the current felony conviction shall be an indeterminate term of life imprisonment with a mandatory minimum term of the indeterminate sentence calculated as the greater of:

- (A) three times the term otherwise provided as punishment for each current felony conviction subsequent to the two or more prior felony convictions; or
- (B) twenty-five years or
- (C) the term of imprisonment for the underlying conviction, including any enhancement applicable under the Penal Code.

§706-B Violent crime; definition. (a) For the purposes of this section and notwithstanding any other provision of law, "violent crime" shall mean any of the following:

- (1) Murder or manslaughter;
- (2) Assault in the first, second, or third degrees;
- (3) Assault against a police officer;
- (4) Reckless endangering in the first degree;
- (5) Terroristic threatening in the first degree;
- (6) Kidnapping;
- (7) Unlawful imprisonment in the first degree;
- (8) Custodial interference in the first degree;
- (9) Sexual assault in the first, second, or third degree;
- (10) Continuous sexual assault of a minor under the age of fourteen years;
- (11) Electronic enticement of a child in the first degree;
- (12) Extortion in the first or second degree;
- (13) Burglary in the first or second degree;
- (14) Criminal property damage in the first degree;
- (15) Robbery;
- (16) Endangering the welfare of a minor in the first degree;
- (17) Abuse of family or household member, where the prescribed penalty would be a felony conviction;
- (18) Escape in the first degree;
- (19) Intimidation of a correctional worker;
- (20) Retaliating against a witness or juror;
- (21) Intimidating a juror; and
- (22) Aggravated harassment by stalking.

(b) A prior conviction for a violent crime shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular crime as defined under subsection (a) and Hawaii law and is punishable by imprisonment if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under Hawaii law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(c) None of the following dispositions shall affect the determination that a prior conviction is a prior conviction for a violent crime for purposes of this section:

- (1) The suspension of imposition of judgment or sentence;
- (2) The stay of execution of sentence; or
- (3) The commitment to any other facility whose function is rehabilitative diversion from prison."

SECTION 3. Section 706-606.5, Hawaii Revised Statutes, is amended to read as follows:"

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

"In opposition, Mr. Speaker."

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

Representative Stonebraker's written remarks are as follows:

"The implementation of a "three-strikes law" similar to California's law which slashed violent crime by 25% is sorely needed in our State. If Hawaii had this legislation in place, devoted father and brave Police Officer, Glen Gaspar, would still be alive and countless dangerous criminals would be off of our streets. The terrible murders, rapes and assaults they committed would never have occurred.

"We need tougher sentencing guidelines for career criminals and we need it now. Time is of the essence. Every minute that goes by puts our families in jeopardy. These amendments are the changes needed to enable our law-enforcement to fight crime and protect our kids from child-molesters. To think that a guy like Shane Mark, arrested 66 times, convicted of 10 misdemeanors, and 4 felonies could roam free in our ice cream shops with a pistol in his belt is outrageous. With escalating violent crime rates in our state, we need a clear and developed plan that really gets tough on career criminals like Mark. Shane Mark and thousands of criminals like him will never be rehabilitated. Now is not the time to delay. We need to protect our children and empower our police.

"The Majority says it wants to 'study the issue'. Why? Three strikes legislation has been effective in California for years and in other states. Their crime rates have fallen dramatically. In California homicides have dropped 52 percent and other crime is down 43 percent. Did you know that nineteen prisons were built in California the decade before the law? Guess how many since three strikes was implemented? ZERO. Three-Strikes works. How many more people will die before we take action? I call on my Democrat colleagues to face reality, stop coddling criminals, and join us in our fight to take back the community. Everyone knows that we can pass any piece of legislation we want, as fast as we want, but only if the Majority is willing. We could have this on the Governor's desk by the end of the week if they had the political will to be tough on crime.

"Let's back the community. Let's back the treatment facilities, and give the resources to fund interdiction and drug prevention. It's time to get tough on crime. We cannot afford to wait. No delay is justified when we're talking about helping our police officers put away violent criminals. Failure to act when we have such an obvious solution implies, at worst, complicity in the next murder by a career criminal."

Representative Kahikina rose to speak in opposition to the proposed amendment, stating:

"Mr. Speaker, in opposition. And I don't want to make a mockery or any offense, but I really think that I need to say just a couple words, speaking to the floor amendment and why I oppose it. I take this opportunity to say, we are not looking at the real systemic problem because when you talk about Shane Marks, and the history of criminal behavior, we find that the behavior and the history is that we don't have those unmet needs in this society. That the program he would have needed, we can't afford it. And that is the systemic situation I wanted to bring forward."

At this time, the Chair stated:

"Thank you. Members, why are you asking the Chair this evening, now, on the motion of the floor amendment, to record your no votes, or your yes votes, when a roll call will be taken?"

At 9:56 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 9:57 o'clock p.m.

The request for a roll call vote was put to vote by the Chair and upon a show of hands, the request was approved.

Roll call having been approved, the motion that Floor Amendment No. 8, amending S.B. No. 975, HD I, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," be adopted, was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 34: Representatives Abinsay, Arakaki, Caldwell, Chang, Evans, Hale, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kaho'ohalahala, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Mindo, Morita, Nakasone, Nishimoto, M. Oshiro, B. Oshiro, Saiki, Say, Schatz, Souki, Takai, Takumi, Tamayo, Thielen, Wakai and Waters.

Ayes, 10: Representatives Blundell, Ching, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai and Stonebraker.

Excused, 7: Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine.

Main Motion:

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 S.B. No. 975, HD I, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine being excused.

ANNOUNCEMENTS

Representative Leong: "Mr. Speaker, do you wish to read the list? I have a report here on our baskets here. I wanted to wish a 'thank you' to those who sent in this number of baskets.

"Speaker Emeritus sent in 3 baskets. Representative Thielen, 1. Representative Ching, 4 baskets. Representative Wakai, 1. Representative Herkes, 1. Representative Kawakami, 1. Representative Nakasone, 2. Representative Hamakawa, 1. Representative Hiraki, 3. Representative M. Oshiro, 3. And Representative Leong, we have sent in 5 baskets.

"And those people who sent in lots of things to make baskets, we thank you. Speaker Say, Representatives Evans, Takumi, Shimabukuro, Caldwell, Morita and Nishimoto. Now we still have time until April 16th when we collect all the baskets.

"Speaker Say, do you want me to have another list ready for next Friday? And thank you for your generous contributions. I

don't have your name on this, Representative Moses, but you did send something to our office. Good night. Thank you."

Representative Karamatsu: "Monday is Tech Day, so I encourage everyone to attend the events. The panel discussions will be starting at 8:30, and it will go until the early afternoon."

ADJOURNMENT

At 10:02 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 Monday, March 24, 2003. (Representatives Bukoski, Finnegan, Fox, Pendleton, Shimabukuro, Sonson and Takamine were excused.)

THIRTY-NINTH DAY

Monday, March 24, 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 Father Priestly of the Society of Marianists, after which the Roll was called showing all members present with the exception of Representatives Kahikina, Kanoho, Luke, Pendleton, Souki and Takai who were excused.

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

INTRODUCTIONS

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

Representative Lee introduced students participating in the 2003 Legislative Shadow Program.

Honolulu District:

Kaimuki High School
Skyler Yamada Representative Nishimoto

Kalakaua Middle School
Emma-Lia Kahalehoe-Makahi Representative Arakaki
Joshua Borling Representative Karamatsu

Kawananakoa Middle School
Darren Ibara Representative Ching

McKinley High School
Kaha'e Maikai-Iakopo, and
Kevin Lim Representative Ching

Niu Valley Middle School
Jessica Au, and
Tianzan Zhou Representative Leong

Roosevelt High School
Witney Wright Representative Luke

Stevenson Middle School
Christina Oh Representative Luke
Julie Moon Representative Shimabukuro

Central District:

Aiea Intermediate School
Rochelle Torres Representative B. Oshiro

Mililani Middle School
Alyssa Gray Representative Lee
Moria Proefer Representative Ontai

Moanalua High School
Ronica Lu Representative Wakai

Moanalua Middle School
Joyce Baltazar Representative M. Oshiro

Radford High School
Elizabeth Spearing Representative Arakaki

Leeward District:

Nanakuli High/Intermediate School

Rolando Espanto Representative Shimabukuro

Windward District:

Kahuku High/Intermediate School
Nicole Cameron Representative Magaoay

Kailua Intermediate School
Elaine Owen, and
Lindsey Nakashima Representative Thielen

King Intermediate School
Tatiana Grant, and
Bradley Keliinoi Representative Ito

Hawaii District:

Connections PCA
Rochelle Hathaway Representative M. Oshiro

Kea'au High School
Elizabeth Barnett Representative Hamakawa

Kea'au Middle School
Coleen Pryor, and
Angela Hernandez Representative Hamakawa

Pahoa High/Intermediate School
Thor Gouker, Jr. Representative Hale

Hana High & Elementary School
Brandi DeMello Representative Kaho'ohalahala

Kihei Charter High School
Karen Butchart Representative Blundell

King Kekaulike School
Bryce Mendez Representative Bukoski

Representative Bukoski recognized his 'shadow,' Bryce Mendez, as the Vice Chair of the Hawaii State Student Council and next year's Board of Education student member.

Representative Hale introduced, Mr. James Cogo, a volunteer member of her staff accompanying her student 'shadow,' and who was also the Deputy Secretary General of the Model UN.

Representative Blundell recognized his student 'shadow,' Karen Butchart, for being a success of the Charter Schools system.

Representative M. Oshiro, on behalf of Representative Chang and himself, introduced Mr. Jason Zhang, an architect from Beijing specializing in sports fitness facilities.

Representative Arakaki introduced, a delegation with the World Congress of Youth:

From Casablanca, Morocco
Mr. David Woolcombe, Founder and President of
Peacechild International;

Mr. Driss Guerraoui, Special Advisor to the Prime Minister
of Morocco;

Ms. Rhia Achmal, President, Moroccan Youth Forum, Rabat,
Morocco; and

Mr. Younes Sekkouri, Vice President of the Moroccan Youth
Forum.

From Hawaii:

Mr. Reynold Feldman and Ms. Mae Mendelson, Co-Chairs;

Mr. M. Jan Rumi, secretary;

Ms. Sue Berg, Treasurer;

Mr. Hakim Ouansafi of Aston Hotels in Hawaii and President of the Muslim Association of Hawaii;

Ms. Joanne Tachibana, President, UN Association USA-HI Division; and

The 21 members of the Hawaii Youth Delegation.

Representative Meyer introduced friends and constituents, Mr. Rick and Mrs. Maryann Burchill of Haaula.

Representative Ching introduced Mr. James Rumford, author of *Traveling Man*.

Representative Ching also introduced her legislative staff, office manager Ms. Tracy Okubo, and Mr. Joshua Beal.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

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

S.B.
No.

Re-referred to:

684	Committee on Transportation, then to the
SD 2	Committee on Finance
HD 1	

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 188 and 187) were announced by the Clerk and the following action taken:

H.R. No. 188, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING JORDAN SEGUNDO FOR BEING SELECTED OUT OF 70,000 CONTESTANTS AS ONE OF 32 SEMIFINALISTS ON "AMERICAN IDOL," A POPULAR TV SHOW THAT REACHES MILLIONS OF VIEWERS ACROSS THE COUNTRY," was jointly offered by Representatives Arakaki, Kahikina, Magaoay, Lee, Luke, Kawakami, Finnegan, Abinsay, Ito, Takai, Tamayo, Nishimoto and Takumi.

Representative Arakaki, moved that H.R. No. 188 be adopted, seconded by Representative Abinsay.

Representative Arakaki introduced the honoree, Mr. Jordan Segundo, his mother Mrs. Jody Segundo, his brothers Mr. Wayne Segundo and Master Joey Segundo, who were seated on the floor of the House.

At this time, Mr. Jordan Segundo performed an acappella rendition of "For Your Love" for the members and audience of the House.

The motion was put to vote by the Chair and carried, and H.R. No. 188 was adopted with Representatives Kahikina, Kanoho, Luke, Nakasone, Pendleton and Takai being excused.

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 1:00 o'clock p.m.

H.R. No. 187, entitled: "HOUSE RESOLUTION RECOGNIZING THE YWCA OF O'AHU 2003 LEADERLUNCHEON HONOREES NALEEN NAUPAKA ANDRADE, M.D., CAROL MCNAMEE, JEAN ROLLES, KAMEHAMEHA SCHOOLS AND NA LOIO," was jointly offered by Representatives Marumoto, Lee, Thielen, Meyer, Hale, Ching, Evans, Tamayo, Leong, Morita and Kawakami.

Representative Marumoto, moved that H.R. No. 187 be adopted, seconded by Representative Lee.

Representative Marumoto recognized the YWCA LeaderLuncheon honorees and introduced the following individuals representing them, who were seated on the floor of the House:

Dr. Naleen Andrade, a native Hawaiian woman physician, represented by Ms. Kay Wery;

Ms. Carol McNamee, founder of Hawaii's Mothers Against Drunk Driving organization represented by Ms. Cathy Keli'ih'o'omalu; and

Ms. Jean Rolles, a role model in academics, business and as a community leader, also being represented by Ms. Cathy Keli'ih'o'omalu.

Representative Lee introduction representatives from the following organizations honored at the YWCA Leader Luncheon:

Na Loio for providing immigrant services and advocacy, represented by their Executive Director, Ms. Patricia McManaman; and

Kamehameha Schools for providing education to children of Hawaiian ancestry, represented by one of their Trustees, Ms. Diane Plotts.

The motion was put to vote by the Chair and carried, and H.R. No. 187 was adopted with Representatives Kahikina, Kanoho, Karamatsu, Leong, Luke, Nakasone, Pendleton, Saiki, and Takai being excused.

At 1:08 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:18 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1153), recommending that H.R. No. 51, 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.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 referred to the Committee on Finance with Representatives Hiraki, Kahikina, Kanoho, Karamatsu, Leong, Luke, Magaoay, Nakasone, Pendleton, Souki and Takai being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1154), recommending that H.C.R. No. 48, 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.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 referred to the Committee on Finance with Representatives Hiraki, Kahikina, Kanoho, Karamatsu, Leong, Luke, Magaoay, Nakasone, Pendleton, Souki and Takai being excused.

Representative Chang, for the Committee on Tourism and Culture presented two reports:

(Stand. Com. Rep. No. 1155), recommending that H.R. No. 84, be referred to the Committee on Finance.

(Stand. Com. Rep. No. 1156), recommending that H.C.R. No. 84, be referred to the Committee on Finance.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 84 and H.C.R. No. 84, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, on 1155 and 1156, I would like the record to note my reservations. And the reason for this is that I believe we have to give the HTA as much autonomy as possible. And we do have guidelines for accountability. Their job is to produce. Produce meaning that they have to increase our tourism industry. If we are going to continue to dig into autonomy, we might as well hold ourselves accountable and not them. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 84, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INITIATE MEASURES THAT PROMOTE ALTERNATIVE VISITOR ACCOMMODATIONS AS WELL AS TECHNO, EDUCATIONAL, AND CULTURAL TOURISM NICHES," was referred to the Committee on Finance with Representatives Hiraki, Kahikina, Kanoho, Karamatsu, Leong, Luke, Magaoay, Nakasone, Pendleton, Souki and Takai being excused.

and

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INITIATE MEASURES THAT PROMOTE ALTERNATIVE VISITOR ACCOMMODATIONS AS WELL AS TECHNO, EDUCATIONAL, AND CULTURAL TOURISM NICHES," was referred to the Committee on Finance with Representatives

Hiraki, Kahikina, Kanoho, Karamatsu, Leong, Luke, Magaoay, Nakasone, Pendleton, Souki and Takai being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1157) recommending that H.C.R. No. 64, 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. 64, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S HOTELS TO PROVIDE FACILITIES FOR EMAIL AND INTERNET ACCESS FOR THEIR GUESTS," was adopted, with Representatives Hiraki, Kahikina, Kanoho, Karamatsu, Leong, Luke, Magaoay, Nakasone, Pendleton, Souki and Takai being excused.

ANNOUNCEMENTS

Representative Chang: "Thank you, Mr. Speaker. Hawaii has lost a very good friend and supporter. On Saturday morning in Las Vegas, Martin Titcomb passed away. Known as 'Puna' to his good friends, old-timers will remember him as he walked the halls and volunteered his services to then Senate President, John Ushijima.

"Mr. Speaker on behalf of Representative Bukoski and myself, could we ask the members for a moment of silence?"

At this time the Members of the House of Representatives rose for a moment of silence in memory of Mr. Martin "Puna" Titcomb.

ADJOURNMENT

At 1:21 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, March 25, 2003. (Representatives Hiraki, Kahikina, Kanoho, Karamatsu, Leong, Luke, Magaoay, Nakasone, Pendleton, Souki and Takai were excused.)

FORTIETH DAY

Tuesday, March 25, 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 Pastor Robert K. Miller of Waialae Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Kahikina, Kanoho, Luke, M. Oshiro, Stonebraker, Takai and Takumi who were excused.

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

INTRODUCTIONS

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

Representative Lee introduced students participating in the 2003 Legislative Shadow program:

Dole Middle School Michelle Rellesiva, and Lianne Tabuyo Tatiana Ramirez Gilbert Bacani	Representative Arakaki Representative M. Oshiro Representative Shimabukuro
Kaimuki High School Betty Qian	Representative Nishimoto
Kalani High School Roxanne Kwong, and Christina Hunt	Representative Marumoto
Kalakaua Middle School Kristi Jean San Diego	Representative Abinsay
Roosevelt High School Richard Ahn	Representative Caldwell
Washington Middle School Judy Liang LaRisa Parker	Representative Ching Representative Fox
Aiea Intermediate School Tiffany Morinaga Sarah Griffin	Representative Sonson Representative B. Oshiro
Aliamanu Middle School Eddie Gamboa	Representative Finnegan
Highlands Intermediate Veah Tapot	Representative Takumi
Castle High School Daylen Koga, and Chelsea Maeda	Representative Ito
Kahuku High School Anthony Ching	Representative Magaoay
Kailua High School Sharrese Castillo	Representative Waters
Olomana School Zachary Allen, and	

Jaime Ann Lapililo	Representative Pendleton
Connections PCS Joshua Hampton	Representative M. Oshiro
Ka'u High School Jennifer Jara	Representative Herkes
Kea'au High School Ashley Domingo, and Dara Makaiwi	Representative Hamakawa
Ke Ana La'ahana PCS Maile Ah Quin Kaleo Evans	Representative Hale Representative Evans
Kohala High School Christopher Anjo	Representative Takamine
Konawaena High School Ryan Nakashima	Representative Jernigan
Waiakea High School Mara Oda Jonathan Yu Kaho'ohalahala	Representative Hamakawa Representative
Wai Ola Waters of Life Kiilani Carr Tim Nunez	Representative Shimabukuro Representative Tamayo
Lahainaluna High School Vanessa Sanchez	Representative Blundell

Representative Shimabukuro introduced an additional student 'shadow', Ms. Maialoha Holokahi of Waianae Intermediate School who was accompanied by Representative's legislative staff, office manager, Ms. Colleen Young, and Mr. Kamuela Enos.

Representative Sonson introduced his legislative office manager, Ms. Park Kaleiwahea.

Representative Ontai introduced a friend from Mililani, Ms. Michelle Tkatch, reigning Miss Hawaii Teen America 2003, and Miss Teen Covergirl 2003, as well as Miss Teen International 2003. Ms. Tkatch will represent Hawaii in the Miss Teen America 2003 pageant in Nashville, Tennessee. She was accompanied by her parents, Mr. and Mrs. Richard Tkatch.

Representative Saiki introduced Ms. Carolyn Sapp, former Miss Hawaii and Miss America.

Representative Jernigan introduced his wife, Mrs. Denise Jernigan, and their daughters, Miss Kelly and Miss Cara Jernigan.

Representative Marumoto introduced Mr. Louis Cadone of Wildfire Productions in Taos, New Mexico.

At 12:19 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

LATE INTRODUCTION

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

Representative Takumi introduced and congratulated teachers who recently received their National Teacher Certification:

Dewey Gottlieb, II, Pearl City High School;
Leslie Hamasaki, Kalani High School;
Kalen Kitagawa, Waialua Elementary;
Patricia Miyahira, Momilani Elementary;
Jami Muranaka, Kaimuki High School;
Kathleen Nagaji, Pearl Ridge Elementary;
Rena Arakawa, Kaahumanu Elementary;
Loraine Hotoke, Liholiho Elementary;
Carolyn Kirio, Kapolei High School;
Julie Tomomitsu, Maemae Elementary School; and
Lisa Yanse, Waialua Elementary.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

S.B.
Nos.

Re-referred to:

1058, SD 1, HD 1	Committee on Consumer Protection and Commerce
1410,	Committee on Higher Education, then to the Committee on Finance

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

H.R.
No.

Re-referred to:

123	Jointly to the Committee on Agriculture and the Committee on Energy and Environmental Protection
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H.C.R.
No.

Re-referred to:

158	Jointly to the Committee on Agriculture and the Committee on Energy and Environmental Protection
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INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 189) was announced by the Clerk and the following action taken:

H.R. No. 189, entitled: "HOUSE RESOLUTION HONORING THE POLYNESIAN CULTURAL CENTER FOR 40 YEARS OF SERVICE," was jointly offered by Representatives Meyer and Magaoay.

Representative Meyer, moved that H.R. No. 189 be adopted, seconded by Representative Magaoay.

Representative Meyer recognized the following individuals from the Polynesian Cultural Center who were seated on the floor of the House:

Mr. Von Orgil, President of the Polynesian Cultural Center;

Mr. Bobby Akoi, Director of Protocol;

Ms. Delsa Moe, Director of Cultural Presentations;

Mr. Cy Bridges, Director of Theatre Productions; and

Mr. Raymond Martiteragi, Director of Cultural Islands.

At this time, Representative Meyer introduced Mrs. Sunshine Barrett, Manager of Retail Sales and Museum Stores at the Polynesian Culture Center, who was seated in the gallery.

Representative Meyer also introduced members of her staff that were seated in the gallery, Office Manager Ms. Joan Sabanos, Ms. Yasuko Goodner and Mr. Jason Barrett, husband of Mrs. Sunshine Barrett.

The motion was put to vote by the Chair and carried, and H.R. No. 189 was adopted with Representatives Halford, Kahikina, Kanoho, Luke, Nakasone, Stonebraker and Takai being excused.

At 12:51 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

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. 1158) recommending that S.B. No. 554, 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 S.B. No. 554, 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 Arakaki, Chang, Halford, Herkes, Hiraki, Kahikina, Kanoho, Luke, Meyer, Schatz, Stonebraker, Takai and Takamine being excused.

SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Fox and carried, the rules were suspended to consider a certain bill on Final Reading on the basis of a modified consent calendar. (Representatives Arakaki, Chang, Halford, Herkes, Hiraki, Kahikina, Kanoho, Luke, Meyer, Schatz, Stonebraker, Takai and Takamine were excused.)

FINAL READING

The following bill was taken from the Clerk's desk and the following action taken:

Representative Saiki then moved to agree to the amendments proposed by the Senate to H.B. No. 1077, HD 1 (SD 1), seconded by Representative Fox and carried. (Representatives Arakaki, Chang, Halford, Herkes, Hiraki, Kahikina, Kanoho,

Luke, Meyer, Schatz, Stonebraker, Takai and Takamine were excused.)

H.B. No. 1077, HD 1, SD 1:

On motion by Representative Saiki, seconded by Representative Fox and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1077, HD 1, and H.B. No. 1077, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR," passed Final Reading by a vote of 40 ayes, with Representatives Chang, Halford, Herkes, Hiraki, Kahikina, Kanofo, Luke, Schatz, Stonebraker, Takai and Takamine were excused.)

The Chair directed the Clerk to note that H.B. No. 1077, HD 1, SD 1 had passed Final Reading at 1:01 o'clock p.m.

ANNOUNCEMENTS

Representative Kawakami: "Mr. Speaker, just one announcement for HMSA. This is Diabetes Alert Day and the Diabetes Care Connection and HMSA are sponsoring an open house. It is in room 407. They also have lunch for those of you who can join them, and meet some of the people who have been wrestling with diabetes. They will be happy to tell you how they are managing their diabetes. Thank you."

Representative Ching: Thank you, Mr. Speaker. I would like announce that tomorrow, March 26th, is a State holiday, the day that Hawaii celebrates Prince Jonah Kuhio Kalaniana'ole Day. It is with this that we celebrate a Prince who was born in Koloa, Kauai in 1871, the youngest son of Kauai High Chief, David Kahalepouli Piikoi and Princess Kekaulike. He served the Territory of Hawaii as a delegate from 1903 to 1921, and also with John Wise, John Lane and Noah Alulii created the first Hawaiian civic club, the Prince Kuhio Civic Club in 1917, to promote the Hawaiian culture, to promote participation and education.

"He was known as Ke'ali'i Maka'ainana, the 'Citizen Prince'. And this 'Citizen Prince' died of heart disease on January 7, 1922 at the age of 50. But before that, he was most remembered for his successful passage of, in Congress, the Hawaiian Homes Commission Act which sought to bring the Hawaiian people back to the land. And it is this that we have Papakolea and other homestead lands. It was his feeling that they should be, his people should be, self-sufficient and come back to the land as farmers to the *'aina*.

"So should you care to take in more information on Prince Kuhio, Ke'ali'i Maka'ainana, citizen Prince, there is going to be a special show at the Hawaii Theatre. It is sponsored by the Hawaii Maoli and the Association of Hawaiian Civic Clubs, and it is this weekend, Sunday March 30th at 4:00 p.m. Thank you."

Representative B. Oshiro: "Mr. Speaker, I'd just like to announce to all of the Members, I think on Sunday, it was one of our Member's birthday and we missed announcing it yesterday. It is the Representative from Puna and she is actually ... years old and two days now. So if she wants to say the number of years, is she is welcomed to. But besides that, I think we should wish her a Happy Birthday."

Representative Hale: "Mr. Speaker, thank you very much. You know my mother even died at 92, and would never admit her age. That is what she taught me. But I've always been

proud of my age as I've gone through the years, and I made 85. Thank you."

Representative M. Oshiro: "Mr. Speaker. Just to remind the Members that on Thursday, when we come back from Kuhio Day it will be State Massage Day where the Massage Therapist Association of Hawaii will be 'kneading' us the right way. Thank you."

ADJOURNMENT

At 1:05 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, Thursday, March 27, 2003. (Representatives Chang, Halford, Herkes, Hiraki, Kahikina, Kanofo, Luke, Schatz, Stonebraker, Takai and Takamine were excused.).

FORTY-FIRST DAY

Thursday, March 27, 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 Vice Speaker presiding.

The invocation was delivered by Representative Colleen R. Meyer, after which the Roll was called showing all members present with the exception of Representatives Blundell, Halford, Jernigan, Ontai and Stonebraker who were excused.

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

INTRODUCTIONS

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

Representative Takai, on behalf of Representatives Arakaki, Finnegan, Abinsay and Hiraki, introduced, Farrington High School 9th graders participating in the Junior Pacific Century Fellows Program: Julie Ann Balais, Ruel Cachero, Shyrach Esteban, Tracey Faumui, Leonard Garcia, Dezha Lynn Hermosura, Franz Huerbana, Carrie Laoinh, Nelia Ann Nacion, Bao-Yen H. Nguyen, Stacey Marie Padilla, and Kristyn Vaa. They were accompanied by Program Mentors: Mr. Alan Gottlieb, Ms. Linda Lewis and Ms. Debbie Morikawa.

Representative Takai, on behalf of Representatives Chang, Takamine and Hamakawa, also introduced members of the UH Hilo Student Association: Ginger Takeshita, President; Sean Halloran, Vice President; Ikaika Bantolina, Secretary, Melvin Jadulang, College of Agriculture Senator; Kahikina Lee, Senator-at-Large; and Karlen Suga, Legislative Committee Member.

Representative Arakaki introduced American Cancer Volunteers and Community Ambassadors:

Ms. Jackie Young, former Vice Speaker of the House;

Ms. Cynthia Campbell of Kailua-Kona, Fitness Consultant, cancer survivor;

Ms. Angella Brandt of Honokaa, teacher at Honokaa High School;

Rev. Frank Chong of Kailua, Aloha Care, cancer survivor;

Mr. David Espinda of Aiea, retired businessman, cancer survivor;

Ms. Beth Freitas of Honolulu, Manager of Neuroscience Institute Queen's Medical Center, cancer survivor;

Mr. Bob Hansen of Kauai, retired California Deputy Attorney General, cancer survivor;

Mr. Chris Pablo of Kaneohe, Public Affairs Manager, Kaiser Permanente, cancer survivor;

Ms. Virginia Seng of Volcano, artist, cancer survivor;

Ms. Nicole Arai of Honokaa, senior at Honokaa High School;

Dr. Reginald Ho of Kaneohe, Past National President of the American Cancer Society;

Dr. Joanne Itano of Kailua, Professor of Nursing, University of Hawaii;

Ms. Lila Johnson of Honolulu, Past President, American Cancer Society of Hawaii;

Ms. Barbara Hoppy Smith of Kailua, volunteer;

Ms. Cami Watanabe of Honokaa, junior at Honokaa High School; and

Ms. Jaydene Kanekoa of Honokaa, sophomore at Honokaa High School.

Representative Arakaki also introduced Mr. Kazuki Murakami, a law student at Waseda University.

Representative Hamakawa introduced Mr. Garret Toguchi, Board of Education member.

Representative Ito introduced his classmate, Mr. Francis Iwamoto.

Representative Kahikina introduced Mr. Ron Galegos, Chair of the Coalition of Adult Residential Care Homes.

Representative Arakaki introduced additional American Cancer Society Volunteers and Community Ambassadors, Central/Leeward Relay for Life Co-Chairs/Team:

Ms. Donna Broome of Waianae, House Sgt. at Arms office, cancer survivor;

Ms. Visa Castillo of Kapolei, Admin Assistant at AT&T;

Ms. Gail Gomes of Waianae, Editor of West Side Stories;

Ms. Devin Gomes of Waianae, photographer for West Side Stories and member of Honolulu Fire Department Explorers in Nanakuli; and

Ms. Judy Rapoza of Waipahu, Airport Group International Wikiwiki Bus Driver, cancer survivor.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 190 and 191) were announced by the Clerk and the following action taken:

H.R. No. 190, entitled: "HOUSE RESOLUTION CONGRATULATING OFELIA VIADO ON HER RETIREMENT AFTER THIRTY-FIVE YEARS IN THE LONG-TERM CARE INDUSTRY," was offered by Representative Sonson.

Representative Sonson, moved that H.R. No. 190 be adopted, seconded by Representative Kahikina.

Representative Sonson introduced the honoree and her friends who were seated on the floor of the House:

Ms. Ofelia Viado, who recently retired after 35-years in the Long Term Care Industry;

Ms. Rose Keanaiana, 20-year resident of Ms. Viado's care home;

Dr. Cullen T. Hayashida, Ph.D., President, Assisted Living Options Hawaii and Director of Elderly Care Development with the Hawaii Health System Corporation;

Ms. Remedios Basuel, 30-year care home operator; and

Ms. Coletta Torda, 29-year care home operator.

At this time, Representative Sonson also recognized other care home operators who were seated in the gallery:

Ms. Filipinas Sales; Ms. Raquel Parong; Ms. Shirley Sequerre; Ms. Virginia de la Cruz; Ms. Esther Pascual; Ms. Fely Ugalde; Ms. Minda Marquez; Ms. Linda Guting; Ms. Maria Sardon; Ms. Tessie Domingo; Ms. Carmelita Bolosan; Ms. Estelita Gaba; Ms. Acela Garcia; Ms. Delia Cabingabang; Ms. Elena Galario; Ms. Naty Selga; Ms. Angelita Balualua; Ms. Marilyn Villar; Ms. Eva Binders; Ms. Gloria Abad; Ms. Agustina Dawgns; and Ms. Connie Rivera.

The motion was put to vote by the Chair and carried, and H.R. No. 190 was adopted with Representatives Blundell, Caldwell, Halford, Hamakawa, Jernigan, Morita, Nakasone, M. Oshiro, Schatz, Stonebraker, Takamine and Waters being excused.

H.R. No. 191, entitled: "HOUSE RESOLUTION COMMENDING RENWICK VALENTINE ILI'ILIPUNA TASSILL (UNCLE JOE) FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF HAWAII AND FOR TOUCHING THE HEARTS OF ALL THROUGHOUT HIS 18 YEARS OF DEDICATED SERVICE," was jointly offered by Representatives Hiraki and Magaoay.

Representative Hiraki moved that H.R. No. 191 be adopted, seconded by Representative Magaoay.

Representative Hiraki introduced the honoree, his wife and co-worker, who were seated on the floor of the House:

Mr. Renwick Valentine Ili'ilipuna "Uncle Joe" Tassill;

Ms. June Toguchi-Tassill, his wife; and

Ms. Francis Mahoe, his former co-worker and friend.

At this time, Representative Hiraki also recognized Ms. June Toguchi-Tassill's family and niece, former Miss Hawaii, Ms. Tracy Toguchi, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 191 was adopted with Representatives Blundell, Caldwell, Halford, Jernigan, Morita, Nakasone, M. Oshiro, Schatz, Stonebraker and Takamine being excused.

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

The House of Representatives reconvened at 1:15 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1159), recommending that H.C.R. No. 97, 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.C.R. No. 97, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO CONDUCT A STUDY ON THE FEASIBILITY OF A HYBRID RETIREMENT PLAN," was referred to the Committee on Finance, with Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Kahikina, Morita, Moses, Souki and Stonebraker being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1160) recommending that H.R. No. 64, 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. 64, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO DETERMINE THE IMPACT OF THE COMPACT OF FREE ASSOCIATION ON THE STATE OF HAWAII, AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR FURTHER REVIEW OF THE MIGRATION ISSUE AND FOR INCREASED AID FOR THE EDUCATIONAL AND SOCIAL IMPACT OF THE COMPACT, AND ANY NEWLY RENEGOTIATED COMPACT, ON THE STATE OF HAWAII," was adopted, with Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Kahikina, Morita, Moses, Souki and Stonebraker being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1161) recommending that H.C.R. No. 62, 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. 62, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO DETERMINE THE IMPACT OF THE COMPACT OF FREE ASSOCIATION ON THE STATE OF HAWAII, AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR FURTHER REVIEW OF THE MIGRATION ISSUE AND FOR INCREASED AID FOR THE EDUCATIONAL AND SOCIAL IMPACT OF THE COMPACT, AND ANY NEWLY RENEGOTIATED COMPACT, ON THE STATE OF HAWAII," was adopted, with Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Kahikina, Morita, Moses, Souki and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1162) recommending that S.B. No. 394, 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 S.B. No. 394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Kahikina, Morita, Moses, Souki and Stonebraker being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1163) recommending that S.B. No. 687, SD 1, 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 S.B. No. 687, SD 1, 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:

"Madame Speaker, I am rising on Standing Committee Report No. 1163. This is dealing with leaves of absence. I am rising in support with some reservations. My reservations are that I feel that the Civil Service Modernization Law, Act 253 that we passed just recently restored the bright line delineating matters deemed within the realm of Civil Service and all other matters subject to collective bargaining. I believe that passing this bill will be going in the other direction. And so those are my reservations. Thank you."

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 S.B. No. 687, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Kahikina, Morita, Moses, Souki and Stonebraker 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. (Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Kahikina, Morita, Moses, Souki and Stonebraker were excused.)

THIRD READING

S.B. No. 554:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 554, entitled: "A BILL FOR AN ACT RELATING TO BROWN TREE SNAKES," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Morita, Moses, Souki and Stonebraker being excused.

The Chair directed the Clerk to note that S.B. No. 554, passed Third Reading at 1:18 o'clock p.m.

At this time, the Chair announced:

"Members, please note that S.B. No. 1058, SD 1, HD 1, was re-referred solely to the Committee on Consumer Protection and Commerce on Committee Referral Sheet No. 36, that was placed on your desks this past Tuesday, March 25th. The Judiciary Committee waived its referral to this measure and therefore it is before the House for Third Reading.

S.B. No. 1058, SD 1, HD 1:

Representative Saiki moved that notwithstanding the recommendation contained in Stand. Com. Rep. No. 951, which was adopted on March 18, 2003, that S.B. No. 1058, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

The motion was put to vote by the Chair and carried, and S.B. No. 1058, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 41 ayes, with Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Morita, Moses, Souki and Stonebraker being excused.

The Chair directed the Clerk to note that S.B. No. 1058, SD 1, HD 1 passed Third Reading at 1:20 o'clock p.m.

ADJOURNMENT

At 1:20 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, Friday, March 28, 2003. (Representatives Arakaki, Blundell, Chang, Halford, Ito, Jernigan, Morita, Moses, Souki and Stonebraker were excused.)

FORTY-SECOND DAY

Friday, March 28, 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 Vice Speaker presiding.

The invocation was delivered by Grand Knight Stanley Maria of the Knights of Columbus, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Hamakawa, Kahikina, Ontai, Stonebraker, Takai, Tamayo and Thielen who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 452 through 459) were received and announced by the Clerk

Sen. Com. No. 452, transmitting S.C.R. No. 38, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO PROMOTE HAWAII FILMMAKERS AND LOCALLY MADE FILMS AS A MEANS OF PROMOTING TOURISM," which was adopted by the Senate on March 27, 2003.

Sen. Com. No. 453, informing the House that the Senate has disagreed to amendments proposed by the House to S.B. No. 374, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE."

Sen. Com. No. 454, transmitting H.B. No. 562, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," which passed Third Reading in the Senate on March 27, 2003.

Sen. Com. No. 455, transmitting H.B. No. 324, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on March 27, 2003.

Sen. Com. No. 456, transmitting H.B. No. 401, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 27, 2003.

Sen. Com. No. 457, transmitting H.B. No. 980, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SETTLEMENTS," which passed Third Reading in the Senate on March 27, 2003.

Sen. Com. No. 458, transmitting H.B. No. 1076, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," which passed Third Reading in the Senate on March 27, 2003.

Sen. Com. No. 459, transmitting H.B. No. 1607, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES," which passed Third Reading in the Senate on March 27, 2003.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. Nos. 562 (S.D. 1); 324, H.D. 1 (S.D. 1); 401, H.D. 1 (S.D. 1); 980, H.D. 1

(S.D. 1); 1076, H.D. 1 (S.D. 1); 1607, H.D. 2 (S.D. 1), and requested a conference on the subject matter of said amendments. (Representatives Bukoski, Hamakawa, Kahikina, Ontai, Stonebraker, Takai, Tamayo and Thielen were excused)

INTRODUCTIONS

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

Representative Ching introduced Ms. Darah Dung, Miss Chinatown, USA and Ms. Kimberly Lum, First Princess. Accompanying them was Ms. Dung's mother, Mrs. Annette Dung, sisters, Ms. Denby and Ms. Dana-Li Dung, brother, Mr. Dean Dung, and aunt, Ms. Patsy Dung. Also with them was Mr. Paul Chun, Director of the Miss Chinatown Pageant, and friends Mr. Nick Mita and Mr. Gary Skinner.

Representative Hale introduced Mr. Yusi Avianto Pareanom of Indonesia, Desk Editor of *Tempo Magazine*; Dr. Stephanie Krebs, Escort, US Department of State; and Ms. Teresita G. Bernales, Ed, D, International Visitor Program Coordinator, Pacific & Asian Affairs Council.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.R.
No.Re-referred to:

67 Jointly to the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Public Safety and Military Affairs

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

66 Jointly to the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Public Safety and Military Affairs

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 192 and 193) was announced by the Clerk and the following action taken:

H.R. No. 192, entitled: "HOUSE RESOLUTION HONORING DR. JORGE G. CAMARA FOR HIS CONTRIBUTIONS TO THE PEOPLE OF HAWAII AND THE WORLD AS A PIONEER IN THE FIELD OF OPHTHALMOLOGY AND HUMANITARIAN MEDICAL MISSIONS," was jointly offered by Representatives Abinsay and Marumoto.

Representative Abinsay, moved that H.R. No. 192 be adopted, seconded by Representative Marumoto.

Representative Abinsay introduced the honoree and his colleague, who were seated on the floor of the House:

Dr. Jorge G. Camara, the American Academy of Ophthalmology's Outstanding Humanitarian Service

Awardee for 2002 and the 2003 Monsignor Charles A. Kekumano Award for Service; and

Dr. Beverly C. Rosas, an ophthalmologist from the Philippines and the 19th Fellow training with Dr. Carama.

At this time, Representative Abinsay introduced Ms. Beverly Santos, a staff member from Dr. Camara's office, who was seated in the gallery.

Representative Abinsay also recognized members of his staff: Ms. Christine Sabino, Office Manager; and Legislative Aides: Ms. Norma Chang; Mr. Jake Manegdeg and Mr. Sanford Sasaki, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 192 was adopted with Representatives Bukoski, Hamakawa, Jernigan, Kanoho, Nakasone, Nishimoto, M. Oshiro, Stonebraker, Tamayo and Thielen being excused.

H.R. No. 193, entitled: "HOUSE RESOLUTION CONGRATULATING THE MILILANI HIGH SCHOOL BOYS VARSITY SOCCER TEAM AND THE MILILANI HIGH SCHOOL GIRLS VARSITY SOCCER TEAM FOR THEIR OUTSTANDING ATHLETIC PERFORMANCE," was jointly offered by Representatives Lee and Ontai.

Representative Lee, moved that H.R. No. 193 be adopted, seconded by Representative Ontai.

Representative Lee introduced the following members of the Mililani Varsity Soccer Teams and their coaches who were seated on the floor of the House:

From the Girls Soccer Team: Team Captains Ms. Mallory Iha and Ms. Liane Tom; with their Head Coach Mr. James Uson; and

From the Boys Soccer Team: Mr. Whitney Shimatsu, Mr. Brent Murakami and Mr. Nathan Amous, with their Head Coach, Mr. Jeff Yamamoto.

At this time, Representative Lee recognized and introduced other team members, their coaches, their managers and ballboy who were seated in the gallery:

Girls' Team Members: Ms. Crystal Ah Sam, Ms. Marisa Belaski-Farias, Ms. Shaunna Miyashiro, Ms. Raimée Ortega, Ms. Alexis Choi, and Ms. Danielle Kusaka;

Girls' Team Coach: Mr. John Uson; and

Girls' Team Managers: Ms. Chun Mei Nickles and Ms. Clarynne Ishikawa.

Boy's Team Members: Mr. Dustin Shimatsu, Mr. Kyle Perkins, Mr. Justin Iha, Mr. Evan Kau, Mr. Michael Smith, Mr. Nick Aoki, Mr. Cheyne Eugenio, Mr. Chris Burt, Mr. Justin Ching, Mr. Tory Yamanaka, Mr. Jay Abrigo, Mr. Ehren Ching, Mr. Patrick Egloria, Mr. Justin Kim, Mr. Braden Tada, Mr. Paul Tojo, Mr. Tom Amous, Mr. Chris Castell, Mr. Kevin Higaki, Mr. Brett Kagawa, Mr. Cameron Luiz, and Mr. Justin Okawa;

Boy's Team Coaches: Mr. Norman Beter, Mr. Tony Hart and Mr. Steve McGehee;

Boy's Team Managers: Ms. Haley Yamamoto, Ms. Ashley Hara, Ms. Dayna Masuda, Ms. Linsey Gwin, and Ms. Amy Oshita; and

Ballboy: Mr. Rory Yamamoto.

The motion was put to vote by the Chair and carried, and H.R. No. 193 was adopted with Representatives Bukoski, Hamakawa, Jernigan, Nakasone, M. Oshiro, Stonebraker, Tamayo and Thielen being excused.

At 12:39 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1164), recommending that H.C.R. No. 196, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 196, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TEMPORARY BIOPROSPECTING ADVISORY COMMISSION TO DEVELOP A COMPREHENSIVE PLAN FOR THE PRESERVATION AND USE OF THE BIOLOGICAL DIVERSITY AND BIOLOGICAL RESOURCES OF PUBLIC LANDS," was referred to the Committee on Higher Education with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1165), recommending that H.R. No. 79, 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.R. No. 79, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO COMMISSION A PORTRAIT TO HONOR CONGRESSWOMAN PATSY T. MINK," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1166), recommending that H.C.R. No. 92, 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.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, IN CONJUNCTION WITH HAWAII'S HEALTH PLANS, TO EXPLORE OPTIONS FOR PROVIDING MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS TO HAWAII'S BUSINESSES UNDER HAWAII'S PREPAID HEALTH CARE ACT," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No.

1167), recommending that H.C.R. No. 93, 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.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF MEDICAL SAVINGS ACCOUNTS," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1168), recommending that H.C.R. No. 95, 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.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO STUDY THE FEASIBILITY OF A DEFERRED RETIREMENT OPTION PLAN BENEFIT FOR FIRE FIGHTERS AND POLICE OFFICERS," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1169), recommending that H.C.R. No. 109, 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.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REVIEW ITS INVESTMENT PRACTICES, DETERMINE WHETHER ANY INVESTMENTS ARE BEING MADE WITH COMPANIES BASED IN COUNTRIES THAT SUPPORT TERRORISM, AND RETHINK ITS INVESTMENT POLICIES REGARDING THESE COMPANIES," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1170), recommending that H.C.R. No. 94, 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.C.R. No. 94, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO SUBMIT REPORTS ON EXEMPT EMPLOYEES AS REQUIRED BY ACT 253, SESSION LAWS OF HAWAII 2000," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1171), recommending that H.C.R. No. 182, 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.C.R. No. 182, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

DEPARTMENTS OF LABOR AND INDUSTRIAL RELATIONS AND HEALTH TO CONDUCT A STUDY RELATING TO THE OCCUPATIONAL AND HEALTH RISKS OF COUNTY REFUSE COLLECTION WORKERS," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1172), recommending that H.R. No. 103, 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.R. No. 103, entitled: "HOUSE RESOLUTION REQUESTING THAT THE STATE OF HAWAII PURSUE A WIRELESS E911 INTERIM WORKING GROUP," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1173), recommending that H.C.R. No. 120, 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.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE OF HAWAII PURSUE A WIRELESS E911 INTERIM WORKING GROUP," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1174), recommending that H.R. No. 153, 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.R. No. 153, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RECOGNIZE ON-LINE COURSES FROM ACCREDITED INSTITUTIONS," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1175), recommending that H.C.R. No. 189, 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.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RECOGNIZE ON-LINE COURSES FROM ACCREDITED INSTITUTIONS," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1176), recommending that H.C.R. No. 122, 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.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR CONCERNING THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representatives Souki and Kanoho, for the Committee on Transportation and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1177), recommending that H.C.R. No. 68, 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.C.R. No. 68, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representatives Souki and Kanoho, for the Committee on Transportation and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1178), recommending that H.C.R. No. 197, 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.C.R. No. 197, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO DETERMINE THE FEASIBILITY OF CONSTRUCTING A MULTI-USE PATH ALONG THE WAIANAEO COAST FROM MAILI BEACH PARK TO MAKAHA SURFING BEACH," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1179), recommending that H.C.R. No. 100, 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.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING INCREASED FEDERAL FUNDING FOR SUBSTANCE ABUSE TREATMENT PROGRAMS," was referred to the Committee on Finance with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1180) recommending that H.C.R. No. 43, 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. 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 adopted, with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1181) recommending that H.C.R. No. 58, 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. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," was adopted, with Representatives Bukoski, Halford, Kanoho, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1182) recommending that S.B. No. 295, SD 1, 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 S.B. No. 295, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1183) recommending that S.B. No. 685, 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 S.B. No. 685, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBERS PLACED IN POLL BOOKS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1184) recommending that S.B. No. 616, 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 S.B. No. 616, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I am rising in opposition to Standing Committee Report 1184, S.B. No. 616.

"Thank you, Madame Speaker. I do not condone or in any way support hate crimes. I have a problem though, that how do we determine the motive if somebody commits a crime, if they assault somebody, murder somebody, how do we know why they did it? I don't think we can possibly determine it unless they come right out and say it.

"In addition, it is already against the law to assault somebody, murder them or whatever else we could talk about.

It is already against the law, so I don't see how this adds anything."

Representative Blundell 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 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 Ching 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 Finnegan 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 carried, the report of the Committee was adopted and S.B. No. 616, entitled: "A BILL FOR AN ACT RELATING TO HATE CRIMES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Blundell, Ching, Finnegan, Jernigan, Meyer, Moses and Ontai voting no, and with Representatives Bukoski, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1185) recommending that S.B. No. 1200, SD 1, 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 S.B. No. 1200, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1186) recommending that S.B. No. 1589, SD 1, 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 S.B. No. 1589, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Stonebraker, Takumi, Tamayo and Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1187) recommending that S.B. No. 1630, 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 S.B. No. 1630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Stonebraker, Takumi, Tamayo 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. 1188) recommending that S.B. No. 1270, SD 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 S.B. No. 1270, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski, Stonebraker, Takumi, Tamayo and Thielen being excused.

ANNOUNCEMENTS

Representative Shimabukuro: "Madame Speaker, I just wanted to remind my fellow colleagues that my office is still collecting donations for the Hawaii Foodbank Donation Drive. We will be collecting food donations in Room 315 until April 14th, and we will also be selling t-shirts, Diners Club Books and collecting monetary donations until April 17th.

"The T-shirt is only \$10 and I have a model in the gallery, Phoebe Morimoto. And she is accompanied by Sandra Morimoto, my Committee Clerk who has the ribbon modeled. I just wanted to remind you there are prizes for the winners. Thanks to all of you who have contributed so far, and thanks also to Representatives Takai, Kahikina and Blake Oshiro for helping to coordinate the drive. Thanks."

Representative Say: "Yes, Madame Speaker. I'd like to announce that there is an upcoming list now of further Members who have donated to our IHS Easter Basket Event.

"Speaker Emeritus Souki, Representatives Thielen, Ching, Wakai, Herkes, Kawakami who has created an Easter Basket here that Members can also take a look at. Representatives Finnegan, Nakasone, Hamakawa, Hiraki, M. Oshiro, Pendleton, Karamatsu, Takumi, Ontai, Jernigan, Shimabukuro, the Clerk's Office and Representative Leong.

"Baskets in the making, Representative Say, Representative Evans, Representative Takumi, Representative Shimabukuro, Representative Caldwell, Representative Morita, Representative Nishimoto, and Representative Moses.

"The names that I did not list this afternoon will be listed next week for those who are not contributing anything, so there is a lot of time left until our delivery of these baskets on Wednesday, April 16th. Thank you very much, Madame Speaker."

ADJOURNMENT

At 12:55 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 Monday, March 31, 2003. (Representatives Bukoski, Stonebraker, Takumi, Tamayo and Thielen were excused.)

FORTY-THIRD DAY

Monday, March 31, 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 Mari Gabrielson of Unity Church of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Chang, Hale, Halford, Morita, Ontai, Souki, Takamine and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 222 through 224) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 222, transmitting a report, Request to Establish a Task Force to Study the Feasibility of Establishing a Freshwater Fishery at the Wahiawa Reservoir, Oahu.

Gov. Msg. No. 223, transmitting a report, Progress on the Study -- Planning for Sustainable Tourism in Hawaii: A Study on the Carrying Capacity for Tourism.

Gov. Msg. No. 224, informing the House that H.B. No. 1077, H.D. 1, S.D. 1, was signed into law on March 28, 2003, as Act 002.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 460 and 461) were received and announced by the Clerk:

Sen. Com. No. 460, transmitting S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON RENOVATION AND RECONSTRUCTION OPTIONS AND THE FORMULATION OF A MASTER PLAN FOR ALOHA STADIUM," which was adopted by the Senate on March 28, 2003.

Sen. Com. No. 461, informing the House that the Senate has disagreed to amendments proposed by the House to S.B. No. 1058, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE."

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 45) was received by the Clerk and was placed on file:

Dept. Com. No. 45, from Marion M. Higa, State Auditor, transmitting the Auditor's 2002 Annual Report.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

S.C.R.Nos.Referred to:

- | | |
|-------------|---|
| 38 | Committee on Tourism and Culture, then to the Committee on Finance |
| 63,
SD 1 | Jointly to the Committee on Tourism and Culture and the Committee on Higher Education, then to the Committee on Finance |

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. No. 194 and 195) were announced by the Clerk and the following action taken:

H.R. No. 194, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING TULI PETERS ON BEING NAMED THE 2002 GATORADE HIGH SCHOOL VOLLEYBALL PLAYER OF THE YEAR AND FOR HER OUTSTANDING ACHIEVEMENTS, COMMITMENT, AND DEDICATION TO HER SCHOOL AND COMMUNITY," was jointly offered by Representatives Magaoay and Meyer.

Representative Magaoay, moved that H.R. No. 194 be adopted, seconded by Representative Meyer.

Representative Magaoay introduced the honoree, her mother and Kahuku High School's Athletic Director, who were seated on the floor of the House:

Ms. Michelle "Tuli" Peters, Kahuku High School Senior and the Gatorade High School Volleyball Player of the Year;

Ms. Mary Peters, mother; and

Mr. Joseph Whitford, Athletic Director.

At this time, Representative Magaoay introduced Ms. Peter's family, who was seated in the gallery:

Ms. Melissa Peters, younger sister;

Mr. Kenneth Peters, younger brother; and

Mr. Sam Tanuvasa, grandfather.

The motion was put to vote by the Chair and carried, and H.R. No. 194 was adopted with Representatives Hamakawa, Morita, Nakasone, Ontai, M. Oshiro, Souki, and Takamine being excused.

H.R. No. 195, entitled: "HOUSE RESOLUTION CONGRATULATING HAWAII LEADERS EARNING NATIONAL HONORS FROM TRAVEL AGENT MAGAZINE AND FORTUNE MAGAZINE," was jointly offered by Representatives Fox, Marumoto, Blundell, Souki, Arakaki, and M. Oshiro

Representative Fox, moved that H.R. No. 195 be adopted, seconded by Representative Bukoski.

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

Mr. David Carey, CEO and President of Outrigger Enterprises and recipient of the Travel Agent Magazine's

Person of the Year for 2002 in the Hotel and Resorts category.

Mr. Tim Irwin, President of Pleasant Holidays, parent of Pleasant Hawaiian Holidays and the recipient of Travel Agent Magazine's Person of the Year for 2002 in the Tours and Packages category.

Mr. Allen Doane, President/CEO of Alexander & Baldwin, Inc. Fortune Magazine rated Alexander & Baldwin #1 in the category of Social Responsibility for 2003.

At this time, Representative Fox introduced the following individuals from Pleasant Holidays, Alexander & Baldwin, and Hawaii Visitors and Convention Bureau who were seated in the gallery:

From Pleasant Holiday: Mr. Gary Hogan, President; Ms. Leona Nakaahiki, Vice President of Sales; Mr. Duke Ah Moo, Vice President of Pleasant Island Holidays; and Ms. Jan Irwin, wife of honoree, Mr. Tim Irwin;

From Alexander & Baldwin, Inc.: Ms. Meredith Ching, Vice President; Mr. Stan Kuriyama, Vice Chairman of the Board and CEO of A&B Properties, Inc.; Mr. Gary North, Senior Vice President of Matson Navigation; and Ms. Lynn Swisher, Vice President and Controller of Hawaiian Commercial and Sugar Company; and

From Hawaii's Visitors and Convention Bureau: Mr. Tony Vericella, CEO; and Mr. Jon Paul Akeo, Human Resources Manager.

Representative Bukoski introduced the final honoree, Ms. Marsha Wienert, Executive Director of the Maui Visitor's Bureau and is the co-recipient of Travel Agent Magazine's Person of the Year in the United States.

The motion was put to vote by the Chair and carried, and H.R. No. 195 was adopted with Representatives Caldwell, Hamakawa, Morita, Nakasone, Ontai and Takamine being excused.

At 12:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:56 o'clock p.m.

* STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1189), recommending that H.R. No. 128, 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.R. No. 128, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A PUBLIC EDUCATIONAL CAMPAIGN ON THE DANGERS OF CRYSTAL METHAMPHETAMINE," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1190), recommending that H.C.R. No. 164, 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.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A PUBLIC EDUCATIONAL CAMPAIGN ON THE DANGERS OF CRYSTAL METHAMPHETAMINE," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1191), recommending that H.R. No. 137, 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.R. No. 137, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A PILOT PROJECT TO ASSESS THE FEASIBILITY OF A COMMUNITY-BASED MARINE RESERVE ADVISORY PROCESS TO SUPPORT THE DEPARTMENT IN THE IDENTIFICATION, DESIGNATION, AND STEWARDSHIP OF MARINE RESERVE SITES AND TO CONDUCT A SURVEY TO IDENTIFY AREAS OF THE MARINE ENVIRONMENT WHERE MANAGEMENT AND RESOURCE PROTECTION NEEDS ARE THE GREATEST," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1192), recommending that H.C.R. No. 173, 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.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A PILOT PROJECT TO ASSESS THE FEASIBILITY OF A COMMUNITY-BASED MARINE RESERVE ADVISORY PROCESS TO SUPPORT THE DEPARTMENT IN THE IDENTIFICATION, DESIGNATION, AND STEWARDSHIP OF MARINE RESERVE SITES AND TO CONDUCT A SURVEY TO IDENTIFY AREAS OF THE MARINE ENVIRONMENT WHERE MANAGEMENT AND RESOURCE PROTECTION NEEDS ARE THE GREATEST," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1193), recommending that H.R. No. 47, 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.R. No. 47, HD 1, 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 referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1194), recommending that H.C.R. No. 44, 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.C.R. No. 44, HD 1, 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 referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1195), recommending that H.R. No. 66, be referred to the Committee on Health; and

(Stand. Com. Rep. No. 1196), recommending that H.C.R. No. 65, be referred to the Committee on Health.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 66 and H.C.R. No. 65 be referred to the Committee on Health, seconded by Representative Lee.

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

"Mr. Speaker, in opposition to H.R. 66 and H.C.R. 65. On those two resos, we are talking about a British Corporation that is selling drugs to Canada. There is no state farther from Canada than the State of Hawaii. We are the farthest state from Canada. We don't have people driving across the border to buy drugs. We never will. This is an absurd resolution. Thank you, Mr. Speaker."

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

"I'd like to talk to the absurdity of this resolution and speak in favor of this. Thank you very much, Mr. Speaker. It is true that it may be very difficult to drive to Canada to purchase drugs from Hawaii. I will acknowledge that, but this new. We are talking about mail-order. Hundreds of thousands of Americans, including people in Hawaii, get their drugs from Canada because of the prices there.

"Let me say a couple of things. GlaxoSmithKline has said that this compromises the integrity and the safety of the drugs. But the Congressional Research Service confirmed that Canadian authorities regulate the quality of medications manufactured and sold there as rigorously as the FDA does in the United States. Mr. Speaker, we are not talking about some 'boiler-plate' operation in some garage in Quebec that is mailing out these drugs to consumers in the United States. The United States FDA officials have repeatedly said that they will not act against Americans who are buying Canadian prescriptions for their own needs.

"As we all know, it is against the federal law to re-import drugs from any given country, but many of these residents and citizens of the United States are doing this purely out of economic necessity when they can get their drugs anywhere from 40% to 80% cheaper from Canada than they can from the

United States. It is clear that GlaxoSmithKline is doing this simply because they are seeing their profit base eroding as more and more people are realizing, rather than buying their drugs in the United States, they can get it from Canada. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, with reservations. And in my observation it is very poorly written, and I hope the Health Committee, if they want to further the concept, to do it more adeptly. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to the two resolutions. I just can't understand how we think we can tell a US Corporation what they can and cannot do, and to direct our comments and demands to businesses in another country. It just doesn't seem appropriate. Thank you."

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

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

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

Representative Takai 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 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.)

At this time, the Chair stated:

"Members, it is going to the Health Committee so you will have another chance at this resolution."

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

"Thank you, Mr. Speaker. Strong reservations on the verge of a no vote. I will see what comes out of Health Committee."

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 reports of the Committee were adopted and H.R. No. 66, entitled: "HOUSE RESOLUTION STRONGLY URGING THE GLAXOSMITHKLINE CORPORATION TO IMMEDIATELY RESUME PRESCRIPTION DRUG DELIVERIES TO CANADIAN-BASED MAIL-ORDER PHARMACIES," was referred to the Committee on Health with Representatives Blundell, Ching, Fox, Jernigan, Meyer and Ontai voting no, and with Representative Morita, Takamine and Tamayo being excused;

and

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GLAXOSMITHKLINE CORPORATION TO IMMEDIATELY RESUME PRESCRIPTION DRUG DELIVERIES TO CANADIAN-BASED MAIL-ORDER PHARMACIES," was referred to the Committee on Health with Representatives Blundell, Ching, Fox, Jernigan, Meyer, Ontai, Stonebraker and Takai voting no, and with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1197), recommending that H.R. No. 78, 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.R. No. 78, entitled: "HOUSE RESOLUTION ENCOURAGING THE PRESERVATION OF OUR STATE BEACHES AND SHORELINES," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1198), recommending that H.C.R. No. 80, 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.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE PRESERVATION OF OUR STATE BEACHES AND SHORELINES," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1199), recommending that H.R. No. 160, 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.R. No. 160, HD 1, entitled: "HOUSE RESOLUTION URGING THE BOARD OF WATER SUPPLY OF THE COUNTY OF MAUI TO REQUEST THE MAUI COUNTY DEPARTMENT OF WATER SUPPLY TO CONDUCT A STUDY ON THE FEASIBILITY AND AVAILABILITY OF GROUND WATER RESOURCES IN UPCOUNTRY MAUI IN ORDER TO ELIMINATE THE NEED FOR LEAD TREATMENT AND CHEMICAL ADDITIVES IN THE UPCOUNTRY MAUI WATER SYSTEM," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1200), recommending that H.C.R. No. 199, 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.C.R. No. 199, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF WATER SUPPLY OF THE COUNTY OF MAUI TO REQUEST THE MAUI COUNTY DEPARTMENT OF WATER SUPPLY TO CONDUCT A STUDY ON THE FEASIBILITY AND AVAILABILITY OF GROUND

WATER RESOURCES IN UPCOUNTRY MAUI IN ORDER TO ELIMINATE THE NEED FOR LEAD TREATMENT AND CHEMICAL ADDITIVES IN THE UPCOUNTRY MAUI WATER SYSTEM," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Magaoay, for the Committee on Legislative Management presented two reports:

(Stand. Com. Rep. No. 1201), recommending that H.R. No. 50, as amended in HD 1, be referred to the Committee on International Affairs; and

(Stand. Com. Rep. No. 1202), recommending that H.C.R. No. 47, as amended in HD 1, be referred to the Committee on International Affairs.

Representative Saiki moved that the reports of the Committee be adopted and H.R. 50, HD 1 and H.C.R. No 47, HD 1, be referred to the Committee on International Affairs, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise with strong reservations on Standing Committee Report No. 1201. DBEDT did testify in opposition of this bill, feeling that it was duplicative. I think that those are worthy comments to taking a look at. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee were adopted and H.R. 50, HD 1 entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY CONCERNING THE ESTABLISHMENT OF AN OFFICE OF INTERNATIONAL AFFAIRS IN STATE GOVERNMENT," was referred to the Committee on International Affairs with Representatives Morita, Takamine and Tamayo being excused;

and

H.C.R. No. 47, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY CONCERNING THE ESTABLISHMENT OF AN OFFICE OF INTERNATIONAL AFFAIRS IN STATE GOVERNMENT," was referred to the Committee on International Affairs with Representatives Morita, Takamine and Tamayo being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1203), recommending that H.R. No. 54, 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.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 referred to the Committee on Economic Development and Business Concerns with Representatives Morita, Takamine and Tamayo being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No.

1204), recommending that H.C.R. No. 51, 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.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 referred to the Committee on Economic Development and Business Concerns with Representatives Morita, Takamine and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1205), recommending that H.R. No. 127, 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.R. No. 127, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF PROVIDERS OF DEATH CARE SERVICES," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1206), recommending that H.C.R. No. 162, 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.C.R. No. 162, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF PROVIDERS OF DEATH CARE SERVICES," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1207), recommending that H.R. No. 162, 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.R. No. 162, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF CREATING PUBLIC-PRIVATE PARTNERSHIPS TO PROVIDE COST-EFFECTIVE REHABILITATION SERVICES TO LOW INCOME AND MEDICAID ELIGIBLE INDIVIDUALS AND GOVERNMENT EMPLOYEES," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1208), recommending that H.C.R. No. 202, 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.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF CREATING PUBLIC-PRIVATE

PARTNERSHIPS TO PROVIDE COST-EFFECTIVE REHABILITATION SERVICES TO LOW INCOME AND MEDICAID ELIGIBLE INDIVIDUALS AND GOVERNMENT EMPLOYEES," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1209), recommending that H.R. No. 113, 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.R. No. 113, HD 1, entitled: "HOUSE RESOLUTION RELATING TO RECOMMENDATIONS FOR PUBLIC ASSISTANCE," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1210), recommending that H.C.R. No. 137, 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.C.R. No. 137, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECOMMENDATIONS FOR PUBLIC ASSISTANCE," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1211), recommending that H.C.R. No. 85, 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.C.R. No. 85, HD 1, 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 Standing Committee Report 1211. Thank you, Mr. Speaker. The purpose of this concurrent resolution is to request the Auditor to conduct a program audit of the Child Protective Services System, including the CPS Division of the Department of Human Services, Department of the Attorney General, the Family Courts, and the police departments of each county. Mr. Speaker and colleagues, numerous concerned individuals testified in support of this measure.

"This measure addresses the tactics that CPS uses on the families of Hawaii. On March 20th in the morning paper of Star Bulletin, Amy Tsark of CPS speaks to the reporter as if there was no problem in CPS, that they make decisions, "not in the vacuum." But it was really funny because during the hearing, this same worker did not speak with that kind of enthusiasm.

"Mr. Speaker, I want to point out to our colleagues, that in fact this morning Mr. Speaker, I was going to come and resign as your Chair of Human Services and Housing, because this Committee is the 'heartbreak hotel'. This Committee addresses all the basic needs of this State of Hawaii. Mr. Speaker, there are some very harsh violations that we've been seeing, repeated violations of Public Law, 96-272 42 USC Section 671, and also the Hawaii Administrative Rules 17-920 1-18 subsections (d) and (e). It says, "Reasonable effort requirements to prevent the

removal by providing appropriate services as an alternative to placement." So my question is, why haven't the modest goals of this public law 96-272 been realized? Why do children continue to be unnecessarily removed from their homes only to languish in inappropriate placement for years at a time?

"Mr. Speaker in this resolution it also notes a lot of other violations, repeated violations. I'd like to note couple of them.

"One in particular is our HRS 350-1, which defines abuse and neglect extensively and mandates that these standards be applied to the decision for removing the child from the home. These requirements are often not met before the child is removed from the home. Conversely where the statutory definition of abuse is met, often the children are not removed from that home, especially if it's a foster home.

"Mr. Speaker, this morning, what really changed my mind to go and see you, was a telephone call from a mother that had a TRO on her 17 year-old daughter's boyfriend that was abusing her. The CPS worker came in and took her 17 year-old daughter and told this lady if she does not want to get charged for abuse of a family member, for her to move out of this State with her younger daughter."

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

Representative Kahikina continued, stating:

"Thank you, Mr. Speaker. HRS 346-14, subsection (2) says that, the services are to, "Promote the immediate health and safety of children." DHS and Child Welfare Services not only failed to provide services to promote the immediate health and safety of some truly abused children, but they have also subjected non-abused children to abusive and intimidating interviews and therapies. There are documented cases of healthy, happy children being removed from the home and as a result of the trauma induced by the removal from their loving parents and the traumatic therapies forced on them being declared emotionally unstable or medically fragile or any number of diagnoses that entitle the department to obtain additional funding. Is this promoting the health and safety of children?

"You know I can go on and on, but I just hope that people will have the compassion to look at what some of our laws and some of the people that supposed to be enacting our laws are doing. I just feel that in this point and time, in this age when CPS has been given extraordinary powers, just by not even a checklist, not even the Miranda Rights are read to the parents. I think this is a grave, grave injustice and I just hope and pray that all of you have the compassion, that I believe you have, and you will support this. Thank you."

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

"Yes, thank you, Mr. Speaker. In favor. A couple of observations. Child Protective Services has had a long-standing history of not being excellent. This is overdue. I think it is symptomatic of problems we've had with our government over decades.

"Secondarily, I would like to say that our Legislative Auditor is underutilized. The Constitution requires that, that position audits all State finances. And audits of Child Protective Services and every other agency and program and department should have been audited regularly since Statehood. This is good that we are doing this, but insufficient in that it is just one issue, and we should be auditing all State finances. Thank you."

Representative Kahikina rose and stated:

"Mr. Speaker, may I have permission to insert the rest of my written comments?" and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"This addresses CPS and the tactics they use on the families of Hawaii. The upper level management of the Dept. of Human Services has allowed the CPS case workers, to continue to violate federal and State laws. For years, there has been no policing of CPS case workers, because they share powers with the three branches of the government. CPS act as if they are above the laws of these United States.

"The violations are not limited to the following:

"1) Repeated violations of PL. 96-272.42 U.S.C. Sections 671 and H.A.R. 17-920. 1-18(d) (e) Reasonable Effort requirements to prevent the removal by providing appropriate services as an alternative to placement. Why haven't the modest goals of PL. 96-272 been realized? Why do children continue to be unnecessarily removed from their homes only to languish in inappropriate placement for years at a time?

"2) Repeated violations of H.A.R. 17-828-1-2-3 "To preserve and rehabilitate or reunite families wherever possible." DHS has been more effective in breaking down and destroying family ties.

"3) Repeated violations of H.A.R. 17-920.1-17(a) "To remove a child from the custody of his parents only when his welfare and safety would otherwise be endangered." DHS, Child Welfare Services (a.k.a CPS) fails to use this standard for the removal of children from their homes. They traumatize children by forcing them into foster care, and then drug them when the children act out due to the cruel separation from their loving parents. They even allow teenager who state they no longer want to live at home (which they don't even allege to be abusive), to be placed in foster care at the parents' expense. They ignore, and conspire to cover-up the abuse of children in foster care. There are other cases where the children and their non-custodial parents beg for DHS, Child Welfare Services (a.k.a. CPS) to remove them from an abusive home, and DHS will not. These children continue to be abused.

"4) Repeated violations H.R.S. 350-1 which defines abuse or neglect extensively, and mandates that these standards be applied to the decision for removing the child from the home. These requirements are often not met before the child is removed from the home. Conversely, where the statutory definition of abuse is met, often the children are not removed from that home, especially if it is a foster home.

"5) Repeated violations of H.A.R. 17-943.1(2) which mandates the agency to provide, purchase or develop the supportive and rehabilitative services to the family to prevent foster placement and with the goal of reunification. The services provided by DHS, Child Welfare Services (a.k.a CPS) are detrimental to many unwilling participants. The system is fraught with fraud, with conflicts of interest, and built upon keeping the child and the family in the system as long as possible. The effects of this intervention have been overwhelmingly negative to the families involved.

"6) Repeated violations of H.R.S. 346-14(2) which say the services are to "promote the immediate health and safety of children... "DHS, Child Welfare Services (a.k.a. CPS) has not only failed to provide services to promote the immediate health and safety of some truly abused children, but they have also subjected non-abused children to abusive and intimidating

interviews and therapies. There are documented cases of healthy, happy children being removed from the home and as a result of the trauma induced by the removal from their loving parents and the traumatic therapies forced on them, of being declared emotionally unstable, or medically fragile, or any number of 'diagnosis' that entitle the department to obtain additional funding. Is this promoting the health and safety of children?

"7) Repeated violations of H.R.S. 346-14(5), which states that the department shall, "reduce the risk of future maltreatment of children who have previously been abused or neglected." We assert that more children are abused by the system that is supposed to be protecting them that are abused by their families. DHS, Child Welfare Services (a.k.a. CPS) does nothing to reduce this risk and even contributes to the risk by their inaction with abused children, and by their abuses against non-abused children.

"8) Repeated violations of H.R.S. 346-14(4), which states that the State shall, "Avoid unnecessary placement of children into foster care." DHS, Child Welfare Services (a.k.a. CPS) does the opposite of this statutory requirement, in practice they place children in foster care whenever they can get away with it and then work diligently against reunification of the family.

"9) Repeated violations of H.R.S. 346-14(3), which states that the State shall, "Facilitate, speedy reunification of parents with their children... There is nothing speedy about what DHS, Child Welfare Services (a.k.a. CPS) does when it intervenes with a family, especially when the allegations are false.

"10) Repeated violations of H.R.S. 587-1, which states that the State shall, "Promote the best interest of the child." DHS, Child Welfare Services (a.k.a. CPS) fails to recognize that the best interests of the child could mean that the child stays with the parent. DHS does nothing to promote the best interests of the child; they promote the best interests of DHS.

"11) Repeated violations of H.R.S. 346-14, which states that, "Family preservation services, which are brief, comprehensive, and intensive services provided to prevent the out-of home placement of children or to promote the safe return of children to the home." There are documented cases of where the children have been removed without any evidence of abuse or neglect and the children are still, months and years later, not reunited with the parents. DHS services are neither brief nor designed to promote the return of the children to the home. Additionally, the services provided by DHS are incompetent, unreliable, sub-standard, and fraught with deceit and fraud.

"12) Repeated violations of H.R.S. 587-21(1) & (2), which states that, "In conducting the investigation..., the department may enlist the cooperation of appropriate law enforcement authorities for phases of the investigation for which they are better equipped." DHS has routinely removed children from the home and school without the assistance of law enforcement.

"13) Repeated violations of 45 C.F.R. 1356.21(b) (1) (1) & (ii) A), which states that, "When a child is removed from his/her home, the judicial determination, as to whether reasonable efforts were made or were not required to prevent the removal, is made no later than 60 days from the date the child is removed from the home." B), "If the determination concerning reasonable efforts to prevent the removal is not made as specified above, the child is not eligible under the title IV-E foster care maintenance payments program for the duration of that stay in foster care." CPS and Family Court are making fraudulent claims that the services keep the family intact or unify have been provided when the family hasn't received any services at all. Currently, a part of CPS funding is based on the number of children placed in foster care. This

creates a "reward" to CPS for every child they can remove from a family. Their entire budget should be revised, removing this incentive. Their stated aim should be to preserve and heal families, not to give children to replacement parents who fit the CPS workers definition of what constitutes an acceptable family."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 85, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM AUDIT AND INVESTIGATION OF THE VARIOUS AGENCIES INVOLVED IN THE CHILD PROTECTIVE SERVICES SYSTEM," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1212), recommending that H.C.R. No. 108, 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.C.R. No. 108, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY THE CONTINUATION OF SERVICES AFTER THE PLANNED CLOSING OF THE CASEY FAMILY FOUNDATION OFFICES IN HAWAII," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1213), recommending that H.C.R. No. 131, 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.C.R. No. 131, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S FEDERAL SECTION 8 VOUCHER PROGRAM," was referred to the Committee on Finance with Representatives Morita, Takamine and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1214) recommending that H.R. No. 76, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 76, entitled: "HOUSE RESOLUTION STRONGLY SUPPORTING THE CONVENING OF THE 2003 ANNUAL MEETING OF THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL'S PERMANENT FORUM ON INDIGENOUS ISSUES TO BE HELD IN HAWAII," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1215) recommending that H.C.R. No. 78, 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. 78, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE CONVENING OF THE 2003 ANNUAL MEETING OF THE UNITED NATIONS ECONOMIC AND SOCIAL

COUNCIL'S PERMANENT FORUM ON INDIGENOUS ISSUES TO BE HELD IN HAWAII," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1216) recommending that H.R. No. 86, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 86, entitled: "HOUSE RESOLUTION SUPPORTING THE RALPH BUNCHE CENTENARY CELEBRATION," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1217) recommending that H.C.R. No. 89, 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. 89, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RALPH BUNCHE CENTENARY CELEBRATION," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1218) recommending that H.R. No. 59, be adopted.

Representative Saiki moved that the report of the Committee be adopted and that H.R. No. 59 be adopted, seconded by Representative Lee.

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:

"Celebrate International Women's Day By Endorsing Women's Human Rights

"International Women's Day -- March 8th -- is a time to reflect on the status of women in the United States and around the world. But even as we celebrate our great progress in women's rights, we cannot be satisfied -- not when International Women's Day 2003 finds women in our state, nation and world still suffering from discrimination and violence. We cannot be satisfied when the United States Senate has failed to ratify the international treaty that would reflect our nation's commitment to women's equality -- the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) -- an international bill of rights for women.

"The United States actively participated in drafting CEDAW, the United Nations General Assembly adopted the treaty in 1979, and the United States signed it. Now is the time for the United States Senate to finally ratify CEDAW and take a global stand against discrimination and for women's human rights.

"As a member of Center for Women Policy Studies' National Honor Roll of State Legislators, I have pledged to work for women's human rights here in the United States and in Hawaii. Moreover, as a recent graduate of the Center's Foreign Policy Institute for State Legislators, I am also acutely aware that United States foreign policy critically affects the human rights of women around the world.

"Why is CEDAW important? Because 228 million women are in need of effective contraceptives. Because one woman dies as a result of pregnancy and childbirth-related causes every minute -- over 500,000 women per year.

"Because HIV/AIDS is a women's epidemic worldwide. Nearly 20 million women around the world are currently living with HIV/AIDS and in 2002 1.2 million women died of AIDS. For several years, HIV/AIDS has been the fifth leading cause of death for women ages 25 to 44 in our nation and the third leading cause of death for African American women in this same age group.

"Because women and girls of all classes, ethnicities, cultures, and countries are victims of gender-based violence -- prenatal sex selection, female infanticide, sexual abuse, female genital mutilation, school and workplace sexual harassment, sexual trafficking and exploitation, dowry-killings, domestic violence, battering, and marital rape. These violations of women's most basic human rights, kill and disable more women ages 15 to 44 than cancer, malaria, traffic accidents, and even war. In the United States, approximately 4.8 million rapes and physical assaults are perpetrated against women each year.

"Hawaii is only one of 10 state legislatures to publicly support ratification of the U.N. Convention to Eliminate Discrimination Against Women (CEDAW) with passage of HCR 15 in April of 1999, and our representatives in Washington, D.C. have consistently supported passage of CEDAW.

"On the anniversary of International Women's Day, I urge the Administration to confirm that our nation stands for women's human rights and women's equality both here and abroad."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representatives Hale and Schatz, for the Committee on International Affairs and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1219) recommending that H.R. No. 77, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 77, entitled: "HOUSE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representatives Hale and Schatz, for the Committee on International Affairs and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1220) recommending that H.C.R. No. 79, 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. 79, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND

AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1221) recommending that H.C.R. No. 163, 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. 163, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE HAWAII HOMEOWNERSHIP CENTER," was adopted, with Representatives Morita, Takamine and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1222) recommending that S.B. No. 345, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1222 on S.B. 345, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 345, SD 1, HD 2, were made available to the members of the House

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1223) recommending that S.B. No. 1049, SD 1, 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 S.B. No. 1049, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Morita, Takamine and Tamayo being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1224) recommending that S.B. No. 1353, 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 S.B. No. 1353, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR MEDICAID," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Morita, Takamine and Tamayo 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. (Representatives Morita, Takamine and Tamayo were excused.)

STANDING COMMITTEE REPORTS

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

No. 1225) recommending that S.B. No. 678, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 678, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 48 ayes, with Representatives Morita, Takamine and Tamayo being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1226) recommending that S.B. No. 1361, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1361, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Third Reading by a vote of 48 ayes, with Representatives Morita, Takamine and Tamayo being excused.

The Chair directed the Clerk to note that S.B. Nos. 678, SD 1, HD 1; and 1361, SD 2, HD 1; passed Third Reading at 1:12 o'clock p.m.

THIRD READING

S.B. No. 394, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 687, SD 1, HD 1:

Representative Saiki moved that S.B. No. 687, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition. I think it is commendable that we are trying to give some tax breaks to our employees and that is kind of what this bill does. Unfortunately, I believe that all of part one of the bill is negotiable, and it should be left up to the bargaining units. If not, let's just do away with collective bargaining in our statutes and just do everything through this Legislature.

"Part two has to do with military service, and as you know, I am a retired marine and I am fully in support of the military and National Guard, etc. But that is also negotiable. I believe it has been negotiated for everybody except for exempt employees, and they're covered by Executive Order. So I don't see any need for this measure at all, Mr. Speaker."

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

"Mr. Speaker, I am rising in support with some pretty strong reservations. I believe that this bill takes pay items and puts it into statute instead of leaving it with collective bargaining, which is kind of troublesome. At least with collective bargaining, things are looked at every couple of years when the contracts are being negotiated. But by putting parts and pieces of what is customarily the purview of collective bargaining into

statute, we sort of erode that process. So those are my reservations. Thank you."

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

"Mr. Speaker, with reservations. My understanding is that the reenactment of the military leave law is unnecessary since military leave is already covered in bargaining unit agreements. Those excluded from collective bargaining are provided this leave via Executive Order. Thank you."

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

"I rise in support of this measure. Mr. Speaker, because much discussion has been focused around the second part of the bill, I need to speak about that.

"Mr. Speaker, prior to September 11, 2001, in fact in July of 2000, the Legislature enacted Act 253 which is the Civil Service Collective Bargaining Reform Law. I think it is an important point because prior to September 11, 2001, our world was much different. Since that time, we've come to rely upon our recruitment and retention of National Guard members in Hawaii, to provide one of many of their services we require of them to ensure that our homelands are secured. The fact that we have military reserves who are part and parcel of our employment force is important.

"It is my understanding Mr. Speaker, that Act 253 repealed Chapter 79. And Chapter 79 among other things provided for military leave with pay for members of the Hawaii National Guard and Military Reserves. The repeal will require people to go on military duty only by using their vacation time or by taking leave of absence without pay. The Legislature finds that the repeal of the sections of Chapter 79 relating to military leave with pay will have a serious negative impact upon recruitment and retention. And especially we should be concerned about the impact upon the Hawaii National Guard.

"Mr. Speaker, the purpose of the measure is to reenact those portions of Chapter 79 to provide them leave with pay for State and county employees who are members of the Hawaii National Guard and Military Reserves. Mr. Speaker, just for the members edification, we did put an effective date of 2050 so we could continue the discussion of this measure through the course of this Session. Thank you."

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

"Mr. Speaker, just briefly, I rise in support of this measure. In regards to part two, which is the military leave, I just want to mention this. I don't think that homeland security and the defense of our country are negotiable items, and I think these discussions on the military leave should focus on them. I think it is appropriate for this Legislature to take this action. Thank you."

Representative Moses rose to respond, stating:

"Just one brief other point I want to bring out. It is not like these people, when they go on National Guard duty, are going without pay, because they are paid. They are paid by the National Guard, which is us. And if we think they are not getting enough pay, then we ought to raise the National Guard pay. And that would do a lot for homeland security."

The motion was put to vote by the Chair and carried and S.B. No. 687, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE," passed Third

Reading by a vote of 44 ayes to 3 noes, with Representatives Jernigan, Moses and Ontai voting no, and with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 295, SD 1, HD 1:

Representative Saiki moved that S.B. No. 295, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I am rising in support of the bill but with one reservation. Thank you. If you'll recall my talking at great length about towing fees last Session. I am glad that to see that the law as it now stands says you can pay by a credit card or an ATM machine so at least a person whose car is towed has the option in the middle of the night.

"Mr. Speaker, the bill is good in that its going to require tow trucks to be registered as commercial tow trucks. It is also going to require those tow trucks to have special license plates so we will be able to identify if a car is being towed that it is being towed by a legitimate towing truck, and not someone who is just ripping off the car.

"My concern comes on page 5 of the bill where it is now going to increase by 25%, the storage charge for a fraction of a day, or for the first 7 days. If someone is unwise enough to pick up their car after 7 days, the price jumps by 33%. So we keep hammering away at people who unfortunately have their cars towed. This would mean really for anyone in this room that has a vehicle towed in the vicinity of the Capitol, or someplace maybe in downtown Honolulu, you probably won't get your car back for less than a \$150 if you act quickly. But thanks to the Chair of the Transportation Committee, from last year at least you'd be able to pay for it by a credit card and not have to carry that amount around in your pocket. Thank you."

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

"Thank you, Mr. Speaker. I am rising in opposition to this bill. At the very least what it is, is an increase in the fees from \$15 to \$20 per day for storage, and it creates a new little bureaucracy for registering all these tow trucks. Hawaii has a poor reputation as a place to do business. And you know we never stop having good ideas to further control various businesses, and this is another effort to put on additional requirements.

"My colleague from Kailua talked about how this would give us a sense of security if we see a license plate that says that this is a registered tow truck or whatever it is going to say. But I don't think that this has been a giant problem where tow trucks are picking cars and towing them off to a 'chop shop'. It is really the tow trucks are doing its service, but the cost goes up it seems like every year. This bill is better than one that we had in the House which increased every fee you could think of. But this is still an increase. Thank you, Mr. Speaker.

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

"On the same measure with reservations. This is more business regulation supported by business."

The motion was put to vote by the Chair and carried and S.B. No. 295, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Meyer, Ontai, Pendleton and Stonebraker voting no, and with

Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 685:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 685, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBERS PLACED IN POLL BOOKS," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 616:

Representative Saiki moved that S.B. No. 616 pass Third Reading, seconded by Representative Lee.

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

"I am sorry, Mr. Speaker. I am rising opposed to S.B. No. 616. In opposition. As I stated on Second Reading, if you commit a crime, it's a crime. If you bludgeon somebody because of something that you think is in their background or in their makeup, it is still a crime. If you murder somebody because of something other than just the fact that you are murdering them, what does it matter? What does it matter why you hit somebody? Why you steal from somebody? Or why you murder somebody? You commit the crime, you do the time, to use that phrase. It doesn't matter why you do it. How can anybody know why you did it unless you tell them? And then everybody can say, "Well, that was just in the heat of passion." It doesn't matter if you hurt them. You hurt them, that's it. You should be punished. Thank you, Mr. Speaker."

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.)

The motion was put to vote by the Chair and carried and S.B. No. 616, entitled: "A BILL FOR AN ACT RELATING TO HATE CRIMES," passed Third Reading by a vote of 39 ayes to 8 noes, with Representatives Bukoski, Ching, Finnegan, Jernigan, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 1200, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 1200, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 1589, SD 1, HD 1:

Representative Saiki moved that S.B. No. 1589, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Mindo's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of S.B. 1589. This is a 'house-keeping bill' that adds an optional provision that was inadvertently left out during the drafting of the Hawaii Nonprofit Act. HRS Chapter 414D, as it now stands, does not

allow nonprofit corporations to operate more effectively and efficiently. The exculpation of liability provision is similar to that currently given to for-profit corporations would encourage officers and directors to take a more proactive stance in exploring new services without having to worry extensively about personal liability.

"Many nonprofits have many members, providing many types of charitable services. While many of these members eagerly participate in our programs, very few choose to get involved in the governance of our corporate affairs and through their non-participation, defer this responsibility to our Board of Directors. However, because of their status as members, nonprofits have to expend a significant amount of time and money to organize "proxy drives" and notarizing appointment forms for proxies to ensure that the governance of our Corporation is legally compliant.

"These resources would be better spent towards providing greater services to the beneficiaries and their families. If presented with the choice of continuing to expend funds to maintain their status as members or to redirect these funds towards providing more childcare subsidies, academic scholarships, sports activities and special events, our members would make the right choice."

The motion was put to vote by the Chair and carried and S.B. No. 1589, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 1630, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 1630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

S.B. No. 1270, SD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 1270, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Morita, Takamine and Tamayo being excused.

The Chair directed the Clerk to note that S.B. Nos. 394, HD 1; 687, SD 1, HD 1; 295, SD 1, HD 1; 685; 616; 1200, SD 1, HD 1; 1589, SD 1, HD 1; 1630, HD 1; and 1270, SD 1; passed Third Reading at 1:25 o'clock p.m.

ANNOUNCEMENTS

Representative Nishimoto: "Mr. Speaker, the Health Committee has an informational briefing scheduled that is noticed on page E of the Order of the Day. That informational briefing is going to be moved to Thursday April 3rd at 9:00."

Speaker Say: "Can you repeat that announcement, Representative Nishimoto?"

Representative Nishimoto: "The informational briefing for the Committee on Health noticed on page E is going to be moved from Tuesday April 1st, to Thursday April 3rd at 9:00."

ADJOURNMENT

At 1:26 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, April 1, 2003. (Representatives Arakaki, Morita, Takamine and Tamayo were excused.)

FORTY-FOURTH DAY

Tuesday, April 1, 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 Pastor Montgomery Panui of Hope Chapel, after which the Roll was called showing all members present with the exception of Representatives Ito, Luke, Ontai, Schatz, Souki, Stonebraker and Thielen who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 225 and 226) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 225, transmitting a report, Hawaii State Policy and the Nonprofit Sector.

Gov. Msg. No. 226, transmitting a, "Report on Decentralized Decision-Making."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 462 through 464) were received and announced by the Clerk:

Sen. Com. No. 462, transmitting S.C.R. No. 33, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE TO PURSUE LITIGATION AGAINST CHEVRONTXACO FOR NONPAYMENT OF TAXES," which was adopted by the Senate on March 31, 2003.

Sen. Com. No. 463, transmitting S.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO DESIGN, IMPLEMENT, AND EVALUATE A CULTURAL TELEVISION AND FILM PILOT PROJECT," which was adopted by the Senate on March 31, 2003.

Sen. Com. No. 464, transmitting H.B. No. 1307, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 31, 2003.

INTRODUCTIONS

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

Representative M. Oshiro introduced Mr. Adelbert Green, President, Hawaii Lupus Foundation, and members of the Foundation, as well as members of the Hotel Employees and Restaurant Employees Local 5 who were promoting Lupus Awareness Day.

Representative Moses also recognized the Hawaii Lupus Foundation and encouraged lupus awareness.

Representative Hiraki introduced his cousin, Mr. Keith Kuboyama.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 196 and 197) were announced by the Clerk and the following action taken:

H.R. No. 196, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING PRINCE DAVID KAWANANAKOA MIDDLE SCHOOL ON ITS DIAMOND JUBILEE ANNIVERSARY," was offered by Representative Ching.

Representative Ching, moved that H.R. No. 196 be adopted, seconded by Representative Finnegan.

Representative Ching introduced the following honorees from Kawanakoa Middle School who were seated on the floor of the House:

Mr. Richard Anbe, Principal;

Ms. Sharon Luke, Teacher;

Ms. Lucia Davis, Teacher;

Ms. Caroline Shimamura, Student Representative; and

Ms. Michelle Ratley, Student Representative.

The motion was put to vote by the Chair and carried, and H.R. No. 196 was adopted with Representatives Ito, Halford, Hamakawa, Luke, Nakasone, B. Oshiro, Schatz, and Stonebraker being excused.

H.R. No. 197, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING CASEY FAMILY PROGRAMS OF HAWAII FOR ITS MISSION IN SUPPORTING FAMILIES, YOUTH, AND CHILDREN IN REACHING THEIR FULL POTENTIAL," was jointly offered by Representatives Kahikina, Arakaki, Kaho'ohalahala, Shimabukuro, Tamayo, Thielen, Fox and Hiraki.

Representative Kahikina, moved that H.R. No. 197 be adopted, seconded by Representative Arakaki.

At this time, Representative Kahikina gave a brief background of the Casey Family Program and what they have meant to the families of Hawaii.

Representative Arakaki introduced the following honorees from the Casey Family Program who were seated on the floor of the House:

Ms. Linda Santos, Director since 1984;

Ms. Stephanie Helbush, Case Assistant, helping social workers with family development;

Mr. Chet Oyama, Social Worker, managing and addressing the needs of 15-24 families;

Ms. Carol Imanaka, Transitional Supervisor, helping long term foster care youths adjust to full independence; and

Ms. Red Barbadillo, Office Administrator.

At this time, Representative Arakaki also introduced the following Casey Family Program staff, who were seated in the gallery:

Ms. Lynne Kazama, Social Worker/Adoption Supervisor; Ms. Tiffany Toma, Education Specialist; Ms. Helena Pontillas, Adoption Social Worker; Ms. Dana Apo, Family Support; Mr. Keith Kuboyama, Social Worker - long-term guardianship; Mr. Alan Castillo, Case Assistant; and Ms. Sounthavy Champathong, Case Assistant.

Representative Arakaki also recognized Casey Family Program staff, who were not present:

Ms. Sharon Cabico, On-call Assistant; and Ms. Cora Vasquez, On-call Aide.

The motion was put to vote by the Chair and carried, and H.R. No. 197 was adopted with Representatives Ito, Halford, Hamakawa, Nakasone, B. Oshiro, Schatz, and Stonebraker being excused.

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

The House of Representatives reconvened at 12:50 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives M. Oshiro and Arakaki, for the Committee on Labor and Public Employment and the Committee on Health presented a report (Stand. Com. Rep. No. 1227), recommending that H.C.R. No. 151, 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.C.R. No. 151, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM TASK FORCE ON UNIVERSAL HEALTH CARE," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1228), recommending that H.C.R. No. 70, 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.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DENTAL HEALTH DIVISION OF THE DEPARTMENT OF HEALTH," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1229), recommending that H.C.R. No. 40, be referred to the Committee on Legislative Management.

Representative Saiki moved that the report of the Committee be adopted and that H.C.R. No. 40, be referred to the Committee on Legislative Management, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in strong support of Standing Committee Report 1229. Thank you, Mr. Speaker. This measure would ban smoking in the State Capitol. If you look at the Committee Report, Mr. Speaker, it states that smoking is directly responsible for 80% of lung cancer cases and causes most cases of emphysema and chronic bronchitis. It also causes numerous other health ailments. I believe, Mr. Speaker, that New York City just recently passed a no smoking ordinance.

"I find it so ironic Mr. Speaker, that this State Capitol, the people's place, allows smoking and yet we have passed numerous laws prohibiting smoking in other places. I think it is high time that we had added this State Capitol to the list of smoke-free places. That we would do so in the interest of children's health, the health of those occupants within this building and those that come to be here at the Capitol to see where we are conducting the people's business. I would encourage the next Committee to hold a speedy hearing Mr. Speaker, and to pass this measure out. Thank you."

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

"I rise with reservations because I want to tell the next Committee that looks at this that I really believe that they should look at a designated smoking place in the State Capitol. I'd hate to see smokers standing over at the Palace, or out there on the streets, or people having to walk to the State Capitol through smokers. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THAT IT IS THE POLICY OF THE LEGISLATURE THAT SMOKING SHALL NOT BE PERMITTED IN THE STATE CAPITOL BUILDING IN ITS ENTIRETY," was referred to the Committee on Legislative Management, with Representative Stonebraker 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. 1230), recommending that H.R. No. 89, as amended in HD 1, 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.R. No. 89, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF HEALTH, AND BOARD OF PHARMACY TO CONDUCT A JOINT IMPLEMENTATION PLAN ON THE RETURN OF UNUSED DRUGS BY INSTITUTIONAL FACILITIES FOR FUTURE DISPENSING TO INDIGENT PATIENTS," was referred to the Committee on Consumer Protection and Commerce, with Representative Stonebraker 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. 1231), recommending that H.C.R. No. 99, as amended in HD 1, 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.C.R. No. 99, HD 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF HEALTH, AND BOARD OF PHARMACY TO CONDUCT A JOINT IMPLEMENTATION PLAN ON THE RETURN OF UNUSED DRUGS BY INSTITUTIONAL FACILITIES FOR FUTURE DISPENSING TO INDIGENT PATIENTS," was referred to the Committee on Consumer Protection and Commerce, with Representative Stonebraker being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1232), recommending that H.C.R. No. 7, 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.C.R. No. 7, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE FOR HEARING AID DEVICES AND SERVICES," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1233), recommending that H.R. No. 139, 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.R. No. 139, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF AN EMISSIONS TASK FORCE TO MEASURE THE STATE'S POWER PLANT AND MOTOR VEHICLE EMISSIONS AND DEVELOP COMPREHENSIVE STRATEGIES TO REDUCE EMISSIONS.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1234), recommending that H.C.R. No. 145, 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.C.R. No. 145, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE UTILIZATION OF RECYCLABLE PLASTICS AND OTHER ALTERNATE ENERGY SOURCES FOR THE GENERATION OF POWER," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1235), recommending that H.R. No. 104, 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.R. No. 104, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO CONVENE A TASK FORCE TO ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR HOUSING FACILITIES AND URGING THE EXPANSION OF THE HOMELESS POLICY ACADEMY," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No.

1236), recommending that H.C.R. No. 121, 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.C.R. No. 121, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO CONVENE A TASK FORCE TO ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR HOUSING FACILITIES AND URGING THE EXPANSION OF THE HOMELESS POLICY ACADEMY," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1237), recommending that H.C.R. No. 209, 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.C.R. No. 209, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING INFORMATION ON THE PETER BOY KEMA CASE," was referred to the Committee on Judiciary, with Representative Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1238), recommending that H.R. No. 175, 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.R. No. 175, HD 1, entitled: "HOUSE RESOLUTION CONCERNING CERTAIN PUBLIC LEASES," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1239), recommending that H.C.R. No. 223, 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.C.R. No. 223, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING CERTAIN PUBLIC LEASES," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1240), recommending that H.R. No. 70, as amended in HD 1, 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.R. No. 70, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO SERVE 100 PERCENT HAWAII-GROWN COFFEE AT THE WHITE HOUSE," was referred to the Committee on Economic Development and Business Concerns, with Representative Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1241), recommending that H.C.R. No. 67, as amended in HD 1, 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.C.R. No. 67, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO SERVE 100 PERCENT HAWAII-GROWN COFFEE AT THE WHITE HOUSE," was referred to the Committee on Economic Development and Business Concerns, with Representative Stonebraker being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1242), recommending that H.R. No. 147, 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.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO CONDUCT AN ANALYSIS OF ITS CURRENT EFFORTS TO DETERMINE TO WHAT EXTENT IT IS UTILIZING PROMISING ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGIES IN ITS DEVELOPMENT DISTRICTS," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1243), recommending that H.C.R. No. 183, 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.C.R. No. 183, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO CONDUCT AN ANALYSIS OF ITS CURRENT EFFORTS TO DETERMINE TO WHAT EXTENT IT IS UTILIZING PROMISING ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGIES IN ITS DEVELOPMENT DISTRICTS," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1244), recommending that H.R. No. 100, 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.R. No. 100, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO RECOMMEND A PLAN FOR THE ISSUANCE OF REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1245), recommending that H.C.R. No. 115, 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.C.R. No. 115, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO RECOMMEND A PLAN FOR THE ISSUANCE OF REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1246), recommending that H.R. No. 136, 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.R. No. 136, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO FORM AN AD HOC ADVISORY GROUP TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING THE DEVELOPMENT AND IMPLEMENTATION OF STANDARD OFFER CONTRACTS AND STANDARDIZED INTERCONNECTION AGREEMENTS TO REDUCE THE APPROVAL PROCESS TIME FOR THE IMPLEMENTATION OF RENEWABLE ENERGY SYSTEMS; AND FACILITATE THE PURCHASE OF ELECTRICITY FROM RENEWABLE ENERGY PRODUCERS IN HAWAII," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1247), recommending that H.C.R. No. 172, 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.C.R. No. 172, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO FORM AN AD HOC ADVISORY GROUP TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING THE IMPLEMENTATION OF STANDARD OFFER CONTRACTS AND STANDARDIZED INTERCONNECTION AGREEMENTS TO FACILITATE THE PURCHASE OF ELECTRICITY FROM RENEWABLE ENERGY PRODUCERS IN HAWAII," was referred to the Committee on Finance, with Representative Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1248), recommending that H.C.R. No. 175, 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.C.R. No. 175, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN EMISSIONS TASK FORCE TO MEASURE THE STATE'S POWER PLANT AND MOTOR VEHICLE EMISSIONS AND DEVELOP COMPREHENSIVE STRATEGIES TO REDUCE EMISSIONS," was referred to the Committee on Finance, with Representative Stonebraker 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. 1249), recommending that S.C.R. No. 12, be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 12, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON GRADUATED PARENTING," was referred to the Committee on Education, with Representative Stonebraker 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. 1250) recommending that H.R. No. 163, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 163, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, WITH THE ASSISTANCE OF THE HAWAII CONGRESSIONAL DELEGATION, TO RESTORE THE DISPROPORTIONATE SHARE OF HOSPITAL PAYMENTS FOR COMPENSATION FOR CARE PROVIDED TO THE UNINSURED," was adopted with Representatives Bukoski and Stonebraker 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. 1251) recommending that H.C.R. No. 203, 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. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, WITH THE ASSISTANCE OF THE HAWAII CONGRESSIONAL DELEGATION, TO RESTORE THE DISPROPORTIONATE SHARE OF HOSPITAL PAYMENTS FOR COMPENSATION FOR CARE PROVIDED TO THE UNINSURED," was adopted, with Representatives Bukoski and Stonebraker being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1252) recommending that H.C.R. No. 96, 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. 96, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was adopted, with Representatives Bukoski and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1253) recommending that H.R. No. 159, 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. 159, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE PRESERVATION OF THE HAWAIIAN LANGUAGE AND THE PERPETUATION OF ITS STUDY AND USE," was adopted, with Representatives Bukoski and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1254) recommending that H.C.R. No. 198, 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. 198, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PRESERVATION OF THE HAWAIIAN LANGUAGE AND THE PERPETUATION OF ITS STUDY AND USE," was adopted, with Representatives Bukoski and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1255) recommending that H.C.R. No. 81, 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. 81, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRESERVE AND PROTECT THE RECREATION RESIDENCE TRACTS WITHIN THE KOKE'E AND WAIMEA CANYON STATE PARKS," was adopted, with Representatives Bukoski and Stonebraker being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land Use, and Hawaiian Affairs and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1256) recommending that H.C.R. No. 119, 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. 119, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REVIEW THE SALE OF LEASES AND SUBMIT RECOMMENDATIONS TO THE LEGISLATURE FOR THE ADOPTION OF POLICIES THAT ARE FAIR TO AWARDEES, LEASE PURCHASERS, AND TO THE STATE," was adopted, with Representatives Bukoski and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1257) recommending that S.B. No. 368, 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 S.B. No. 368, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1258) recommending that S.B. No. 1469, SD 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 S.B. No. 1469, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEER SUPPORT COUNSELING SESSIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1259) recommending that S.B. No. 1260, SD 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 S.B. No. 1260, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MICROORGANISM IMPORT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1260) recommending that S.B. No. 787, 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 S.B. No. 787, entitled: "A BILL FOR AN ACT RELATING TO DISASTER LEAVE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1261) recommending that S.B. No. 1258, SD 1, 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 S.B. No. 1258, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1262) recommending that S.B. No. 1334, 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 S.B. No. 1334, HD 1, 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 Representatives Bukoski and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1263) recommending that S.B. No. 1413, 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 S.B. No. 1413, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I would like to thank the Finance Committee for passing out S.B. No. 1413, HD 1, and extending the date until December 2004, for our Kikala-Keokea infrastructure. We've been tracking this and it has taken the Department some time to get the memorandum of agreement with the Office of Hawaiian Affairs. But they are on track and hopefully we can get this project under way after 10 years. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1413, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1264) recommending that S.B. No. 579, SD 1, 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 S.B. No. 579, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORT SYSTEM, KNOWN AS 3-1-1," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1265) recommending that S.B. No. 69, SD 1, 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 S.B. No. 69, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TEACHER EDUCATION COORDINATING COMMITTEE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1266) recommending that S.B. No. 540, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1266 on S.B. 540, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 540, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1267) recommending that S.B. No. 789, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1267 on S.B. 789, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 789, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1268) recommending that S.B. No. 1279, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1268 on S.B. 1279, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1279, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1269) recommending

that S.B. No. 1381, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1269 on S.B. 1381, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1381, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1270) recommending that S.B. No. 1495, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1270 on S.B. 1495, SD 1, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1495, SD 1, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1271) recommending that S.B. No. 205, SD 3, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1271 on S.B. 205, SD 3, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 205, SD 3, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1272) recommending that S.B. No. 611, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1272 on S.B. 611, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 611, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1273) recommending that S.B. No. 768, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1273 on S.B. 768, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 768, SD 1, HD 2, were made available to the members of the House.

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 Bukoski and Stonebraker were excused.)

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1274) recommending that S.B. No. 363, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 363, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO EXPERIMENTAL MODERNIZATION PROJECTS FOR COUNTY BOARDS OF WATER SUPPLY," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Hale voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1275) recommending that S.B. No. 534, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 534, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1276) recommending that S.B. No. 1255, SD 2, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1255, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I stand in support on 1276, S.B. No. 1255, SD 2, HD 1. I just want to make sure that this is being understood, the importance of this measure, Mr. Speaker. I think that we are taking a proactive approach here in making sure that the emphasis on homeland security and the safety of our food supply. This is going to address that and I believe that this is very important. And I ask for the support of our colleagues. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1255, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1277) recommending that S.B. No. 1306, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS RELAY SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1278) recommending that S.B. No. 38, HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 38, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1279) recommending that S.B. No. 41, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 41, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I am voting against this bill. Basically micro-managing an agency that we set up to be independent, essentially, of the Legislature. The money they raise comes from the hotel room tax and we want them to sort of get on their feet and learn how to do things right. And it is not going to be done with us just sitting too closely over their shoulders. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 41, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Fox and Meyer voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1280) recommending that S.B. No. 1139, SD 1, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1139, SD 1, 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 rising in opposition to this measure. Thank you. One of my primary objections to this is we are raising an existing fee that is now \$35 to \$50. This is a charge when anybody, separating parties, in the matrimonial actions go to court. It wasn't mandatory before. It was more like a donation. Now this bill will make it mandatory and it also expands the kinds of ... What's the word for it, the legal term coming to court. Before, when it was just about parents with minor children. Now it is expanded to parties with other parental actions, and if either parent has a child, maybe from another marriage that will also come under this. It does it by a pretty large jump from \$35 to \$50 and with the expanded types of cases that will have to pay, it will almost quadruple the money that is collected. So for those reasons, I will be voting no."

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

"I'd like to stand in support of the measure. I would like the Members to understand exactly what Kids First is. Kids First is a program run by the Judiciary to educate parents in how they should behave towards their kids during separation. In my practice in Family Court for about 9 years, I've seen a lot of parents who just refuse to let go of their partner. It could be either the woman or man. The problem is sometimes they use the children in order to obtain what they want, or to put pressure on the other. It is abuse in a different form. That is all it is. And I believe that the program is worthwhile and we should fund it. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1139, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Finnegan, Fox, Jernigan, Leong, Meyer, Moses and Pendleton voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1281) recommending that S.B. No. 319, SD 2, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 319, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in opposition to this. Here we go again on the State level really telling the counties what to do, and I really have felt very strongly that we need to honor homerule. So if we pass this, then we are putting more regulation on the counties, which they should be doing themselves. Thank you, Mr. Speaker."

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

"Mr. Speaker, in opposition. I think as a former employee of the City and County of Honolulu, I particularly resent these bills that apply to counties over 500,000. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 319, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 39 ayes to 11 noes, with Representatives Blundell, Finnegan, Fox, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1282) recommending that S.B. No. 337, SD 1, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 337, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"In opposition, Mr. Speaker. Just briefly, Mr. Speaker. This converts 42 positions and turns them into permanent positions. In light of the fact that we are considering some historic education reform, I think this might limit the Legislature's flexibility. So for that reason, I recommend my colleagues vote against it. And may I have permission to insert some comments in the Journal?" and the Chair "so ordered."

Representative Ontai's written remarks are as follows:

"This is typical of bureaucratic, top-down management. At a time that the Legislature is considering rather historic education reform and governance restructuring, we continue to create potential problems that may limit the flexibility with which the legislature can act. Converting these temporary positions to permanent ones does not increase the effectiveness or improve the management of the Department of Education. It merely institutionalizes the personnel system through this conversion.

"Even though we have about 258 schools, our centralized system decrees that 42.0 business managers need to be made permanent. How this number is arrived at or why they must be converted to permanent positions now is incomprehensible. One can only understand this conversion if considered within the light that it appears to support the status quo--top down decision-making through the creation of 42.0 permanent bureaucrats.

"I suspect many principals would have chosen to spend this money or create other positions at the school level. I don't see how the DOE can continue to claim that it doesn't have an over-centralized bureaucracy. It certainly has 42.0 permanent positions somewhere not at any schools, right?"

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 337, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF SCHOOL FACILITIES," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Bukoski, Ching, Finnegan, Fox, Jernigan, Marumoto, Meyer, Moses and Ontai voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1283) recommending that S.B. No. 1154, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1284) recommending that S.B. No. 550, SD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 550, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1285) recommending that S.B. No. 1256, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1256, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1286) recommending that S.B. No. 1415, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1415, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 1:04 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:05 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos.: 363, HD 1; 534, SD 2, HD 1; 1255, SD 2, HD 1; 1306, HD 1; 38, HD 2; 41, HD 1; 1139, SD 1, HD 1; 319, SD 2, HD 1; 337, SD 1, HD 1; 1154, HD 1; 550, SD 1; 1256; and 1415; passed Third Reading at 1:06 o'clock p.m.

LATE INTRODUCTION

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

Representative Hamakawa introduced friends from ARC Hawaii.

ANNOUNCEMENT

Representative Caldwell: "Mr. Speaker, I have an announcement to make. This past Sunday, the Representative from East Maui, Molokai, and Lanai had his birthday. The good news is his family was in town all last week while his daughter was on Spring Break and they could spend the time together and celebrate his birthday. The bad news is, he is one year older. But I'd like us all to celebrate with him by giving him a round of applause."

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, April 2, 2003. (Representative Stonebraker was excused.)

FORTY-FIFTH DAY

Wednesday, April 2, 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 Jan Youth of the Honpa Hongwanji Hawaii Betsuin Honolulu Temple, after which the Roll was called showing all members present with the exception of Representatives Ito, Kahikina, Karamatsu, Ontai, Takamine and Takumi who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 227) was received and announced by the Clerk:

Gov. Msg. No. 227, informing the House that H.B. No. 652, was signed into law on April 1, 2003, as Act 003.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 465 through 467) were received and announced by the Clerk:

Sen. Com. No. 465, transmitting S.C.R. No. 62, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," which was adopted by the Senate on April 1, 2003.

Sen. Com. No. 466, transmitting S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE HAWAII HOMEOWNERSHIP CENTER," which was adopted by the Senate on April 1, 2003.

Sen. Com. No. 467, transmitting S.C.R. No. 106, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RECOGNIZE ON-LINE COURSES FROM ACCREDITED INSTITUTIONS," which was adopted by the Senate on April 1, 2003.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 46) was received by the Clerk and was placed on file:

Dept. Com. No. 46, from Patricia Hamamoto, Superintendent, Department of Education, forwarding a letter from the Chairperson of the 2002 Hawaii State Student Conference and the Proceedings of the Conference.

INTRODUCTIONS

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

Representative Pendleton introduced Ms. Zoraida Moore and Mr. Ian Moore of Miami, Florida, mother and brother of Representative's legislative aide, Ms. Nathalie Mazo.

Representative Schatz introduced members of his legislative staff, Mr. Chuck Huxel and Ms. Nikki Love.

Representative Saiki, on behalf of Representative Takamine, introduced high school students from the Big Island.

At 12:13 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

S.C.R.Nos.Referred to:

33, Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary
SD 1

42, Committee on Tourism and Culture, then to the
SD 1 Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.R.No.Re-referred to:

50, Committee on Legislative Management, then to the
HD 1 Committee on Finance

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

47, Committee on Legislative Management, then to the
HD 1 Committee on Finance

At this time, the Chair announced:

"Members, at this time, our floor presentations are not here, so can we proceed on with the Order of the Day on page 2. Is everyone on page 2? Unfinished Business. The Chair recognizes Representative Lee."

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 Arakaki, Evans, Hale, Hiraki, Karamatsu, Souki, Stonebraker, Takamine and Takumi were excused.)

UNFINISHED BUSINESS

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

No. 1222) recommending that S.B. No. 345, SD 1, 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 S.B. No. 345, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 47 ayes, with Representatives Arakaki, Evans, Stonebraker and Takamine being excused.

The Chair directed the Clerk to note that S.B. No. 345, SD 1, HD 2, passed Third Reading at 12:32 o'clock p.m.

STANDING COMMITTEE REPORTS

At 12:32 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:34 o'clock p.m.

Representatives Kanoho 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. 1287), recommending that H.C.R. No. 201, 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.C.R. No. 201, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION ON THE STATE AND COUNTIES' LAND USE POLICIES WITH REGARD TO SOLID WASTE MANAGEMENT PROGRAMS," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1288), recommending that H.C.R. No. 8, 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.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON GRADUATED PARENTING," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1289), recommending that H.C.R. No. 154, 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.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO RESEARCH OPTIONS FOR ESTABLISHING A DEDICATED FUNDING MECHANISM TO IMPLEMENT THE PUBLIC PURPOSE AND RESPONSIBILITIES AS SPECIFIED IN ACT 77, SESSION LAWS OF HAWAII 1997, RELATING TO EARLY CHILDHOOD EDUCATION AND CARE," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1290), recommending that H.R. No. 126, 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.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1291), recommending that H.C.R. No. 161, 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.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1292), recommending that H.R. No. 102, 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.R. No. 102, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO A REAL ESTATE TRANSACTION AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1293), recommending that H.C.R. No. 117, 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.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO A REAL ESTATE TRANSACTION AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1294), recommending that H.R. No. 149, 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.R. No. 149, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT CAREER PATHWAYS AS A PART OF A SCHOOL REFORM MODEL TO INCLUDE THE REDESIGN OF CAREER AND TECHNICAL EDUCATION THAT IS REFLECTIVE OF ECONOMIC DEVELOPMENT INITIATIVES AND PRIORITIES," was

referred to the Committee on Finance with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1295), recommending that H.C.R. No. 185, 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.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT CAREER PATHWAYS AS A PART OF A SCHOOL REFORM MODEL TO INCLUDE THE REDESIGN OF CAREER AND TECHNICAL EDUCATION THAT IS REFLECTIVE OF ECONOMIC DEVELOPMENT INITIATIVES AND PRIORITIES," was referred to the Committee on Finance with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1296), recommending that H.R. No. 150, 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.R. No. 150, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK FOR THE CONSTRUCTION OF THE PAHOA SCHOOL GYMNASIUM," was referred to the Committee on Finance with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1297), recommending that H.C.R. No. 186, 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.C.R. No. 186, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK FOR THE CONSTRUCTION OF THE PAHOA SCHOOL GYMNASIUM," was referred to the Committee on Finance with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1298), recommending that H.R. No. 6, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1299), recommending that H.C.R. No. 3, 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. 6, HD 1 and H.C.R. No. 3, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Thielen rose and stated:

"Thanks, Mr. Speaker. I request that we put 1298 and 1299 at the end of the calendar. It looks as if the measure is not

complete. The resolution that we have on our desks. Thank you."

Representative Luke rose to a point of order, stating:

"Mr. Speaker, point of order. It needs to be in a motion."

Representative Thielen then stated:

"If it needs to be in a motion Mr. Speaker, then I move that we place 1298 and 1299 and the accompanying resolutions at the end of the calendar, which will enable the Clerk to get us complete copies."

At 12:36 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 12:38 o'clock p.m.

At this time, the Chair announced:

"At this time Members, we will entertain the floor presentations as our honorees are here this afternoon."

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 198 and 199) were announced by the Clerk and the following action taken:

H.R. No. 198, entitled: "HOUSE RESOLUTION HONORING THE U.S. SMALL BUSINESS ADMINISTRATION'S 2003 SMALL BUSINESSPERSONS OF THE YEAR," was jointly offered by Representatives Schatz, Thielen, Chang, Magaoay, Morita, Marumoto, Abinsay and Say.

At 12:38 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:39 o'clock p.m.

At this time, the Chair announced:

"Members, at this time, may I clarify the confusion? What we are doing is we took a recess and reconvened. And now we will do the floor presentation with our honorees, and then we will continue on with the main motion that is before us. If the Members of this House are in agreement. Okay? At this time, the Chair recognizes Representative Schatz."

Representative Schatz, moved that H.R. No. 198 be adopted, seconded by Representative Wakai.

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

Mrs. Jeannette Otsuka Chang, represented by her husband, Mr. Adrian Chang, owner of Otsuka's Furniture and Appliance Store on Kauai, recipient of the Small Business Person of the Year Award for 2003;

Ms. Lynne Woods, President of the Maui Chamber of Commerce, recipient of Women in Business Advocate of the Year Award;

Mr. Thomas Greenwell of Greenwell Farms in Kealahou, Hawaii, recipient of the Small Business Exporter of the Year award;

Mr. Eli Brainerd, President of Pacific Concrete Cutting and Coring, Inc., represented by Mr. Andrew Poepoe, recipient of the Young Entrepreneur of the Year;

Mrs. Violeta Arnobit, Owner of Ace Medical recipient of the Home-Based Business Advocate Award;

Mr. William Daves and Mr. Fred Ballard, officers of the Oahu Veterans Council, co-recipients of the Veteran Small Business Advocate Award for 2003.

Representative Wakai continued with the introduction of the honorees who were seated on the floor of the House:

Mr. Tung Bui, a Matson Navigation Distinguished Professor at the University of Hawaii, College of Business Administration, recipient of the Small Business Research Advocate Award;

Mr. John Chock, President of Hawaii Strategic Development Corporation, recipient of the Financial Services Advocate Award;

Mr. John Fink, General manager of Raycom Media dba KHNL/KFVE TV, recipient of the Small Business Journalist Award;

Ms. Thanh-Lo Sananikone, a bilingual business management consultant and the recipient of the Minority Small Business Advocate of the Year.

The motion was put to vote by the Chair and carried, and H.R. No. 198 was adopted with Representatives Hamakawa, Hiraki, B. Oshiro and Takumi being excused.

H.R. No. 199, entitled: "HOUSE RESOLUTION HONORING THE HAWAII BUSINESS HALL OF FAME AWARDEES EDDIE FLORES, JR., CHATT G. WRIGHT AND THE LATE HENRY A. WALKER, JR.," was jointly offered by Representatives Marumoto, Meyer, Magaoay, Finnegan, Kahikina, Shimabukuro, Arakaki, Nishimoto, Blundell, Evans, Tamayo, Hale, Wakai, Waters, Moses, Ontai, Sonson, Ito, Saiki, Luke, Mindo, Morita, Abinsay, Chang, Karamatsu, Herkes, Caldwell, Takai, Thielen, Ching, Hamakawa, B. Oshiro, Souki, Takumi, Jernigan and Lee.

Representative Marumoto, moved that H.R. No. 199 be adopted, seconded by Representative Meyer.

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

Mr. Eddie Flores, Jr., Owner, L&L Drive-In;

Mr. Chatt G. Wright, President, Hawaii Pacific University; and

Ms. Susan Walker Kowen representing the Late Mr. Henry A. Walker, Jr., Chairman, AMFAC.

Representative Marumoto then introduced family members and guests of the honorees who were seated in the gallery:

Mrs. Nancy Walker, widow of the late Mr. Henry Walker; Mrs. Elaine Flores, wife of Mr. Eddie Flores; and Mrs. Janice Wright, wife of Mr. Chatt Wright;

Ms. Carolann Biederman, Director of Junior Achievement;

Dr. David McClain, Dean of UH College of Business Administration and former Henry Walker Distinguished Professor of Business Enterprise; Dr. Shirley Daniel, the current Henry Walker Distinguished Professor; and

From Hawaii Pacific University: Dr. Helen Vamer, Ms. Margi Ulveling, Mr. Scott Stensrud, Mr. Rick Stepien, Mr. Steve Simpson, Mr. Justin Itoh, and Ms. Frelle Campos.

The motion was put to vote by the Chair and carried, and H.R. No. 199 was adopted with Representatives Hamakawa, Hiraki, Nakasone, B. Oshiro and Takamine being excused.

At 1:01 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:11 o'clock p.m.

STANDING COMMITTEE REPORTS

At this time, the Chair announced:

"Members, at this time, when we recessed, we were on the Reports of Standing Committees from pages 2 through 5. We are now back on that particular motion for adoption, and be referred to the respective Committees."

Stand. Com Nos. 1298 and 1299:
(H.R. No. 6, HD 1, and H.C.R. No. 3, HD 1)

Representative Thielen rose and stated:

"Thank you, Mr. Speaker. Mr. Speaker, it was explained to me that the resolution isn't directed to be sent to anyone so what we have on our desks is complete, so therefore I withdraw my motion."

The Chair responded, stating:

"Okay, but there was no second so the motion was not accepted."

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 1:12 o'clock p.m.

The Chair the stated:

"Representative Thielen, thank you very much for the clarification. Is there any other discussion on 1298 and 1299?"

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

"On Nos. 1298 and 1299, in opposition. Mr. Speaker, SCBM. It turns out that having served on a SCBM, and from the other SCBMs in my community, my analysis is that SCBM fails or succeeds based on one person, and that person is the principal. It is kind of pointing this way. In the last two weeks that we been made exposed to Dr. Ouchi's testimony, as well as his papers that suggest that, that is where we should be looking for education reform. At the principal and how we manage and how much we allow them to make decisions. I think this SCBM will not succeed. Its success or failure, bottomline, is going to depend on the principal. And doing a self-study

myself, Mr. Speaker, I think that will detract the DOE from the business at hand. I'd rather they spend their time using their resources to comply with 'No Child Left Behind'.

"There is another problem with SCBM, and we had that same problem in our community. Consensus is required before we can ask the principal, or demand, expect, the principal to do anything different than what he or she desires.

"The other part was the authority to do anything if the principal did not wish to comply with what the SCBM wanted to do. We had no authority.

"Final thing is I just want to say that the concept looks good, but it doesn't work unless the principal is willing to let it work. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. A no vote as well on these measures. We do not need another study. We know this system is broken. We need the reform. The reform steps that we need to take are the ones that the Legislature, collectively, was about to take last year. Thank you."

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

"I rise in support of the resolution. I think the intent of the resolution, and I wasn't at the introducer of it, but I was the Chair at the Committee hearing, is that on the community, the people in the community have been trying to implement the SCBM program. I think the point of the resolution is so that we have DOE 'step up to the plate' and tell us, as a Legislative body, what is going on with the implementation of this program. Does it work? Does it not work? Are there other ways to maybe get parental involvement?

"So I feel that it is good that we understand. I don't know how the other legislators, when they were working in their community, talking to people, but with some of the SCBMs, I've gotten some really good feedback. People really like them. They think they're a good process.

"And also the ones opposing. They didn't feel it was a very good process in their particular district. So I think it is good that we hear DOE report back to us on what they think about that system. Thank you."

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

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

"Thank you, Mr. Speaker. On both measures, I rise in opposition. I do believe in SCBM. In the schools where I have been involved, SCBM does work, but that is because the principal allows it to work. So it does make a difference. What I dislike with this resolution is that just asking the DOE to spend more money doing another study, and I don't think it is necessary."

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 Sonson rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am standing in support of the two measures before us. I am a member of my SCBM and I don't think that it is broken. I think that some of the speakers previously had bad experiences in their own schools. However in Waipahu, the SCBM process is working fine. In order to see why we can't implement this statewide, and I believe the measure is directed toward that goal. It is to see whether or not SCBM can be strengthened by giving it more 'teeth' to see how it can work in other areas. Although it may not work in some areas, I believe that there are a lot of SCBM councils that are working. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition to the two measures, 1298 and 1299. In the reso itself, the second paragraph says that, "Whereas the study of SCBM conducted for the Board of Education indicated that while the goal of SCBM was to improve student achievement, the data did not reflect any appreciable difference in student achievement or in a variety of school factors as between SCBM and non-SCBM schools." This doesn't surprise me.

"I was a member of an SCBM in Kaneohe and at that particular school, the membership of the SCBM committee, was so heavily weighted towards the principal, teachers, counselors, whatever, that the parents felt somewhat cowed and afraid to say anything. I didn't see that, that was helpful in doing anything to improve the school. Thank you."

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

"I stand in support with some reservations. I want to express my reservations because I was appointed to the SCBM Taskforce by then Governor Waihee. And I was one of the advocates for complex-based management because the whole intent was to empower the school community. As you know, SCBM had six elements identified. The principal, the teachers, the support staff, the parents, the community, and the where it is applicable, the students should be involved. The Representative from Mililani is correct that one element of these six elements is only one person, and that is the Chief Executive Officer.

"I want to just educate the Members here that an off-shoot of SCBM is the charter schools. Basically, unless you give them the hiring and firing power, the board in itself, and give them the power of the purse, you will have never empowered the community. I am glad that we are going through this discussion because when we talk about the school boards, even in the local level, unless you empower the school community with the purse, and the hiring and firing power, it's right, you are going to have a board that is just a 'rubber stamp'. And I hope that is not the intent of this legislation, but to really empower the school community. Thank you."

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

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representatives Kahikina and Ontai be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Thielen rose in opposition to the measure, and asked that the remarks of Representatives Kahikina and Ontai be entered in the Journal as her own, and the Chair "so ordered."

Representative Thielen continued, stating:

"Mr. Speaker, I have few other additional comments. You know the resolution and concurrent resolution, they don't really do anything other than saying that, be it resolved that the Superintendent of Education through the Board of Education has to do another report, and yet it comes from the Department of Education. If we really wanted to find out what the SCBMs need, we would go out to the individual school community based management groups and say, "What is frustrating you? What doesn't work? What do you need to be able make this work better?" We'd also go to those schools that have an excellent record but no SCBM, and there are some of those that consistently are at the top of the list of student achievement, and we would say to them, "What is making you so successful? You don't have the SCBM. What techniques are you using?" I mean, this is just going to be a 'make work' measure. It is not going to really give us any good data from the people from whom we should be asking the questions.

"I am sorry that it didn't have a page 2 because it could have been directed more properly to say, let's find out information from the councils. Let's find out information from the schools that don't have councils, but have sterling academic achievement. So my vote is no. I think the Department of Education has enough to do. We don't need to hit them with more 'busy work'. Thank you."

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

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

"Mr. Speaker, I'd like to register a with reservations on both resolutions. And I do know that depending on who is running the SCBM, at our school, it is really quite successful. So I think some of these other studies that are proposed are probably not necessary. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 6, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO CONDUCT A STUDY ON THE IMPLEMENTATION OF SCHOOL/COMMUNITY-BASED MANAGEMENT AND ALTERNATIVE SYSTEMS," was referred to the Committee on Finance with Representatives Blundell, Finnegan, Fox, Jernigan, Marumoto, Meyer, Moses, Ontai, Pendleton and Thielen, voting no, and with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

and

H.C.R. No. 3, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO CONDUCT A STUDY ON THE IMPLEMENTATION OF SCHOOL/COMMUNITY-BASED MANAGEMENT AND ALTERNATIVE SYSTEMS," was referred to the Committee on Finance with Representatives Blundell, Finnegan, Fox, Jernigan, Marumoto, Meyer, Moses, Ontai, Pendleton and Thielen, voting no, and with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1300), recommending that H.R. No. 118, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1301), recommending that H.C.R. No. 147, 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. 118, HD 1 and H.C.R. No. 147, HD 1, 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. In opposition to both measures. Mr. Speaker, the No Child Left Behind Act requires that all schools make adequate yearly progress. Schools that fail to make adequate yearly progress then have certain consequences that follow, and it spells it out. So much for 3 years, 4 years, 5 years. This resolution goes on to say that we are going to get \$105 million. And that is not enough. Mr. Speaker, are we saying that our education system is so bad that 5 years and \$105 million is not enough to show adequate yearly progress? If so, I am ashamed with our system.

"Now this resolution goes on to say that because we don't get what we request, which is, according to this measure, \$260 million of SUT 61, and a \$176 million is additionally what is needed. If we don't get exactly what we want, in other words, if we are hungry and starving and if we are only given a half of sandwich, then we will refuse it because we don't have the whole sandwich. So we won't take this over \$105 million to try to improve our schools. Instead we are going to spite the federal government and say no we don't want any of it.

"Now later, Mr. Speaker. On another page, page 6, we have H.R. 117 and H.C.R. 146, which I believe are a reasonable approach. We are asking our Congressional Delegation to go try to work with the federal government and get the money. I think that is the way to go. This one I think is just a spiteful way to say that we don't want a half a loaf. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. The education 'blob' that we see over the entire United States -- the government school monopoly -- is the largest monopoly in the United States of America. Reforming this monopoly is an incredibly difficult task and President Bush, when he undertook the No Child Left Behind effort, recognized he really wasn't going to be able to undertake major reform unless he had the cooperation of the Democratic Party. And he made Senator Edward Kennedy of Massachusetts a principal partner in his

effort to develop this Act. This Act would never have passed without the strong support of Senator Kennedy of Massachusetts. A bipartisan effort working together to attack the tremendous status quo effort to keep things the way they are that the education system in the United States represents.

"We're just one of but 50 states that is coping with this significant problem. I find it absolutely incredible, as stated by the Representative from Kapolei ... I find it absolutely incredible that when everybody in this Chamber would argue that more money is needed for education, we would actually be considering turning away money that is given to us if we dedicate ourselves to education reform. This is probably the worse resolution I have seen in my 7 years in looking at resolutions on the floor of the House. It is really just absolutely the wrong thing to do and we should vote it down. Thank you, Mr. Speaker."

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

"Mr. Speaker, in opposition to the same two resolutions. You know, actually I am excited about the prospect that the federal government is truly interested and involved in improving public education in America. Many of the programs have made progress in Texas and other states in the country. We have the opportunity to use them nationwide. Hawaii is receiving or has received \$96 million in the past year, and the next 2 years. And if that is insufficient, we should ask for more. But I do not believe that it will cost \$436 million in the next 2 years as claimed in this resolution.

"We should be grateful that the federal Department of Education is willing to set standards, to support testing, to train teachers and to designate schools that are in need of help, and not throw up objections like dollars nor fight the improvement of our schools. We want to be able to benefit our children and give them a better education. Thank you."

Representative Blundell 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 the remarks of Representative Fox be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

"Thank you, Mr. Speaker. In support. We keep talking about homerule issues, and this is a homerule issue. One of the problems is that the federal government takes too much money out of the State, launders it, and sends us a little bit back with conditions. If they just stopped doing that, leave the money here, and let us handle it."

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

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

"Mr. Speaker, I rise in opposition to it, but I believe that we will be hurting ourselves if we do as what this resolution says. So we should do our best to move forward with what we've got. Thank you."

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

"Thank you, Mr. Speaker. I rise in favor of these two measures. Thank you. Before anyone accuses me of not supporting educational reform and making excuses for non-performing schools, let me say that I believe that all schools and all students must move forward, must perform better, and must make progress each and every year. But, the No Child Left Behind Act (NCLB) is a recipe for failure. Not only is this law a huge unfunded federal mandate, but this federal law and its requirements will ensure that nearly every school in Hawaii and throughout the nation will fail in four years, if not sooner.

"I call the No Child Left Behind Act, the 'Leave No Public School Standing Act', because in a few years and without tremendous intervention at the congressional level, it will label schools as failures they will fail even if all progress indicators suggest that the schools are improving.

"I have spent the better part of two years working with Mark Hunter, a banker from Tampa, Florida. Both Mr. Hunter and I developed the Hawaii Educational Performance System (HEPS). This program uses business techniques in schools to gauge progress on a weekly basis. Additionally, Mr. Hunter developed an econometric model that shows that there is a strong correlation between a school's performance on assessment tests and factors that are beyond the scope of the school and its personnel.

"These factors that affect a school's performance include the attendance rate, the percentage of students on free or reduced lunch (disadvantaged), percentage of limited English proficiency students (ESL), percentage of students in special education programs (SPED), percentage of teachers with more than five years at that school, percentage of parents who graduated from college or had some college education, enrollment, and the suspension or discipline rate. Mr. Hunter found a statistically-significant correlation between test scores and these "uncontrollables." As a matter of fact, Mr. Hunter says that if you provide him with the information on these eight uncontrollables then, he can predict the school's test scores within a few percentage points.

"Why is this important? And how does this relate to the No Child Left Behind Act? Simply because the results of these high-stakes tests are what makes all the difference under this federal law. The results of these tests determine whether a school succeeds or fails. Besides requiring states to mandate student testing, NCLB requires states to collect and disseminate subgroup results, ensure a highly qualified teacher in every classroom, and to guarantee that all students, regardless of socioeconomic factors, achieve a 'proficient' level of education by the 2015 school year.

"When Congress passed this Act and President George Bush signed it on January 8, 2002, everyone believed that the federal government would provide the states with the necessary funding in order to carry out the purposes of the Act. However, this is not the case. Although the federal government is expected to provide Hawaii with \$35 million in fiscal year 2004, an analysis of the fiscal impact of NCLB by the Hawaii Department of Education indicates that the DOE will need an additional \$176.3 million for FY04. In FY05, the DOE anticipates needing an additional \$260.7 million. In FY06, the shortage is \$302 million. In FY07, the shortage balloons to \$349.5 million.

"Some will argue that we cannot afford to decline participation in NCLB because we will need to return all funding tied to the Act, which amounts to approximately \$125.8 million in FY04. I say that we must consider returning

this money because we don't have the \$176.3 million in additional state funds necessary for the Act. We don't even have enough money to fund the Department at 2002 levels. How can we expect to be able to afford an additional \$349.5 million more for NCLB in FY07? This is simply ludicrous.

"But what about the highly qualified teacher requirement? We only need to look at the headline in the Wednesday, March 26 edition of the *Honolulu Star-Bulletin*: "Higher standards put 1,453 substitute teachers out of work." Under NCLB, substitute teachers are required to have a bachelor's degree. Failure to comply with this requirement will lead to a loss of federal funds. Hawaiian Immersion programs and Hawaiian charter schools will be heavily impacted by this provision of the law.

"The most egregious part of the Act is the requirement that all schools, including charter schools, must make "adequate yearly progress" ..."

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

Representative Takai continued, stating:

"... Must make adequate yearly progress toward achieving the target that by the end of the 2014 school year. That is all students must meet or exceed proficient levels of academic achievement on required state assessments. Under NCLB, schools deemed as failing for two consecutive years must facilitate student transfers to better schools, even those filled to capacity, and provide private tutors for students. If a school continues to be labeled as failing, then the principal and teachers must be replaced or the school must be reopened as a charter school.

"The biggest challenge for our schools is that the law requires schools to raise achievement levels of students in each of five racial and ethnic subgroups, as well as among low-income students, those with limited English proficiency and special education students. If a school fails to make the established cut scores for any of the subgroups for two consecutive years, then the school is labeled a failure.

"The surprising element of this law is that it makes no distinction between a school with a well-educated and very affluent community versus a school in a impoverished community. Both these schools have the same goals or cut-scores for reading and math. In Hawaii, the cut score requirements for this year are 30 percent proficiency for reading and 10 percent proficiency for math.

"In the Education Committee hearing, we learned about how two schools are beating the odds. Kauluwela Elementary School and Solomon Elementary School are the only two schools, out of more than 100 high-poverty schools statewide, that have met the State's requirements for four straight years.

"David Rolf, a successful businessman who served on various state and national task forces on educational improvement, touted these two schools as 'diamonds.' Mr. Rolf says that the Legislature should support the NCLB "in light of the data now available here in Hawaii on the two high-poverty schools that succeeded."

"I asked a very simple question to both Mr. Rolf and the DOE officials. The question: How did these two schools do in the test for the disaggregated sub-groups? I regret to inform all of you that both schools failed the NCLB barometer. Although Kauluwela's students performed well as a whole for both reading and mathematics, students who were deemed not proficient in English failed the state standard.

"For Solomon, the story is the same. Both black children and those considered to be disadvantaged fell short of the state standard. So, even though Solomon's students overall performed above the state standard, the school failed under the NCLB report card.

"One of the absurd requirements of NCLB is that the Act requires all schools to test 95 percent of their students. According to one secondary school administrator, this requirement is "one of the ludicrous factors that make way to failure." She adds, "schools have very little leverage in conquering this problem when parents are not supportive." Schools like Nanakuli High & Intermediate School, Kealakehe High School and Pahoa High & Intermediate School don't stand a chance because of this requirement. On any given day, these schools have only 76.7 percent (Nanakuli), 80.7 percent (Kealakehe) and 87.7 percent (Pahoa) attendance, respectively.

"So what about our other schools? Mililani High School: Fails the NCLB barometer because only 7 percent of the disabled students and only 23 percent of the disadvantage students passed the reading section.

"Roosevelt High School: Fails the NCLB barometer because only 92 percent of the students took the test. (Again, the law requires a 95 percent test-taking rate else the school fails.)

"Lahainalua High School: Fails the NCLB barometer because only 28 percent of the students passed the reading section, and because no disabled students passed the math section.

"Kailua High School: Fails the NCLB barometer because only 28 percent of the disadvantage students passed the reading section, and because only 89 percent of the students took the test.

"Ala Wai Elementary School: Fails the NCLB barometer because only 9 percent of the ESL students and only 22 percent of the disadvantaged students passed the reading section and only 7 percent of the ESL students passed the math section.

"Lae Elementary School: Fails the NCLB barometer because only 29 percent of the Asian students passed the reading section.

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

Representative Takai continued, stating:

"Kapaa Elementary School: Fails the NCLB barometer because only 27 percent of the Asian students, 8 percent of the disabled students, and 24 percent of the disadvantaged students passed the reading section.

"I feel sorry for schools like Linapuni Elementary School, Palolo Elementary School, Aiea Elementary School and Makaha Elementary School. In each case, they will never make the required "adequate yearly progress" (AYP) under NCLB because of the significant percentage of disadvantaged students (98.8 percent for Linapuni, 95.6 for Palolo, 87.1 for Aiea and 84.1 for Makaha).

"Only 11 percent of Linapuni students passed the reading section. The State's requirement is 30 percent. And only 2 percent of the students at Linapuni passed the math section. The State's requirement is 10 percent.

"Palolo's scores are even worse. Only 11 percent of the students passed the reading section and only 1 percent of the students passed the math section.

"NCLB fails miserably for schools like Linapuni and Palolo because even if these two schools double their scores this year, they will still be labeled as failures. How can we sit here and support such a law that allows this? Declaring an entire school a failure using only a single crude instrument, a test, is fundamentally unsound. The Congressional Research Service estimates that 90 percent of the schools in the nation will fail. I again say that in four years, nearly all schools in Hawaii will be labeled as failures by this federal law.

"How will children react to being labeled as 'failures'? In testimony presented before our Committee, a student from Moanalua High School said that her principal predicts that her school will fail within six to seven years. Moanalua High School on numerous accounts has been touted as one of our successful schools. "To think that we may become a failing school is very disturbing," she adds. So I again ask: How will children, children living in our districts, and how will you as lawmakers react when our schools are labeled as "failures?"

We have some serious issues facing education in Hawaii. Without getting into too much more detail, I will end with a quote from an excellent principal in one of our elementary schools. She says:

"NCLB purports to be about caring about students, but I see it as about punishing schools and I very much resent the illogic that went into this legislation.

If we can't help the U.S. Department of Education and the President understand that there is something fundamentally wrong with the premise of the NCLB law, then the option may be to refuse the money."

"She concludes:

"NCLB will put the challenges we faced with Felix to shame."

"I urge all of you to visit the schools in your district. I urge you to talk to the principals and educators in these schools. I urge you to understand the details of this unfunded federal mandate. I urge you to support these resolutions.

"I apologize for spending so much time on this issue, but at the end of the day, it's about the children in the classroom who are ready to learn. To call these children failures is nothing short of criminal."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, No Child Left Behind is a test, and it is a test of our system and our will to whether we are going to succeed or accept failure. What I want to say Mr. Speaker, is that was an excellent speech by my previous colleague. I want to talk about this No Child Left Behind.

"As he said it was signed in January 2002. But in fact, how is it the first question that came to mind when I first heard about this was, how is it that we know that these wonderful schools Kauluwela and Solomon have four years of adequate yearly progress? The answer Mr. Speaker, is this law is no surprise to the DOE. It was put in place I believe, in 1994, but it didn't have 'teeth'. The difference, in 2002 when the President signed it, was it had 'teeth' and that was the retraction

of federal funding. So that therein lies the difference. I think that we need to look at this a little bit more carefully.

"My colleague mentioned about that you can walk into a community and you can predict their test scores and that is true if one overriding factor is added. And that's if there is mediocrity allowed to exist throughout the system generally. And that is the only way that you can predict these systems. Like for example, you can walk up to Mililani. They are upper or middle class and basically, it is even if you cut out all the other stuff about the free or reduced lunch, and how many, and their truancy rates, all you have to look at, the best predictor is median income.

"Now the way you tell whether a school is better or worse is if you look at median income, and this school is out performing that, you hire that principal and you double his pay. Now if you find that their school scores are the same as median income predicts, I'd say you got yourself and average principal. And that is my problem, Mr. Speaker.

"What we are looking for is to give our leaders, our principals, the challenge to meet these adequate yearly progress. Somehow there are some exceptions as my colleague has articulated that Solomon and Kauluwela did not have. It is not across-the-board, and we know this. What I wanted to suggest Mr. Speaker, is that we can do this. We can still do this.

"In my class, I got to tell you, I take this very, very seriously. When I entered teaching at Kamehameha, I was told when we didn't have a lot of kids passing the AP Physics exam it was because, "You know Guy, we don't get the same kind of kids that Iolani and Punahou get." And that really fired me up. Subsequent to that Mr. Speaker, I am honored to tell you that not only did we ... We never had two Kamehameha graduates at MIT for example, at the same time. What happened is that I personally have 13 students of mine who have attended, graduated, or are currently attending. There are 13 at MIT, not counting the two Cal Tech, the 5 at Princeton, the 5 at Stanford. They are attending and most of them are taking technical degrees in Physics.

"Now this didn't happen by accident, Mr. Speaker. Here is what the problem was. I identified, the first year I was there. I had the fortune of teaching at West Point and at Kamehameha, and I found that I was just shocked that I found my kids as bright as any that I taught at West Point. There was significant differing zone, Mr. Speaker. There was a significant difference. It is that whereas West Point these kids ain't here, and if they fall down break their knee, skin their knee, get the broken leg, they get repaired, they fix up, they run the two miles and they pass it. They are still aiming here.

"The difference Mr. Speaker, in my kids, is they are aiming here. Now without naming, these kids are as bright as any in the nation. Yet they would aim for, well I don't want to name colleges, but they would aim for the second-tier colleges. Not the first-tier, the ones that we think of, the Ivy Leagues, MIT, Cal Tech, Princeton, Stanford and Yale."

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

Representative Ontai continued, stating:

"Thank you, colleague. The difference is that they would go and say, "Mr. Ontai, I might not get accepted at those colleges. They really have high standards. They are all really smart." And I hear these experiences and I just laugh at them. I laugh

at them and make it clear to them is that you cannot be afraid of falling down. You cannot be afraid of failure.

"Mr. Speaker, I want to issue this Body the challenge. We cannot be afraid of failure. Let's not back away from this challenge. If we have a problem, if the law is so bad, then I would expect that maybe my Representative from Pearl City is correct. That the entire system will fail. The entire State, all the states, will show incredible failure and they will be embarrassed. But I don't think that might happen. And I hope it doesn't actually. I hope that Hawaii takes the steps needed to meet this challenge. The challenge is we can argue about whether or not this test is measurable, but I think it's an indicator. One of the indicators, as well as the NEAP, which tests many multi-subjects that show that we are not doing as well as we'd like to be doing.

"And so with that Mr. Speaker, I think the bottomline is this. Mr. Speaker, I think we should not underestimate the value of failure. I know I used it in my classroom. Many of these honors-level students came to my class having never failed an exam until they came to my class. And that is the way we achieve excellence, Mr. Speaker. We say that this, your expectations, are too low. You cannot expect them, if you walk into a class and there is that danger. My colleague, especially.

"Well, if they think of themselves as failures, then that is you've lost them. But it is very different than saying that it is okay to fail a test. But we are going to clean ourselves off, wipe off the blood, and we are going to pass is the next time. And that is the attitude that I think we ought to have, Mr. Speaker. If we fail, we find out what is wrong, and try to correct it rather than well we don't want to play. So with that Mr. Speaker, I say, let's step up to the plate and instead of asking for the slow pitch, let's ask for the high heat, and let's pass the test. Thank you, Mr. Speaker."

At this time, the Chair announced:

"We've had a lot of discussion and the Chair will now allow Members just to voice their concerns on the yes or no, or with reservations, and submit their written comments."

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 Ching 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:

"Thank you. A no vote and I proudly ask to have the remarks from the Representative from Mililani inserted in the Journal as my own. I think that is one of the most outstanding speeches we've ever heard in the Legislature and I hope everyone was truly listening."

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

Representative Bukoski's written remarks are as follows:

"In opposition to HR 118, HD 1. This said resolution urges the BOE and the Superintendent of Education to decline any further participation in the "No Child Left Behind Act of 2001"

and to return all Title I program moneys conditioned on the implementation of the Act by the State of Hawaii.

"Mr. Speaker, in this time of fiscal uncertainty and educational strains, we should not throw in the towel before even trying ... furthermore and more importantly, we should not turn away much-needed federal money that can be used to improve our educational system. I believe if we gave ourselves a little more credit for our ability to overcome, we can meet the goals set forth in the NCLB Act of 2001.

"I feel it would be most prudent at this time to allow this Act to settle, so to speak, before we start making changes and/or opposing it. Thank you, Mr. Speaker."

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

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 118, HD 1, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION TO CONSIDER DECLINING ANY FURTHER PARTICIPATION IN THE "NO CHILD LEFT BEHIND ACT OF 2001" AND TO RETURN ALL FEDERAL FUNDS CONDITIONED ON THE IMPLEMENTATION OF THE ACT BY THE STATE OF HAWAII, UNLESS CONGRESS FULLY FUNDS THE ACT," was referred to the Committee on Finance with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Sonson, Stonebraker and Thielen voting no, and with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

and

H.C.R. No. 147, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION TO CONSIDER DECLINING ANY FURTHER PARTICIPATION IN THE "NO CHILD LEFT BEHIND ACT OF 2001" AND TO RETURN ALL FEDERAL FUNDS CONDITIONED ON THE IMPLEMENTATION OF THE ACT BY THE STATE OF HAWAII, UNLESS CONGRESS FULLY FUNDS THE ACT," was referred to the Committee on Finance with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Sonson, Stonebraker and Thielen voting no, and with Representatives Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1302), recommending that H.C.R. No. 33, 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.C.R. No. 33, HD 1, 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 referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1303), recommending that H.C.R. No. 165, 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.C.R. No. 165, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE KALAUPAPA SETTLEMENT OPERATIONS AND EXPENDITURES," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay 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. 1304), recommending that H.R. No. 109, 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.R. No. 109, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AN ADVISORY COMMISSION ON HAWAII PALLIATIVE CARE AND PAIN MANAGEMENT," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay 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. 1305), recommending that H.C.R. No. 132, 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.C.R. No. 132, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AN ADVISORY COMMISSION ON HAWAII PALLIATIVE CARE AND PAIN MANAGEMENT," was referred to the Committee on Finance with Representatives Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Kanoho, for the Committee on Water, Land Use, and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1306) recommending that H.C.R. No. 141, 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. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO RECONSIDER THE EXISTING KALAELOA REDEVELOPMENT PLAN AND MAKE REVISIONS AS NECESSARY TO MAXIMIZE THE SOCIAL AND ECONOMIC DEVELOPMENT POTENTIAL OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was adopted, with Representatives Caldwell, Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1307) recommending that H.R. No. 93, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP WAYS TO INCREASE PARENTAL INVOLVEMENT IN EDUCATION ON A SCHOOL-BY-SCHOOL BASIS," was adopted, with Representatives Caldwell, Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1308) recommending that H.C.R. No. 208, 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. 208, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS TO RECOGNIZE THE MERITS AND SUCCESSES OF THE HEAD START PROGRAM AND TO REJECT ANY PROPOSAL TO LIMIT THE PROGRAM'S SCOPE OR TO MOVE IT FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE U.S. DEPARTMENT OF EDUCATION," was adopted, with Representatives Caldwell, Chang, Kaho`ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1309) recommending that H.R. No. 117, be adopted; and

(Stand. Com. Rep. No. 1310) recommending that H.C.R. No. 146, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 117 and H.C.R. No. 146, be adopted, seconded by Representative Lee.

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

"Mr. Speaker, in support. This is the resolution we need. The one that asks for money. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker. As I said on the other resolutions, I thought these two were the way to go and I will support both of them. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO OBTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE MANDATES OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001"," was adopted with Representatives Caldwell, Chang, Kaho`ohalahala, Kanoho and Magaoay being excused;

and

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO OBTAIN

ADDITIONAL FUNDS NECESSARY TO MEET THE MANDATES OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", was adopted, with Representatives Caldwell, Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1311) recommending that H.R. No. 125, 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. 125, HD 1, entitled: "HOUSE RESOLUTION DESIGNATING APRIL AS "FINANCIAL LITERACY FOR YOUTH IN HAWAII MONTH," was adopted with Representatives Caldwell, Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1312) recommending that H.C.R. No. 160, 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. 160, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING APRIL AS "FINANCIAL LITERACY FOR YOUTH IN HAWAII MONTH," was adopted, with Representatives Caldwell, Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Abinsay, for the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 1313) recommending that H.R. No. 168, be adopted; and

(Stand. Com. Rep. No. 1314) recommending that H.C.R. No. 216, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 168 and H.C.R. No. 216, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in support of both of these resolutions. Mr. Speaker, these resolutions go towards the diversification of Hawaii's agricultural industry, which we've heard nicely about from the honoree of Kona coffee. The purpose is to support Hawaii-grown chocolate, recognize its benefits to our economy, through job creation, revenue generation, diversified ag production and processing. It is my pleasure to speak before this Chamber in supporting chocolate, the *theobroma cacao*, the cacao bean as a propitious opportunity to add another tasteful complimentary agriculture product to the diverse lineup that Hawaii offers today.

"As most of us know, the best wines of our time are grown, harvested, and processed in Sonoma in Napa Valley. Coffee is grown all over the world, two-thirds coming from Latin America, the Caribbean, and we hear about the success and hope that our coffee Kona coffee will be served in the White House. Tea is grown in 40 countries with Asian countries producing 90% of it. Chocolate is the last of the connoisseur items. That can be where this opportunity to bring in some income. Of these agriculture connoisseur products, which brings in millions, billions, worldwide, we are the only state in the entire US that qualifies with the correct temperature, climate, to grow quality chocolate.

"Since 1960, Hawaii pineapple growers supplied 80% of our output of canned pineapple. In '66 we reached our peak in sugar production and in '96, the islands of Oahu and Hawaii saw those last harvests of sugar cane, which now is only grown on Kauai and Maui. In '54 there were less than 3,700 farms with fruits and vegetables grown commercially. But today there are 5,500 farms with 40 different types of produced crops of Hawaii. And, we produce 45% of the world's macadamia output. We have a track record of success in agricultural products and now we must, it is the time to expand to cacao. The Legislature recognizes with these resolutions the possible benefits of cacao to our economy by moving it forward and implementing it through our agricultural base through certain Senate and House bills being circulated, and now I add these House resolutions which promote chocolate cultivation in Hawaii. And it is my hope we can capitalize on this cultivation, to develop greater opportunities for our State with a worldwide connoisseur product."

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

Representative Ching continued, stating:

"Thank you. We have the chance now to expand our economy, being the Sonoma of the Pacific, for chocolate. Tahiti has taken vanilla. And while many still are held in the concept that chocolate is something for children, that it is a solid, the truth is that chocolate was once one of the most spiritual drinks of about a third of our planet. And cocoa has also been proven to have medicinal benefits as well as it can be produced through cocoa butter and other cosmetic products. So this opportunity is before us. I am not on the Agriculture Committee but I do see the benefits of chocolate and I urge my colleagues to support these resolutions. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 168, entitled: "HOUSE RESOLUTION SUPPORTING THE MANY BENEFITS OF HAWAII GROWN CHOCOLATE TO OUR STATE AND DIVERSIFIED AGRICULTURE," was adopted with Representatives Caldwell, Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

and

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE MANY BENEFITS OF HAWAII GROWN CHOCOLATE TO OUR STATE AND DIVERSIFIED AGRICULTURE," was adopted, with Representatives Caldwell, Chang, Kaho'ohalahala, Kanoho and Magaoay being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1315) recommending that S.B. No. 933, SD 1, 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 S.B. No. 933, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STALKING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1316) recommending that S.B. No. 1107, SD 1, 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 S.B. No. 1107, SD 1, 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 Caldwell, Chang, Kaho'ohalahala and Magaoay 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. 1317) recommending that S.B. No. 1201, SD 2, 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 S.B. No. 1201, SD 2, 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 with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented seven reports:

(Stand. Com. Rep. No. 1318) recommending that S.B. No. 1438, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1319) recommending that S.B. No. 1439, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1320) recommending that S.B. No. 1440, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1321) recommending that S.B. No. 1441, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1322) recommending that S.B. No. 1442, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1323) recommending that S.B. No. 1443, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading; and

(Stand. Com. Rep. No. 1324) recommending that S.B. No. 1444, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the reports of the Committee be adopted, and that S.B. Nos. 1438, HD 1; 1439, HD 1; 1440, HD 1; 1441, HD 1; 1442, HD 1; 1443, HD 1; and 1444, 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 measures, stating:

"Yes, Mr. Speaker. I rise in opposition to Nos. 1318 through 1324, the appropriations for collective bargaining. I don't think it is appropriate at this time to move these measures forward. These units are in collective bargaining negotiations. Some of them aren't in negotiations yet, and I think it is putting the 'cart before the horse'. Thank you."

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

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

Representative 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 reports of the Committee were adopted and S.B. No. 1438, HD 1, 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 Jernigan and Stonebraker voting no, and with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused;

S.B. No. 1439, HD 1, 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 Jernigan and Stonebraker voting no, and with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused;

S.B. No. 1440, HD 1, 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 Jernigan and Stonebraker voting no, and with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused;

S.B. No. 1441, HD 1, 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 Jernigan and Stonebraker voting no, and with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused;

S.B. No. 1442, HD 1, 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 Jernigan and Stonebraker voting no, and with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused;

S.B. No. 1443, HD 1, 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 Jernigan and Stonebraker voting no, and with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused;

and

S.B. No. 1444, HD 1, 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 Jernigan and Stonebraker voting no, and with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1325) recommending that S.B. No. 1445, 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 S.B. No. 1445, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1445, HD 1, 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 Caldwell, Chang, Kaho'ohalahala and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1326) recommending that S.B. No. 1135, SD 1, 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 S.B. No. 1135, SD 1, 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. On Standing Committee Report 1326, I'd like to register an aye with reservations. In the Committee, there was somebody there from the Judiciary. We had a briefing and they couldn't answer a lot of the questions as to whether this system would be compatible with existing systems. The bill calls for money from traffic fines that normally would go to the general fund to be used to support this new system. So those are my reservations."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1135, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1327) recommending that S.B. No. 1396, 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 S.B. No. 1396, 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 Representatives Caldwell, Chang, Kaho'ohalahala and Magaoay being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1328) recommending that S.B. No. 42, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1328 on S.B. No. 42, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 42, SD 1, HD 1, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1329) recommending that S.B. No. 474, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1329 on S.B. No. 474, SD 2, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 474, SD 2, HD 1, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1330) recommending that S.B. No. 1324, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1330 on S.B. No. 1324, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1324, SD 1, HD 2, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1331) recommending that S.B. No. 1405, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1331 on S.B. No. 1405, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1405, HD 1, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1332) recommending that S.B. No. 255, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1332 on S.B. No. 255, SD 2, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 255, SD 2, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1333) recommending that S.B. No. 1312, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1333 on S.B. No. 1312, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1312, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1334) recommending that S.B. No. 506, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1334 on S.B. No. 506, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 506, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1335) recommending that S.B. No. 402, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1335 on S.B. No. 402, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 402, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1336) recommending that S.B. No. 773, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1336 on S.B. No. 773, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 773, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1337) recommending that S.B. No. 880, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1337 on S.B. No. 880, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 880, HD 2, were made available to the members of the House.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1338) recommending that S.B. No. 51, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 51, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1339) recommending that S.B. No. 1406, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1406, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1340) recommending that S.B. No. 562, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO TERMINABLE RENTAL ADJUSTMENT CLAUSE VEHICLE LEASES," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1341) recommending that S.B. No. 585, SD 1, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 585, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Arakaki's written remarks are as follows:

"My comments are in support of the S.B. No. 585, SD 1, HD 1, Making an Appropriation for the Children's Health Insurance Program.

"Congressional enactment of Title XXI of the Social Security Act in the federal Balanced Budget Act (BBA) of 1997 has provided states with an important opportunity to expand health care coverage to low-income children who are uninsured. The program, called the Children's Health Insurance Program (CHIP), is considered the largest expansion of health care coverage since the enactment of Medicare and Medicaid.

"Hawaii was allotted \$9.9 million for CHIP for federal fiscal years 1998 through 2000 with a further commitment to fund the program through federal fiscal year 2008. This federal allotment requires a state match of \$4.8 million, which represents an enhanced federal matching rate of 65%.

"In January 1998, the Department of Human Services and the Department of Health convened a CHIP Planning Committee which included numerous advocacy, provider and consumer groups including participants from the Neighbor Islands. The CHIP Planning Committee developed a proposal which reflects a decision to implement a Title XXI plan through an expansion of Hawaii's Medicaid and QUEST programs. The proposal was submitted as a "placekeeper" plan to lock-in federal funding for federal fiscal years 1998 through 2000.

"Although this program is extremely worthy of funding, continued constraints on State revenues preclude the inclusion of CHIP funding in the Governor's Executive Budget,

"The following is a summary of Hawaii's CHIP proposal to the HCFA.

Eligibility criteria

"The plan calls for an expansion of Hawaii's Medicaid and QUEST Programs, phasing-in health coverage for children who uninsured by age family income level. The first phase of Hawaii's CHIP proposal requests coverage of uninsured children, ages 1-6 with incomes between 134% and 185% of the federal poverty limit. Subsequent amendments will be submitted, depending on available funding, to effect the State's plan for implementation of the second and third phases of our Title XXI expansion. When fully implemented, coverage for children will extend from birth through age eighteen to children in families with incomes below 200% of the federal poverty level.

"Benefit package, delivery system, quality and appropriateness of care

"As an expansion of the Medicaid and QUEST programs, the CHIP benefit package will be the same as that of the Medicaid and QUEST for children including medical, dental and behavioral health services as well as access to full Early, Periodic, Screening, Diagnosis and treatment (EPSDT) benefits.

"Health care services will be delivered to CHIP enrollees through the regular Medicaid and QUEST provider networks.

"Current mechanisms and methodologies to ensure quality and appropriateness of care, and access to covered Hawaii QUEST and Medicaid fee-for-service program services will also be utilized for the CHIP program.

"Cost sharing

"As an expansion of the Medicaid program there will be no cost sharing (i.e. premiums, deductibles, coinsurance and other cost-sharing) for enrollees in the CHIP program.

"CHIP administration, assignments and timelines

"As a Medicaid and QUEST expansion, the Department of Human Services will serve as the administering agency for Hawaii's Title XXI program. Administrative responsibilities will include determination of eligibility, policy and rule development, and monitoring of quality and appropriateness of care. Outreach and coordination will involve working with and through existing public as well as private sector health care and social service networks/resources on a statewide basis (e.g. existing outreach workers, case management agencies; pre-school and child care organizations; DOH programs, including WIC, Maternal/Child Health Branch, other Family Health Services Division programs, Child and Adolescent Mental Health Division; Developmental Disabilities Division, Zero-to-Three Programs; DHS Programs); working with the state's Labor and Education Departments; working with consumer/advocacy organizations; conducting "Train the Trainer" sessions; working with health care provider organizations; working with the business community, service organizations and labor unions; organizing a media campaign; and, coordinating efforts with "Covering Kids" which is a Robert Wood Johnson foundation grant being sought by the Hawaii State Primary care Association.

"TOBACCO SETTLEMENT FUNDS:

"Tobacco Settlement Funds provide the states match for the Federal funds provided for CHIP. It also allows the state to cover children who are ineligible under federal rules, such as immigrants who arrived after October 1998 and those who are from the Compact territories such as Marshallese, Micronesians and other Pacific Island.

"Mechanism to provide universal access to health coverage for all children from birth to age eighteen

"House Concurrent Resolution 121 urged the development of a plan to provide universal health coverage for all Hawaii's children using as a significant "stepping stone," the efforts of the CHIP Planning Committee to develop Hawaii's CHIP plan. The CHIP Planning Committee will be convened as needed as we worked towards implementation of the CHIP program. The CHIP Planning Committee coordinated its planning activities with those of other planning groups currently exploring options to expand health coverage to children who will not receive health coverage through either Hawaii's title XXI program, Title XIX programs or through commercial health insurance plans."

"In October of 2002, the State of Hawaii returned over 18 million dollars in unmatched funds provided for the Children's Health Insurance Program. Before we allow the department of

Human Services to utilize the unused portion of the tobacco settlement funds dedicated to the CHIP program, we as legislators need to assure that we maximize the number of children who can be covered under CHIP and to maximize the federal dollars that can be drawn with the match. SB 585 will help the State of Hawaii to move towards universal health coverage for all children in Hawaii. I urge all my colleagues to support the bill."

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 appropriates monies from the Tobacco Fund to improve services under the children's health insurance program to expand eligibility to 300 percent of the federal poverty level and provides outreach services to eligible children. Our children should not, and will not, be left behind in terms of health coverage. It is our duty, with compassion, to see every method to make sure that no child is left without the basic needs when comes to healthcare. It is unfortunate that we have raid special funds, but the truth of the matter is that we are not facing the systemic problem that the State faces! We are not collecting enough funds for the basic needs of our State. This is just one example of the core needs in our community and I thank our leadership for keeping this vehicle alive, and hope that this bill rises to the level of urgency and support, for our kids."

"Thank you very much."

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

"I am sorry, Mr. Speaker. Back on 1341. I think it's a commendable thing that we are trying to do on 1341. I am in support, but with a minor reservation I guess. And the reservation is that we are using tobacco settlement money and we keep using that, and we're about ready to use it many more times and eventually there will be nothing left for what we tried to do with it in the first place. And that is what my fear is."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 585, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1342) recommending that S.B. No. 870, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 870, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

The Chair directed the Clerk to note that S.B. Nos. 51; 1406; 562; 585, SD 1, HD 1; and 870, SD 2, HD 1; passed Third Reading at 2:02 o'clock p.m.

THIRD READING

S.B. No. 1049, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 1049, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

S.B. No. 1353, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 1353, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR MEDICAID," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

S.B. No. 368:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 368, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

S.B. No. 1469, SD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 1469, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEER SUPPORT COUNSELING SESSIONS," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

S.B. No. 1260, SD 1:

Representative Saiki moved that S.B. No. 1260, SD 1, pass Third Reading, seconded by Representative Lee.

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

"Are we on S.B. 1260, HD 1? Mr. Speaker I'd like to stand in support with some reservations. I'd like to thank the Senate for inserting some of the amendments that are requested in the House version. However, I don't know if that is an omission or not, but what this bill does Mr. Speaker, is to allow Tripler and the Department of Health to bring in microorganisms. My issue with it was that the bill from the House was so broad that it will allow them to bring in any levels of microorganisms, even beyond their capacity to contain it. The amendment that was placed by the Senate allows the Department of Health only to bring in the microorganisms that they are able to contain. Unfortunately the same kind of standard does not apply to the Tripler Medical Center. I guess we would just have to trust them that they will not bring in something that they cannot hold.

"For example, the SARS virus is something that we are not able to contain. There are only 3 facilities in the United States that are able to contain that. That is a Level 4 type of virus. The level that we are able to contain at this time is Level 2, and with the funding that is being, I guess some of the funding coming from the federal government, is being utilized to improve our containment to Level 3.

"So with that Mr. Speaker, I do support it somewhat, but I hope we are able to maintain some control over what Tripler will do in the future. Thank you very much."

The motion was put to vote by the Chair and carried and S.B. No. 1260, SD 1, entitled: "A BILL FOR AN ACT RELATING

TO MICROORGANISM IMPORT," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

S.B. No. 787:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 787, entitled: "A BILL FOR AN ACT RELATING TO DISASTER LEAVE," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Kaho'ohalahala being excused.

The Chair directed the Clerk to note that S.B. Nos.: 1049, SD 1, HD 1; 1353, HD 1; 368; 1469, SD 1; 1260, SD 1; and 787; passed Third Reading at 2:07 o'clock p.m.

ANNOUNCEMENTS

Representative B. Oshiro, for the Committee on Judiciary, requested a waiver of the 48-hour hearing notice requirement for the purpose of hearing certain Senate Bills, and the Chair "so ordered."

"Tomorrow at the Judiciary hearing at 2:00, the Judiciary Committee will also be taking up S.B. No. 78, which is relating to elder abuse. We previously heard H.B. No. 519, but it is stuck in the Senate. Similarly we shall also be taking S.B. No. 614, which is similar to H.B. No. 43, which is still stuck in the Senate. And we will be taking up S.B. No. 946, which actually we found there is agreement of the parties. Thank you."

Representative Karamatsu, for the Committee on Tourism and Culture requested a waiver of the 48-hour notice requirement to hear SCR Nos. 38 and 42, and decision making only on HR No. 171, and the Chair "so ordered."

Speaker Say: "Representative Karamatsu, for the education of our Members what is an S.C.R.? It is a Senate Concurrent Resolution.

Representative Karamatsu: "Senate Concurrent Resolution 38."

Speaker Say: "The Senate Concurrent Resolution that has come over from the Senate, which they are requesting the waiver of the 48-hour notice for Tourism and Culture."

At 2:08 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:09 o'clock p.m.

Speaker Say: "Representative Karamatsu, the question posed by the Minority Leader was if you give us the title of the Senate Concurrent Resolutions also, if you have it before you."

Representative Karamatsu: "For S.C.R. 38, it is, "Requesting the Hawaii Tourism Authority to Promote Hawaii Filmmakers and Locally Made Films as a Means of Promoting Tourism." S.C.R. 42 is, "Requesting the Hawaii Tourism Authority to Design, Implement and Evaluate a Cultural Television and Film Pilot Project." And we will have decision-making on H.R. 171, which is the, "Restoration and Maintenance of the Sanju Pagoda in Nuuanu Valley."

Speaker Say: "Thank you very much for educating the Members on those respective resolutions, and not the Standing Committee Reports."

Representative Takamine, for the Committee on Finance, requested waiver of the 48-hour notice requirement on the following measures:

"On S.B. 327, SD 1, this measure was previously heard by the Finance Committee on March 19th. The waiver is for the purpose of decision making only," and the Chair "so ordered."

"Thank you. On S.B. 1034, SD 1, HD 1, and on S.B. 1305 as a proposed HD 1, notices for both of these measures were posted yesterday afternoon, however due to a technical glitch, they missed the 48 hours by 15 minutes," and the Chair "so ordered."

"Thank you very much. And finally on S.B. 464, SD 2, HD 1 Relating to Implementation of a Fixed Rail Transit System, waiver of the 48-hour notice is requested," and the Chair "so ordered."

"Mr. Speaker, all of the aforementioned measures will be part of Agenda #3 before your House Finance Committee, tomorrow afternoon at 5:15 p.m. Thank you very much."

Representative Arakaki: "Thank you, Mr. Speaker. Although it is posted in our announcement for the Order of the Day, I did want to mention to our colleagues that we are having a briefing on the Severe Acute Respiratory Syndrome or SARS. And the reason I am doing that it is because it is going to have a profound impact, not only on our health system, or it could anyway, but also on our travel industry. So I want to encourage all of my colleagues to be informed on this matter. And it is going to be tomorrow in room 329, starting at 9:00."

Speaker Say: "Any further announcements? Are the Members aware that on the Order of the Day business, that there is an agenda for all of you to take a look at for today's hearings this afternoon? It shows for the Finance Committee their hearing with their proposed drafts? It is for your education."

ADJOURNMENT

At 2:12 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, Thursday, April 3, 2003. (Representatives Chang, Hale, Hiraki, and Kaho'ohalahala were excused.)