

## FORTY-NINTH DAY

Friday, April 16, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 9:09 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Bud Stonebraker, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Kahikina, Meyer, Takamine, Thielen and Waters, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 170 through 173) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 170, transmitting a report, Requiring the Department of Health to Prepare a Detailed Progress Report on the Healthy Hawaii Initiative and to Identify the Impact on any Aspect of the Healthy Hawaii Initiative Success Due to the Reallocation of Funds from the Tobacco Settlement Fund to the Healthy Start Purchase of Service Contracts.

Gov. Msg. No. 171, informing the House that on April 15, 2004, the following bill was signed into law:

H.B. No. 2299, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE COURT COSTS." (ACT 003)

Gov. Msg. No. 172, informing the House that on April 15, 2004, the following bill was signed into law:

H.B. No. 2024, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION." (ACT 004)

Gov. Msg. No. 173, informing the House that on April 15, 2004, the following bill was signed into law:

H.B. No. 2298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES." (ACT 005)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 570 through 599) were received and announced by the Clerk:

Sen. Com. No. 570, informing the House that the Senate has on April 13, 2004, reconsidered its action taken on April 6, 2004 in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill passed Final Reading on April 15, 2004.

S.B. No. 3237, SD 1, HD 1  
"RELATING TO PRESCRIPTION DRUGS."

Sen. Com. No. 571, informing the House that H.B. No. 1043, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING

APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 572, informing the House that H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 573, informing the House that H.B. No. 2280, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 574, informing the House that H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 575, informing the House that H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 576, informing the House that H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 577, informing the House that S.B. No. 2525, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 578, informing the House that S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading in the Senate on April 15, 2004.

Sen. Com. No. 579, transmitting S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 580, transmitting S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 581, transmitting S.C.R. No. 22, entitled: "SENATE CONCURRENT RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 582, transmitting S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN "EDUCATIONAL SERVICE AGENCY," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 583, transmitting S.C.R. No. 49, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFERING OF CONTINUING MEDICAL EDUCATION ON PAIN MANAGEMENT," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 584, transmitting S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING OUR CONGRESSIONAL DELEGATION'S SUPPORT FOR MEASURES TO RESTORE HEALTH CARE BENEFITS TO VETERANS," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 585, transmitting S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 586, transmitting S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL ORGANIZATIONS, PRIVATE AND PUBLIC, IN A COLLABORATIVE PROCESS WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO PLAN FOR, SUSTAIN, AND PROMOTE CULTURE AND THE ARTS IN HAWAII," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 587, transmitting S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 588, transmitting S.C.R. No. 77, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE "YEAR OF POLIO AWARENESS" IN HAWAII," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 589, transmitting S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF INTERISLAND AIR CARRIER FARE PRICE MECHANISMS," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 590, transmitting S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU DISTRICT OFFICE OF THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO AUTHORIZE THE ENTRY OF FILIPINO LONGLINE FISHERMEN WITH VALID TRANSIT VISAS," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 591, transmitting S.C.R. No. 129, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE

PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 592, transmitting S.C.R. No. 144, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 593, transmitting S.C.R. No. 189, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALI'I MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR NEEDY CHILDREN OF HAWAIIAN ANCESTRY," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 594, transmitting H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE "SOUVENIR SHEET" OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 595, transmitting H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 596, transmitting H.C.R. No. 50, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," which was adopted by the Senate on April 15, 2004.

Sen. Com. No. 597, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2061,	Chair: Kim
HD 2, SD 1	Members: Taniguchi, Tsutsui

H.B. No. 2608,	Co-Chairs: Kim/Hanabusa
HD 1, SD 1	Members: Taniguchi, Whalen

Sen. Com. No. 598, informing the House that the President has appointed as conferees on the part of the Senate, for

consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 469, Co-Chairs: Kanno/Hanabusa  
HD 1 Members: Kawamoto, Taniguchi,  
Whalen

Sen. Com. No. 599, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 14, S.D. 1, H.D. 2  
"RELATING TO REHIRING RETIRED SCHOOL  
ADMINISTRATORS."

S.B. No. 53, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR AMBULANCE  
SERVICE IN THE KIHAI/WAILEA REGION OF MAUI."

S.B. No. 214, S.D. 3, H.D. 2  
"RELATING TO WORKFORCE DEVELOPMENT."

S.B. No. 473, S.D. 1, H.D. 3  
"RELATING TO HALFWAY HOUSES."

S.B. No. 643, S.D. 2, H.D. 3  
"RELATING TO BIOPROSPECTING."

S.B. No. 762, S.D. 1, H.D. 2  
"RELATING TO THE EMPLOYER-UNION HEALTH  
BENEFITS TRUST FUND."

S.B. No. 779, S.D. 2, H.D. 2  
"RELATING TO THE EMPLOYEES' RETIREMENT  
SYSTEM."

S.B. No. 1000, S.D. 1, H.D. 1  
"RELATING TO CHILD ABUSE."

S.B. No. 1138, S.D. 1, H.D. 1  
"RELATING TO INTERMEDIATE SANCTIONS."

S.B. No. 1238, S.D. 2, H.D. 2  
"RELATING TO MENTAL HEALTH."

S.B. No. 1318, S.D. 1, H.D. 2  
"RELATING TO BUSINESS REGISTRATION."

S.B. No. 1362, S.D. 3, H.D. 2  
"RELATING TO MENTAL HEALTH."

S.B. No. 1549, S.D. 1, H.D. 1  
"RELATING TO PUBLIC ACCOUNTANCY."

S.B. No. 1556, S.D. 2, H.D. 2  
"RELATING TO COASTAL ZONE MANAGEMENT."

S.B. No. 1615, H.D. 2  
"RELATING TO NORTH KOHALA."

S.B. No. 2004, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR VETERANS  
CEMETERIES."

S.B. No. 2021, S.D. 1, H.D. 2  
"RELATING TO STREET ROD VEHICLES."

S.B. No. 2033, S.D. 1, H.D. 2  
"RELATING TO EXPENDITURE OF PUBLIC MONEY."

S.B. No. 2045, S.D. 2, H.D. 1  
"MAKING AN APPROPRIATION TO THE HAWAII CIVIL  
AIR PATROL."

S.B. No. 2056, S.D. 1, H.D. 2  
"RELATING TO THE AUDITOR."

S.B. No. 2063, S.D. 2, H.D. 2  
"RELATING TO EDUCATION."

S.B. No. 2073, S.D. 2, H.D. 2  
"RELATING TO THE UNIVERSITY OF HAWAII."

S.B. No. 2077, S.D. 2, H.D. 1  
"RELATING TO PLANNING."

S.B. No. 2114, H.D. 1  
"MAKING AN APPROPRIATION FOR SAFETY AND  
SECURITY IMPROVEMENTS FOR UNIVERSITY OF  
HAWAII CAMPUSES."

S.B. No. 2131, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR THE  
DEPARTMENT OF DEFENSE."

S.B. No. 2134, H.D. 1  
"RELATING TO THE ENVIRONMENT."

S.B. No. 2165, S.D. 1, H.D. 1  
"RELATING TO CHILD ABUSE AND PROTECTION."

S.B. No. 2200, H.D. 1  
"RELATING TO EDUCATION."

S.B. No. 2210, S.D. 2, H.D. 1  
"RELATING TO CONDOMINIUMS."

S.B. No. 2226, S.D. 1, H.D. 1  
"RELATING TO HOMELESS SERVICES."

S.B. No. 2246, S.D. 1, H.D. 1  
"RELATING TO AGRICULTURE."

S.B. No. 2280, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR A LOCAL FLOOD  
WARNING SYSTEM FOR LAKE WILSON."

S.B. No. 2302, S.D. 2, H.D. 1  
"RELATING TO THE FILIPINO CENTENNIAL  
CELEBRATION COMMISSION."

S.B. No. 2344, S.D. 1, H.D. 2  
"RELATING TO HIGHWAY SAFETY."

S.B. No. 2355, S.D. 2, H.D. 2  
"RELATING TO PUBLIC EMPLOYEE HEALTH  
BENEFITS."

S.B. No. 2358, S.D. 2, H.D. 1  
"RELATING TO CONSTRUCTION CLAIMS."

S.B. No. 2364, S.D. 1, H.D. 1  
"RELATING TO TAXATION."

S.B. No. 2380, S.D. 1, H.D. 1  
"RELATING TO THE STATE ART MUSEUM."

S.B. No. 2385, S.D. 2, H.D. 1  
"RELATING TO HIV/AIDS PROGRAMS."

S.B. No. 2395, S.D. 2, H.D. 1  
"RELATING TO INFORMATION PRACTICES."

S.B. No. 2396, S.D. 1, H.D. 1  
"RELATING TO THE GENERAL EXCISE TAX."

S.B. No. 2399, S.D. 2, H.D. 1  
"RELATING TO EMERGENCY AMBULANCE SERVICE."

S.B. No. 2404, S.D. 2, H.D. 1  
"MAKING AN APPROPRIATION FOR EXPENSES OF THE  
2005 NATIONAL ASSOCIATION OF COUNTIES  
MEETING IN HONOLULU."

S.B. No. 2405, S.D. 1, H.D. 1  
"RELATING TO SOLID WASTE DISPOSAL."

S.B. No. 2413, S.D. 1, H.D. 2  
"RELATING TO STATE ENTERPRISE ZONES."

S.B. No. 2424, S.D. 2, H.D. 2  
"RELATING TO NEW CENTURY CONVERSION  
CHARTER SCHOOLS."

S.B. No. 2438, S.D. 2, H.D. 2  
"RELATING TO SHARK MONITORING."

S.B. No. 2447, S.D. 1, H.D. 1  
"RELATING TO CRIME REDUCTION."

S.B. No. 2469, S.D. 2, H.D. 1  
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE  
REVENUE BONDS FOR HPOWER PLANT BOILER  
ADDITION."

S.B. No. 2474, S.D. 3, H.D. 2  
"RELATING TO RENEWABLE ENERGY."

S.B. No. 2538, S.D. 1, H.D. 1  
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE  
REVENUE BONDS FOR IOLANI SCHOOL."

S.B. No. 2541, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

S.B. No. 2542, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

S.B. No. 2543, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

S.B. No. 2544, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

S.B. No. 2545, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

S.B. No. 2546, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

S.B. No. 2547, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

S.B. No. 2549, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS."

S.B. No. 2550, H.D. 1  
"MAKING AN APPROPRIATION FOR COLLECTIVE  
BARGAINING COST ITEMS."

S.B. No. 2551, H.D. 1  
"RELATING TO THE ENTERTAINMENT INDUSTRY."

S.B. No. 2556, H.D. 1  
"RELATING TO STATE OFFICERS AND EMPLOYEES  
EXCLUDED FROM COLLECTIVE BARGAINING AND  
MAKING APPROPRIATIONS AND OTHER  
ADJUSTMENTS."

S.B. No. 2558, S.D. 2, H.D. 2  
"RELATING TO THE ENTERTAINMENT INDUSTRY."

S.B. No. 2577, S.D. 1, H.D. 2  
"RELATING TO PEER REVIEW."

S.B. No. 2586, S.D. 2, H.D. 2  
"RELATING TO PROFESSIONAL AND VOCATIONAL  
LICENSING."

S.B. No. 2595, S.D. 2, H.D. 2  
"RELATING TO PROFESSIONAL COUNSELORS."

S.B. No. 2605, H.D. 1  
"RELATING TO ADULT RESIDENTIAL CARE HOMES."

S.B. No. 2606, S.D. 1, H.D. 2  
"RELATING TO BREWPUB LICENSES."

S.B. No. 2607, S.D. 1, H.D. 2  
"RELATING TO ADOPTION."

S.B. No. 2654, S.D. 2, H.D. 2  
"RELATING TO HEALTH CARE."

S.B. No. 2671, S.D. 1, H.D. 1  
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE  
REVENUE BONDS FOR THE CONGREGATION OF  
CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL  
HIGH SCHOOL."

S.B. No. 2686, S.D. 2, H.D. 2  
"RELATING TO TECHNOLOGY."

S.B. No. 2690, S.D. 2, H.D. 2  
"RELATING TO EMERGENCY MEDICAL SERVICES."

S.B. No. 2693, S.D. 1, H.D. 1  
"RELATING TO FLOODS."

S.B. No. 2716, S.D. 1, H.D. 2  
"RELATING TO EDUCATION."

S.B. No. 2718, S.D. 1, H.D. 1  
"RELATING TO THE COMPENSATION OF OFFICIALS IN  
THE LEGISLATIVE SERVICE AGENCIES."

S.B. No. 2748, S.D. 1, H.D. 2  
"RELATING TO DRUG DEMAND REDUCTION  
ASSESSMENTS."

S.B. No. 2779, S.D. 2, H.D. 1  
"RELATING TO TRADITIONAL HAWAIIAN HEALING  
PRACTICES."

S.B. No. 2782, S.D. 1, H.D. 1  
"RELATING TO THE FUNDING OF A HABITAT  
CONSERVATION PLAN."



S.B. No. 2790, S.D. 1, H.D. 1

"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL."

S.B. No. 2791, S.D. 1, H.D. 1

"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC."

S.B. No. 2834, S.D. 2, H.D. 2

"MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."

S.B. No. 2835, S.D. 1, H.D. 1

"RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL."

S.B. No. 2839, S.D. 2, H.D. 2

"RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES."

S.B. No. 2840, S.D. 2, H.D. 2

"RELATING TO TOBACCO."

S.B. No. 2861, S.D. 1, H.D. 2

"RELATING TO CRIMINAL PROCEDURE."

S.B. No. 2869, S.D. 2, H.D. 1

"RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."

S.B. No. 2873, S.D. 1, H.D. 2

"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

S.B. No. 2878, S.D. 2, H.D. 2

"RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM."

S.B. No. 2879, S.D. 2, H.D. 2

"RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM."

S.B. No. 2887, S.D. 2, H.D. 2

"RELATING TO INTERSTATE INSURANCE COMPACT."

S.B. No. 2897, S.D. 2, H.D. 2

"RELATING TO THE DENTAL EXAMINATION."

S.B. No. 2906, S.D. 1, H.D. 2

"RELATING TO CERTIFICATES OF GOOD STANDING."

S.B. No. 2908, S.D. 1, H.D. 1

"RELATING TO BUSINESS REGISTRATION."

S.B. No. 2909, S.D. 1, H.D. 1

"RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000."

S.B. No. 2919, S.D. 1, H.D. 1

"RELATING TO THE MILITIA."

S.B. No. 2926, S.D. 1, H.D. 2

"RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS."

S.B. No. 2928, H.D. 2

"RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION."

S.B. No. 2929, S.D. 1, H.D. 1

"RELATING TO MEDICAID REIMBURSEMENT."

S.B. No. 2930, S.D. 2, H.D. 1

"RELATING TO HOME AND COMMUNITY-BASED SERVICES."

S.B. No. 2936, S.D. 2, H.D. 1

"RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS."

S.B. No. 2941, H.D. 1

"MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM."

S.B. No. 2948, S.D. 2, H.D. 1

"RELATING TO PUBLIC HEALTH NURSING SERVICES."

S.B. No. 2976, S.D. 1, H.D. 1

"MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY."

S.B. No. 2990, H.D. 1

"RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION."

S.B. No. 2994, S.D. 1, H.D. 2

"RELATING TO THE USE TAX."

S.B. No. 2996, S.D. 2, H.D. 2

"RELATING TO TAXATION OF ALTERNATIVE FUELS."

S.B. No. 3019, S.D. 1, H.D. 2

"RELATING TO HEALTH BENEFITS."

S.B. No. 3020, H.D. 1

"RELATING TO EDUCATION."

S.B. No. 3025, H.D. 1

"RELATING TO THE OFFICE OF PLANNING."

S.B. No. 3041, S.D. 2, H.D. 2

"RELATING TO VOLUNTARY ADMISSION FOR NONEMERGENCY TREATMENT."

S.B. No. 3044, H.D. 1

"RELATING TO PUBLIC PROPERTY."

S.B. No. 3049, S.D. 2, H.D. 2

"RELATING TO CHARITABLE ANNUITIES."

S.B. No. 3051, S.D. 2, H.D. 1

"RELATING TO AGRICULTURE."

S.B. No. 3052, S.D. 2, H.D. 2

"RELATING TO IMPORTANT AGRICULTURAL LANDS."

S.B. No. 3062, S.D. 1, H.D. 2

"RELATING TO IMPACT FEES."

S.B. No. 3068, S.D. 2, H.D. 2

"RELATING TO STATE FUNDS."

S.B. No. 3080, S.D. 2, H.D. 2

"RELATING TO TRANSPORTATION."

S.B. No. 3085, S.D. 2, H.D. 2  
"RELATING TO NURSES."

S.B. No. 3086, H.D. 1  
"RELATING TO SPECIAL PURPOSE REVENUE BONDS  
FOR ISLAND PACIFIC ACADEMY."

S.B. No. 3104, S.D. 2, H.D. 1  
"RELATING TO ELECTIONS."

S.B. No. 3106, S.D. 1, H.D. 2  
"RELATING TO COUNTIES."

S.B. No. 3113, S.D. 1, H.D. 1  
"RELATING TO VOTING."

S.B. No. 3129, S.D. 1, H.D. 1  
"MAKING AN APPROPRIATION TO DETERMINE AND  
IMPLEMENT THE BEST MITIGATION MEASURE TO  
CONTROL FLOODING OF LAKE WILSON."

S.B. No. 3135, S.D. 1, H.D. 1  
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE  
REVENUE BONDS TO ASSIST ST. FRANCIS  
HEALTHCARE SYSTEM OF HAWAII AND ITS  
AFFILIATES."

S.B. No. 3148, S.D. 2, H.D. 3  
"RELATING TO EDUCATION."

S.B. No. 3153, S.D. 2, H.D. 2  
"MAKING AN APPROPRIATION FOR BIOREMEDIATION  
RESEARCH."

S.B. No. 3156, S.D. 1, H.D. 1  
"RELATING TO EMERGENCY MEDICAL SERVICES."

S.B. No. 3170, S.D. 2, H.D. 2  
"RELATING TO PETROLEUM PRODUCTS."

S.B. No. 3175, S.D. 2, H.D. 2  
"RELATING TO FEDERAL SOCIAL SECURITY FOR  
PUBLIC EMPLOYEES."

S.B. No. 3179, H.D. 1  
"RELATING TO GOVERNMENT."

S.B. No. 3182, H.D. 1  
"RELATING TO THE STATE OF HAWAII."

S.B. No. 3190, S.D. 1, H.D. 1  
"RELATING TO THE PUBLIC UTILITIES COMMISSION."

S.B. No. 3207, S.D. 2, H.D. 2  
"RELATING TO ETHANOL TAX CREDIT."

S.B. No. 3222, S.D. 2, H.D. 2  
"RELATING TO MOTOR VEHICLE INSURANCE."

### INTRODUCTIONS

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

Representative Abinsay introduced members of the Hawaii Farm Bureau Federation and the Commodity Advisory Group:

Mr. Doug MacCluer of Maui, Chair of the Commodity Advisory Group;

Mr. Myrone Murakami and Mr. Paul Matsuo, Hawaii Farm Bureau Federation Government Affairs Co-Chairs;

Mr. Reginald Hasegawa, Kohala Farm Bureau;

Mr. Kenneth Okamura, Maui County Farm Bureau;

Mr. Jeff Peterson, West Oahu County Farm Bureau;

Ms. Stevie Whalen, Hawaii Agriculture Research Center;

Ms. Joy Gold, Pineapple Growers Association; and

Mr. Alan Takemoto, Hawaii Farm Bureau.

Representative Abinsay also recognized Mr. Bob Ralley, Hilo Farm Bureau; and Mr. Roy Oyama, Kauai Farm Bureau who were not present at the time.

At 9:25 o'clock a.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 10:45 o'clock a.m.

### ORDER OF THE DAY

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Bukoski and carried, the rules were suspended for the purpose of considering House and Senate bills on Final Reading on the basis of a modified consent calendar. (Representatives Caldwell, Chang, Ching, Finnegan, Herkes, Hiraki, Kahikina, Luke, Meyer, Morita, Takai, Takumi, Thielen and Waters were excused.)

#### UNFINISHED BUSINESS

##### Conf. Com. Rep. No. 4-04 and H.B. No. 1043, SD 1, CD 1:

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1043, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

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

"Mr. Speaker, H.B. No. 1043, SD 1, CD 1 has to do with pay raises. It has to do with an arbitration, an arbitration award, and our ability to take a look at all the needs of the State. Take a look at our resources to take a look at what is fair. And to make a decision that balances all the interests. As Legislators, we are here to uphold the Constitution. To do what is just, and right, and fair on not just for one particular segment of the population but what, on balance, is fair for everyone in the State. We're here to serve the 1.2 million members of our community that we call the State of Hawaii.

"Mr. Speaker, I oppose this because I believe that there's been open and public discussion about the serious financial challenges facing our State. The only way we can pay what the arbitrator has said is by seriously raiding funds, making cuts in other areas, and seriously harming some of our other priorities.

"Mr. Speaker, I've taken a look at HGEA for example. And if we look at the pay raises that they have received since 1997 to present, that comes out to a figure at about 25%. 24.6% to be exact. That's a pretty hefty raise. I've looked at other private sector areas and very rare to find comparable pay raises.

"The inflation rate for example, since 1997, has been 13%. So when you compare that, this particular group of people working in our State has received twice the inflation rate, which is very, very large, generous, and hefty considering our challenging financial times. If we were to add paying out all of this arbitrator's award, it would be a burden that the State really cannot justly and fairly carry.

"Let me look at just a couple of things, Mr. Speaker. The Administration recognized that compensation levels should be increased. The Administration's position, my position, is not that we should give zero. But that if you take a look at what is fair, what is just, and what we can afford, something more in the range of 4% would be appropriate.

"I need to let people know that I did oppose arbitration. I opposed that whole process in principle. And today, again, I think we are finding ourselves looking at a situation that shows that arbitration doesn't work.

"In 2001, the Legislature repealed binding arbitration after six years of attempting to settle, waive disputes under this system. In 2001, we made the decision that it didn't work. Decisions were made by a third-party, outside arbitrators, who have no accountability for the outcome and didn't have to look at the overall impact on all the parties, including the taxpayers. We as Legislators are obligated to look at all of the competing interests, and to balance these things and to find the right priorities for the entire State, not just a segment of our population.

"Despite the dismal record of binding arbitration, Mr. Speaker, the Legislature in 2003, voted to reinstate binding arbitration resulting in the situation we face today. The magnitude of this March 29, 2004 award cannot be exaggerated. It is large. It is big. It is burdensome. The arbitration panel recognized the immediate fiscal situation, the precariousness of our fiscal situation by awarding 0% for fiscal year 2004 as the State had proposed. However, in the fiscal year 2005 portion of the award, there was encompassing a wage and step increases in the amount equal to a 7.8% pay increase in one single year. Mr. Speaker, over the next 5 years, this increase would total \$247 million. This projection assumes that HGEA does not receive any additional increases between now and 2009. And again that's an assumption that we cannot make because we've already seen that since 1997, we've been willing to give them a 24.6% increase.

"Mr. Speaker, we already know that the State and counties will begin negotiations for the next contract in about 5 weeks or so, since the current award only covers the period through June 30, 2005."

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

Representative Pendleton continued, stating:

"Thank you, Representative Finnegan. Mr. Speaker, to compound the problem, we need to look at a figure that is even larger than the \$247 million price tag that's projected. The arbitration panel coupled this significant increase in wages with a reduction in productivity by granting employees hired after July 1, 2001, nine more days of vacation and six more days of sick leave beginning July 1, 2004. If you add this, this could

equate to about \$8.9 million in lost productivity for the second year of the contract.

"Mr. Speaker, there are some people who say that, 'Well we have an arbitration law. This has been the award. It's our job to automatically appropriate the money.' I would disagree. The Constitution cannot be amended by a mere statute. We still have the obligation to appropriate using our good and best judgment. We are not bound to automatically appropriate the money. We hold the 'purse strings'. And it's our responsibility to look at the competing interest in this State. I think I can observe, Mr. Speaker, and I hope I don't get called out of line, but how are we paying for this? There are other bills outside of this. And if we look at where the cuts are, in many ways, we could say that Department of Human Services for example will be taking a lot of hits to help provide funds for this.

"I don't know about you, but that Department helps take care of people who are at the most difficult point in life. And so in a sense, we are taking funding from there and elsewhere to give money to those who have already had a 24.6% pay increase since 1997. I don't think we can afford that. I imagine our reasonable minds can differ on this. But I think this is too much. We can't afford it. Something like 4% would not only be fair, appropriate, but it would be affordable. Affordable without having to raid funds and cut positions and take money from places like Department of Human Services that are meeting the needs of people who are barely on the margins. Barely holding on.

"So Mr. Speaker, for all of these reasons, I oppose this measure. I oppose H.B. No. 1043. It pits a certain group of people against those who are the most needy. It forces us to do all kinds of fiscal things that are imprudent. Things that I believe are not good for the long term. In a sense, when you look at how we're paying for this, we're having to do one-time raids to pay for what would be an ongoing expense and an ongoing expenditure. We're not going to be taking back this raise once we give it. So those will be a cost that are incurred on into the future at least at that level. And yet we're paying for it in a way that is not sustainable. So for those reasons, Mr. Speaker, I oppose this measure."

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

"Mr. Speaker, in strong support.

"Mr. Speaker, recently we saw two ways to resolve disputes. One was in negotiated settlement involving UHPA, and one was binding arbitration involving the HGEA. Both are valid ways to come to a conclusion when you can't reach agreement across the table. They both work.

"Negotiation allowed UHPA the right to strike should they elect to do so. This resulted in approximately a 33% increase over a six-year period. On an average, it would mean a professor at UH would get an increase of \$6,667 per year for the 3,500 members of UHPA. The Executive branch of our government supports this negotiated settlement, and has asked us to ratify. While again, Mr. Speaker, that amount is \$6,667 per year per UHPA member, on average.

"Now binding arbitration which takes away the right to strike as a weapon, garnered HGEA a 5% increase in the second year of the two year contract. Extrapolated out over six years, Mr. Speaker, as we heard the Speaker Emeritus last week talk about it, that gives each HGEA member, which comprised 25,500 members an average increase of about \$1,800 per year. The Executive branch of our government on this increase doesn't support the arbitrated award even though the increase is a \$1,800 per year or about 1/3 of the UHPA pay raise.

"Now, I don't begrudge UHPA for the negotiated settlement that they have obtained. UH needs it if it's truly going to continue to become a great institution and a growth engine for our State. And I think everyone in this Body would support that increase.

"But now let's look at what this means for an HGEA member. And what I'd like to do is pick a class of members, they are SR-10F. That's their classification. They are senior clerks. They are educational assistants. They are people who have been working for the State, for the assistance of this State for approximately 10 to 11 years. They currently make about \$27,744 a year. Now we got to remember that this is someone who has a mortgage pay on a home now that cost an average about \$350,000. So if you're talking about 80% financing, that's a hefty monthly mortgage payment to make. In addition, they have their standard family expenses that we all face and the high cost of living for living here in Hawaii. There's increasing gas prices. There's higher medical expenses, you have to pay. People who are making \$27,700 are struggling to make ends meet. Now with the pay raise that some people are against, these members would make approximately \$1,387 more to \$29,131. On an hourly basis, it would increase from \$13.34 to \$14.01. Or approximately 67 cents per hour increase.

"Now let's look at what we heard Members of the House yesterday talk about the Governor's pay raise. And there's been debate as to whether that should go forward or not. If it goes forward, Mr. Speaker, and I'm someone who does support the Executive pay raise along with the Judicial pay raise. But if it goes forward, the Governor's salary of about \$95,000 will increase to \$128,000 almost \$129,000, or a 36% increase or \$33,900 increase. On an hourly basis, it would go from \$47 an hour to \$63 an hour, or \$16, almost a \$17 an hour increase."

Representative Fox rose to a point of order, stating:

"Point of order, Mr. Speaker. I mean, obviously you got to rise on a point of order when somebody starts talking about something that has nothing to do with the negotiated pay settlements. I can see why UHPA is somewhat a relevant topic of discussion, but not the pay raise decision of a Commission. It has nothing to do with what we're dealing with here."

Speaker Say: "Thank you very much, Representative Fox. Representative Caldwell, please proceed."

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker. In fact the reason why I'm addressing this is that yesterday this issue was brought up on the other side of the aisle in extensive debate. Thank you very much.

"If you look at our Attorney General, his salary would go from \$85,000 to \$120,000 or another \$35,000 increase. The hourly difference would be about 17 ..."

Representative Fox: "Point of order, Mr. Speaker."

Speaker Say: "Representative Fox, for what purpose do you rise? He's making the correlation in regards to the arbitrated ..."

Representative Fox: "Mr. Speaker, I beg your understanding. When a person refers inaccurately to a previous debate, I think I have the right to rise on a point of order."

Speaker Say: "State your point."

Representative Fox: "The debate was over the legislative salaries for the leading officials. Talking about the Executive branch salaries is absolutely in context. We are now talking about 25,000 people and what they should be paid. The UHPA discussion is absolutely relevant. But discussing the pay increase for people who haven't had a pay increase in 14 years, who are getting the increase or salary increases ..."

Speaker Say: "Representative Fox, your point is well taken."

Representative Fox: "Just inappropriate."

Speaker Say: "The Chair will rule that Representative Caldwell may proceed on with his debate and line of thought. Okay? So please proceed, Representative Caldwell."

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker. Moving over to the Judicial salary increases which I again support, if we take our Chief Justice of the Supreme Court, his salary goes from about \$116,000 to \$172,000, or a \$55,000 increase. On a hourly basis, his salary would jump to about \$27, more than he currently makes.

"It goes on like this, Mr. Speaker."

Representative Meyer rose to a point of order, stating:

"Mr. Speaker, point of order. I don't see how the Judicial pay raises have anything to do with the HGEA arbitrated settlement."

Speaker Say: "Representative Meyer, I believe the speaker from Manoa is making the correlation between what the arbitrated pay raise for HGEA is, at this point as it is, correct me if I'm wrong, at 5%. And he's just trying to say that if we can afford giving the pay raise to the Judiciary and the Executive, would you consider giving it to the HGEA, who is getting it at 5%? So that's where the correlation is."

Representative Meyer: "There's no correlation. Civil servants have a totally different workload."

Representative Luke rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the Speaker has already made the ruling to allow the Representative to continue."

Speaker Say: "Yes. A ruling has been made to continue on. So please proceed, Representative Caldwell."

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker. In summary, Mr. Speaker, when we talk about the Executive pay raises or the Judicial pay raises ..."

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

Representative Caldwell continued, stating:

"Thank you very much. When we talk about these two branches of government, Mr. Speaker, we're also talking about HGEA employees, because HGEA employees, these Class SR-10Fs work in both branches. They are the people come to work everyday to provide the support services that allow the Executive officers in government and our Judicial officers to perform their duties. And in fact Mr. Speaker, without these people, no work could get done. They can make or break the

people they work for. And for the most part, they make it for these people. They make them successful.

"If we're willing to give increase to these two branches of government, which I support, then I don't see how we can't support giving increases of 67 cents to these workers per hour, who are struggling to make ends meet. It's bottom line justice and fairness I think that we all have to look at here, Mr. Speaker. Thank you very much."

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

"Thank you, Mr. Speaker. In opposition.

"I think the Representative from Manoa completely missed the point. Nobody is saying, at least I'm not saying, and I haven't heard anybody else on this Floor today or at any other time say that these employees don't deserve a raise. They do. I deserve a raise, Mr. Speaker. I make just barely more than the \$27,000 that we heard about. But I'm not going to get a gigantic raise like this. And I'm not saying that these workers don't deserve it. I wish I could give it to them. I wish the State could afford it.

"The testimony that we've been hearing today, the discussion we've been having is not whether or not they deserve it. It's whether or not the State can afford to pay it. That's the big problem. And we've heard all the figures. \$247 million, that's what this is costing. \$247 million.

"We also heard yesterday about the costs, we already have especially in 2006. Many hundreds of millions of dollars that this State is going to have to come up with and I don't know where it's coming from. Maybe the speaker does. But I really don't. I can't see it. And where are we going to get the money to pay back the ERS? Where are we going to get the money for our debt service which we've restructured? It's many hundreds of millions of dollars. And I think that's what we're trying to do, is be fiscally prudent. I don't think we can afford this at this time. That doesn't mean that they can't get raises as we go to bring them up to some higher level that everybody can agree on.

"And again, this is a pay raise on top of a pay raise and there's another pay raise coming in just a few weeks, Mr. Speaker. They're going back into arbitration or negotiation at whichever it ends up. Are we going to say that they're not going to get anything again? Maybe not after they get this. But I don't want to see workers laid off. I think our workers are valuable assets to this State. I don't want to see them get pink slips. And there's some that get a pay raise and some that are on the 'bread line'. I don't want to see that. I think we ought to make sure that we can afford to keep our workforce and keep them all employed. And if they need a small pay raise at this time, okay. The Governor offered the pay raise which I discussed yesterday, which is zero now and basically 1.5%, and with the steps is going to come out 4%, 8%. I'm not talking about no pay raise. Nobody said no pay raise. But I think we're not being fiscally prudent.

"I looked at the next few bills on the OD, Mr. Speaker, and I hope I'm not out of order because they all pertain to this pay raise. And I look at \$117.5 million that are coming out of special funds, Emergency Budget and Reserve Fund, the CRF, and they're all going to the general fund. And that \$117.5 million is to pay for this pay raise. That's the only reason we're doing it. And I think all of us on this Floor know that, Mr. Speaker.

"And I don't think we should be doing that because once we take that money, it's gone. What are we going to do next year?

What are we going to do in '06 when this gigantic balloon payment comes due? We have to pay out of the general fund for the restructuring of the debt. We can't write bonds on it. We can't float it. We have to pay for it. We don't have the money, Mr. Speaker. Thank you very much."

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

"I rise to speak in support of the measure.

"Mr. Speaker, I guess a number of allegations have been made and I'm sure will continue to be made. Yesterday, on the Floor of this Chamber, we passed the Conference draft of the supplemental budget. That was a balanced budget, Mr. Speaker. It was also based on a balanced financial plan.

"Now even as recently as Monday, the Governor offered her plan, and presumably that is what is being referenced to right here when you talk about affordability. And she does have a plan. To get to her plan, you need a number of adjustments to be made.

"One is you take excess funds from special funds. She has that. We'll be talking about a measure later on in the agenda that correlates to that.

"Number two, you make adjustments to the plan's supplemental increases and you adjust down. You also make adjustments to the base, what are generally referred to as base cuts. That is all part of her financial plan because these were the necessary steps in order to come up with a balanced budget.

"Now these are some tough decisions. We talked about making tough decisions yesterday. And we talked about many of the steps, the tough decisions that were made which correlate to the recommendations or the position taken by the Administration when their plan was released on Monday. So based on our financial plan, it is balanced and room has been made for this in particular, because there is a factor of fairness.

"Certainly an earlier speaker made reference to two ways, two methods, of resolving differences at the bargaining table. And for one it ends up with the right to strike. For the other, it results in final and binding arbitration. To have that in the law, to have six different groups of employees who are represented by the same collective bargaining agent in this, follow the rules. Take the steps. Walk through the process. When the issue was submitted to the arbitration process, it was submitted only with both employer and collective bargaining agent agreeing to take that next step. Both parties had the full opportunity to present the strongest case they could. And while allegations will be made about whether all the criteria were fairly discussed, fairly considered, and resulted in the end product, that can be debated. But in the decision itself, those issues are addressed one by one. To come to the end of the process after having followed the rules and then to say, 'Gee, I'm sorry. Somehow it doesn't fit.' I'm not sure that's the kind of fairness we want people of the State of Hawaii to understand. And it's for those reasons that I speak in support of the measure."

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

"Thank you, Mr. Speaker. I'm in opposition.

"Mr. Speaker, a lot of the information that has come from both sides of the aisle is absolutely accurate. I find myself in a sort of odd role of having been here when it was my privilege, representing the Minority, to direct shots at the Governor and what the Governor was trying to do to put together a responsible budget. We sort of had the freedom to take a look

at the immediate issues and focus on them and he had the responsibility as Governor of the State of Hawaii to look at the long-term perspective. And he exercised that perspective.

"I see some of the same things happening in reverse now. I mean the Governor just simply cannot ignore the fact that the fiscal years 2006 and 2007 are going to be really rough for the State of Hawaii. And reference has been made by the Representative from Manoa to the UHPA settlement, which I consider absolutely relevant for discussion. I don't see any problem at all in discussing the UHPA settlement in connection with this HGEA settlement.

"What is different is not only that this is a negotiated settlement in which both parties arrived at a happy agreement as opposed to an arbitrated settlement settled by somebody who flew in here from the mainland, made a settlement, and then flew back to the mainland. It's not only that difference. The main difference is that the UHPA settlement took into account what's really happening in the out years. In 2006, when UHPA settled for practically nothing and then in the later years when we've gone by this big bubble that we're going to have to pay in 2006, then we may indeed have greater ability to pay. If the HGEA settlement had followed that UHPA parallel, that would have been much better. But what the HGEA settlement does is ramp up to 8% immediately and then it dictates that in the subsequent two years, we're also going to have that tremendous expenditure of money to carry out the HGEA settlement.

"And I just want to talk about three figures in that regard. For 2006, the money that we have to pay because of debt restructuring that we don't have to pay in 2005, the increase in our debt service payment is \$165 million. We're going to have to find \$165 million more dollars in 2006. That's the first year outside of the Finance Chair's financial plan. His financial plan ends in 2005. Then we go into 2006 where we get hammered with this big increase of a \$165 million.

"\$228 million, Mr. Speaker. \$228 million is the cost of the HGEA settlement for the fiscal years 2006 and 2007. These are costs that we simply cannot escape. If you add to that HGEA settlement, settlements by HSTA and UPW at approximately the same rate, you just put in settlements for those three unions at 8%, total cost \$228 million for those years. \$296 million, Mr. Speaker, is the debt. That's the deficit that this State is going to be in at the end of fiscal year 2007.

"So that's essentially \$300 million in the hole is where we're going to be in those two out fiscal years. So what are we going to do about it? It's a serious problem. The Governor's worried about it. And she's worried about an arbitrator who has made some really big mistakes. I mean she's taken the Highway Fund and the Airport Fund and the Harbor Fund and the Unemployment Compensation Special Fund and assumed that they were available for pay settlement. We know they aren't. She has taken the CAFR, the Hawaii Comprehensive Annual Financial Report, seen a surplus and treated that as a meaningful figure when it isn't. It's a totally backward look. And in fact, we've put in this pay settlement, we're going to have a deficit of around \$90 million in the CAFR.

"And finally, she's looked at our bond rating which as we all know has nothing to do with the pay settlement. That's simply our ability to finance debt over time. It has nothing to do with whether we can make an arbitrated pay settlement and she's used those factors. And all of these factors, essentially the misperformance ..."

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

Representative Fox continued, stating:

"Sorry, I'll be quick to wrap up. It's the misapplication, the misunderstanding of the financial picture of Hawaii as shown by the arbitrator, that forces the Governor into an action that none of us want to take, which is to object strenuously to the way that the arbitrated process works when it's seen over by somebody who doesn't really understand the problems in the out years and doesn't put those out year problems into the picture. The Governor has no choice. The Governor has to oppose this pay raise because what it's going to do to the financial situation in Hawaii especially if the other unions follow the HGEA pattern instead of the UHPA pattern, which would have taken care of the bad out year. So we all want a pay raise. The Representative from Makakilo is absolutely right. There's no question a pay raise is warranted, we just simply can't afford this level of pay raise in the out years, fiscal year 2006 and 2007. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support of this measure.

"Mr. Speaker, I was raised to play fair, play by the rules, and to be a good sport, win or lose. And when I hear the comments from the Fifth floor regarding the arbitration process and her attempt to derail the arbitrator's panel's decision and the process that they went through over about two years time in reaching this point, I'm a little dismayed. But anyway, be that as it is, I'm rising in support of this measure.

"And I think we've already touched upon the extent of the six bargaining units here, 2, 3, 4, 6, 8, and 13, just keep in mind Members as you vote on this measure, that approximately 44% of the State workforce and county workforce comes from these units. You'll find these workers in the community hospitals spread out throughout the islands. You'll find these employees in our correctional systems. You'll find these employees at our State hospitals. You'll find these employees at our schools. You can find these employees in the Department of Health. You'll find these employees at the Judiciary. These are your clerks, your blue-collar supervisory employees, the APTs at the University of Hawaii, they are spread out throughout the system. I believe the Representative from Manoa correctly described some of these people. So I won't go into too much detail.

"Let me tell you a little bit about the process. It started back in September of 2001 when negotiations began. Impasse was declared on February 1, 2002. In December of 2003, by mutual agreement, the employer and the union decided on an arbitration mediation process. The employees chose Larry Ishimi as its representative on the arbitration panel. The employer chose Michael Ben, the personnel director from the Big Island. And between Mr. Ishimi and Michael Ben, they chose Catherine Harris as the Chair of the arbitration panel.

"And just as an aside, Mr. Speaker, for the edification of the Members, Catherine Harris is no stranger to the arbitration laws in Hawaii. In fact, in a prior arbitration regarding SHOPO or our police officers, she was the lead chair arbitrator. And I don't recall seeing any question regarding her integrity or her ability to apply the collective bargaining laws to the SHOPO union. So I find it strange that it's being raised today. What it indicates, Mr. Speaker ..."

Representative Pendleton rose to a point of order, stating:

"Point of order, Mr. Speaker. The present speaker said that questions regarding the integrity are brought up and he wonders why that has been brought up today. I don't think anyone is questioning integrity. And he used the word integrity, sir."



The Chair responded, stating:

"Representative Pendleton, please be seated. I believe, yes, the Representative from Wahiawa, did use the word integrity and it was probably in characterizing ..."

Representative M. Oshiro continued, stating:

"No. Well, I can withdraw that. I mean maybe the aptitude of her application of Chapter 89 into the facts of the case. But the point that I'm trying to make is that she is no stranger. She didn't just fly into town. And she's not just hired on a whim. But she has credentials and the ability. And again, Mr. Speaker, she was selected by both the employer and the employee to lead the arbitration panel. It is a joint decision of the arbitration panel that we're talking about, not one individual but all three. In fact Mr. Speaker, if any of the attorneys here would take the time to look at the arbitration award as a legal document, they will see that all parties signed onto the document. That means all parties have endorsed the contents of the document and the findings and factual declarations therein to be true and accurate and a final decision of the panel. So I think that's the point I'm trying to make ..."

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

Representative M. Oshiro continued, stating:

"Mr. Speaker, in January there were seven meetings where the employer and employees had the opportunity of bringing their best case before them. There were also, in addition to the arbitration hearings, Mr. Speaker, five mediation hearings connected with the arbitration panel to try and resolve this. On March 19, 20, 21, 22, 23, 24, and 25, there are telephone conversations among the panelist themselves to render a decision. It was decided that a decision would come out in late March.

"The final offer that was brought in to the arbitration panel and I need to set this straight into the record, the employees asked for a two year contract; 4% the first year, July 1, 2003; 4% the second year, July 1, 2004; step movements; and differentials for various units. The employer's offer: first year, 0%; no retroactive payment; 1% second year; no step movements; no change in differential.

"Mr. Speaker, the arbitration award is as follows: July 1, 2003, no retroactive pay, no pay raise. July 1, 2005, 5% pay raise and step movements. On April 7, 2004, we received a message from the Governor recommending that the Legislature not approve the arbitration award for these six units affecting approximately 23,000 people, both City, county, State, Judiciary, and our community hospitals.

"Mr. Speaker, if I can take some time to look at the allegations that are raised because I think they are germane to us understanding this issue. First of all, and I believe it was already spoken to on this Floor, the arbitrators mistakenly accepted the State had a balance of \$972 million in unrestricted funds in the end of fiscal year 2003. The figure represents a net of \$1 billion in assets from the Airport Fund, Harbors Fund, and Unemployment Compensation Special Fund. Mr. Speaker, I researched the law and I checked with the Finance staff. Airport funds are available to pay for airport employees. Harbor funds are used to pay for harbor employees. And administrative expenses are allowed to be used from the Unemployment Compensation Special Fund.

"The comment that I find most offensive is, as it states here, 'It is neither a fiscally or legally possible to use these moneys

for wage settlements. This misleading and incorrect assessment of the State's fiscal condition produced an erroneous conclusion that the State could pay for the wage increases.' That's wrong. And that's not truthful.

"Number two. The arbitration panel incorrectly used the State of Hawaii Comprehensive Annual Financial Reports, the CAFR Report to estimate available funds the end of year 2003. Mr. Speaker, that is also not true. If one will look at the report, that was done by the arbitration panel on page 13, it states very clearly. 'Gerald Bechecki principally relies on the CAFRs because they are audited financial statements of the entity that are certified to present fairly the financial conditions of the employer at a particular point in time. Using the CAFRs and other materials, e.g. budgetary analysis and reports by bonding agencies, separately analyze the financial conditions of each jurisdiction and render an opinion regarding ability to pay.'

"To further elaborate, the other materials they relied upon, Mr. Bechecki relied upon the Council of Revenues projections, information from the Department of Business, Economic Development, and Tourism, the reports of the COR – Council on Revenues, the State general funds balance, the State general funds unreserved fund balance, special revenue fund balances, and two major enterprise funds, Airports and Harbors. He also relied upon the financial ability of the State through its Moody's Investment Service declaration, and Standard & Poors, and Fitch, which gave the State high ratings. So not just the CAFRs, Mr. Speaker."

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

Representative M. Oshiro continued, stating:

"The third point, Mr. Speaker, the arbitration panel referenced the State's good credit rating to conclude the State could pay for this award. Mr. Speaker, that is nothing but oversimplification about the analysis. And I would encourage the Members to look through this.

"Let me move on very quickly, Mr. Speaker. Also in part of her letter on page 5 through 7, she lists legal flaws in the March 29, 2004 arbitration award. The panel failed to adequately explain how it took into account at least five factors set forth in Section 89-11 of the Hawaii Revised Statutes.

"Number one. Section 89-1(f)(1), lawful authority of the employer. By substituting reference on the CAFRs for the legally imposed process, the panel violated Section 89-11, criteria 1. Mr. Speaker, that is not true. Again, if you would look at the opinion and the decision of the arbitration panel, it states, using the CAFRs and other materials, budgetary analysis and reports of bonding agencies, to separately analyze the financial condition of each jurisdiction, and to write an opinion regarding the ability to pay.

"Number two. Interest and welfare of the public. They state here, the panel failed to consider competing interest, most notably, the State's spending priorities as reflected in its printed budgets. The award did not provide a discussion or explanations as to which priorities were not justified or could be reduced to pay for collective bargaining increases.

"Further, there was no indication or identification of where in the budget the money should come from to pay for the award. In fact the only public interest called by the panel was a public interest by public employees receiving a pay raise. Mr. Speaker, again, that is a bald-faced lie and misrepresentation of the arbitration panel's decision. And I need to read from the arbitration's award so people can understand what is stated.



Bargaining unit employees covered by the panelist's award are employed in every facet of governmental operations and provides services to the general public thereby affecting the lives and well-being of individuals, families, and businesses throughout the State of Hawaii. In the opinion of the panel recognizing these employees for their contributions through issuance of a fair and reasonable arbitration award serves the best interests and welfare of the public.

"And Mr. Speaker, number four, wage comparisons. On page 21 of the decision, in this arbitration award, there are both experts from the employer and the employee. What the panel did here was not rely on either of them, but looked at 2, 3, 4, 6, 8, and 13 as a homogenous grouping of people. And they decided to, on balance, look at comparable wage increases, and salary increases, and job descriptions, and functions of all employees both State, private, local, and out-of-state. And that's how they came out with that decision."

The Chair interjected, stating:

"Representative Oshiro, will you be summarizing your eloquent discussion in educating all of us?"

Representative M. Oshiro: "I will Mr. Speaker."

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

Representative M. Oshiro continued, stating:

"But I think it's important to make this point, Mr. Speaker, because I believe this is one of the more important pieces of legislation proposed for this Body. And I'd like to allow the Members of the House to make an educated and informed decision. In urging the Legislature to reject the arbitration award, she's alluding to the fact that we have the power of the purse. And I believe that is true. She suggests that we may reject the arbitration award by not funding it. But it's my opinion that based upon a recent Supreme Court ruling, it is unclear at best if our rejection of this award as presented would pass constitutional muster.

"Several years ago, we passed Act 100. You and I know, Mr. Speaker, it was an attempt for us to put some restraints upon the collective bargaining process. In *UPW v. Yogi*, the Supreme Court evaluated a provision that we have imposed upon the collective bargaining process. Judge Mario Ramil wrote:

It is clear that when the people ratified Article XII, Section 2, they understood the phrase, to entail the ability to engage in negotiations concerning core subjects such as wages, hours, and other conditions of employment. The language of the proviso violates Article XII, Section 2 because it withdraws from the bargaining process those core subjects of bargaining that the voters contemplated. As such, granting a lawmaker absolute discretion to defining the scope of collective bargaining would produce an absurd result of nullifying the right to organize and the purpose of collective bargaining.

"In my view, Mr. Speaker, if we were to reject the arbitration award, a strong argument could be made that such action would also violate Article XII, Section 2 of the Hawaii State Constitution. Final and binding arbitration was established to serve as a final mechanism of resolving impasses between the employer and employee during collective bargaining. The intent behind binding arbitration was to establish a fair and impartial means of determining whether the employees' request for cost items is justified and whether the employer is fiscally able to pay for the cost items.

"If we were to reject the panel's award, we will effectively be nullifying the entire arbitration process. What good is final and binding arbitration if the employer can successfully lobby the Legislature to reject the arbitrator's ruling whenever the employer disagrees with the award? Again, keep in mind, that when we establish final and binding arbitration as a means of resolving the impasse, we took away the employees' right to strike. If we negate binding arbitration by not paying the award, in essence, we restrict the employee's ability to constructively negotiate collectively on wages, hours, and working conditions. I believe it may be a violation of Article XII, Section 2 of the Hawaii State Constitution.

"In closing, I'd like to read a phrase from a document that I picked up several years ago.

State governments should treat all people fairly, with dignity and out of deep concern for making things better in Hawaii and not take care of just a favored few. We must demand more from our leaders so no family is left behind and all people of Hawaii can have faith and trust in our government again.

"Mr. Speaker, I believe that, by supporting this measure, and being fair of this process that we will restore and maintain faith and trust in our government again. When we treat people fairly, with dignity, and our deep concern for all families of Hawaii, not just a few, we are doing the right thing. For these reasons, Mr. Speaker, I strongly support this pay bill for our State and county workers. Thank you."

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

"Thank you, Mr. Speaker. Although I'd like to speak in favor of this bill.

"Mr. Speaker, before getting into the major points that I want to make that are important to me, I want to acknowledge that the critics or the opponents of this bill are bringing responsible concerns. The challenge to this bill is a challenge of affordability. And I want to acknowledge that those concerns the fiscal health of the State as a whole, are important concerns and that none of us should ever lose sight of our overall fiscal responsibility for the State.

"Having said that, let me go on. I'd like to address this bill from a larger picture and including some historical background. Mr. Speaker, over the ten years that I've been here and I know certainly even before then, our Legislature has engaged in a pattern of wasteful spending and irresponsible borrowing that has brought us to where we are today. And has brought us to this discussion today where we see that our public workers, those who are on the frontlines of delivering our public policy are scrambling for their raises in the face of real concerns about the fiscal health of the State of Hawaii.

"So Mr. Speaker, it is my perception, that the Legislature has created this awkward position by poor fiscal application over a pattern of many years including as I said, wasteful spending and irresponsible borrowing. If I could mention some irresponsible borrowing. Mr. Speaker, we borrowed over \$50 million from the public employees in a payroll lag to fund excess spending. We borrowed from the employee's retirement, over \$300 million, I believe that was in 1999, just a few years ago, to fund overall irresponsible financial plan in my view. We've raided many funds. All of this Mr. Speaker, is a pattern of spending more money than we take in. Additionally, Mr. Speaker, we have not been responsible in making sure that the money that we do spend, even if it's overspending, to make sure that we do spend is being spent well.

"If I could refer to the Chairman of the Labor Committee used the phrase, follow the rules. I would like to use the phrase, follow the law. Mr. Speaker, it is the law, constitutional law, State of Hawaii, that the Legislature, comprehensively audit all State finances, management and performance audits. Mr. Speaker, if we had ever implemented that law, we would find huge leaks in our operations and our poor ways of doing business.

"To clearly, to use a small example but to make the point, we did ask our Legislative Auditor to look at the Department of Education recently. And the examination saw that the storeroom was wasting money. I mean it was that that policy was a waste of money. That doesn't mean that the employees didn't do a good job or that best efforts weren't done in trying to implement the policy, but it was uncovered that just to have the storeroom was the storeroom couldn't even get 50 cents worth of every dollar that we put into it. It couldn't give us 50 cents of value. It was a huge waste. Mr. Speaker, we created the storeroom under the best intentions. And then we kept funding this wasteful scheme with money that could have been used for some other better purpose for years. And then the face of that every year, we would get anecdotal evidence from the people that use the storeroom and people around the storeroom they are primarily the teachers, but there were other workers too that understood that this was just a wasteful process. But we continued to fund it. We were blind to how wasteful it was until we would do a management and performance audit. And then correctly we stopped distributing supplies by way of the storeroom. That's correct."

Representative Hamakawa rose, stating:

"Mr. Speaker, I believe the gentleman's time is over."

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

Representative Halford continued, stating:

"Mr. Speaker, I know from experience, you can go into any program, any department in the State of Hawaii, and the employees that work in those departments, or those programs, or those agencies can tell you inefficiencies that they live with day by day. But we do not prove or disprove."

The Chair interjected, stating:

"Representative Souki, for what purpose do you rise?"

Representative Souki rose, stating:

"Point of order, Mr. Speaker. My colleague from Maui seems to be giving us reasons against the measure. I believe he stated he was in support."

The Chair responded, stating:

"Representative Souki, the Representative from Kihei is speaking in support of the measure. And he is making reference of some of the issues that concern him tied to this arbitration award. Representative Souki, would you please sit?"

At 11:40 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:42 o'clock a.m.

At this time, the Chair stated:

"Before proceeding on, it's just in the back row, the middle section, where the mics are off, and if those Representatives would like to speak, the Chair will allow you to move to one of our colleagues' seats to speak from that particular point. Okay, so at this point, you may continue on, Representative Halford."

Representative Halford continued, stating:

"Thank you, Mr. Speaker. I was discussing the wastefulness and that I believe pervasive in State government and the Legislature has not done its part through the requirement that we do management and performance audits of all State government. Mr. Speaker, you can go to any agency, program, department and talk to the employees that are on the frontlines of delivering our public policy and they will express, can express inefficiencies that are going on. But we don't prove or disprove the anecdotal evidence by following through with our required comprehensive audits. So Mr. Speaker, we're squandering our resources.

"And to address the objection from my colleague from Maui, I'm in favor of this bill. If we did our job, it would be easy to pay them. The concerns being brought on the Floor today are that I haven't heard anyone say that our public workers are doing a bad job. That's not the issue being brought. The issue is simply being brought, can we responsibly, looking at the whole of State financial condition today, afford those raises. And I acknowledge that that's a real concern. However, I'm in favor of following through with our commitment to public workers. And I'm in favor of this bill.

"Identifying that the reason we have this problem is because the Legislature simply has not done its job. Has not followed the law. And if we had, if we been responsible, we wouldn't be in this position. We wouldn't have had to do the payroll lag borrowing from our employees. We wouldn't have to borrow \$300 plus million from the retirement."

Representative Sonson rose, stating:

"Mr. Speaker, point of information. Mr. Speaker, you have been very, very generous I think in allowing this discussion to go on, way beyond the scope of the issue before us. You cannot generalize and say ..."

The Chair responded, stating:

"Representative Sonson, please be seated. Please. For all of you, like I stated once before, that I truly believe that everyone should be given an opportunity to speak on a particular issue. And some of you may think that I have deviated farther than what the presentation or discussion may be like, but I will allow you, all of you, to be given an opportunity. So Representative Halford, you may proceed on."

Representative Halford continued, stating:

"Thank you, Mr. Speaker. I'm getting close to the end here. Just as in the storeroom, where we couldn't even get 50 cents of value out of every dollar we spent there, I believe in State government, if did our audits, paid attention to performance, that we could get 10 cents more value out of every dollar we spent. And still we wouldn't catch up with all the waste. Mr. Speaker, if we can get 10 cents of extra value out of every dollar we spend, that's almost \$800 million a year. That's more than this pay raise, in one year, \$800 million is more than this pay raise projected out for the next 6 or 8 years.

"So Mr. Speaker, in conclusion, we need to implement comprehensive management and performance audits. We need to apologize to labor for leaving them in this awkward position

of having to scramble for their raise this year. And we need to apologize to the people of the State of Hawaii for squandering our tax dollars. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. I'd like the words of the speaker from Kailua entered in the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Stonebraker continued, stating:

"It's been said that he who robs Peter to pay Paul, can always count on the support of Paul. But poor Peter, poor Pete. In our case, with this measure before us, Paul is the union beneficiary of these pay raises, HGEA. And Peter is the people outside the union, the taxpayers. And as we approach this bill, I'm reminded of something my father thought me as I was growing up that it's not always perfection, but it's direction. It's what course are you taking?"

"When I first ran for office in 2000, what was on the table at that time was binding arbitration. It was 14.5%. I was asked during the campaign what I thought of that. I wasn't too familiar with the process. All I knew was 14.5% pay raise seemed pretty generous. I said I was opposed to it. Once I got into office, I did oppose, but that pay raise went through. So just in the past few years, HGEA has received a pay raise of 14.5%. As a matter of fact, in the past 8 years, they have received 25% pay increases. Now this is not the direction I think we should be going in.

"I'm reminded of a story of a captain of a battle ship. He sees a light in the dark of night and he radios ahead and he says, 'I'm the captain of a battleship. Turn your course 15 degrees to the south.' He receives a reply on the radio that says, 'I am a private. You turn your course 15 degrees to the north.' He says, 'I am a battleship.' And the response over the radio is, 'I am a lighthouse.'

"And here we are, Mr. Speaker, trudging forward on this direction and we think that we can tell the people and tell the constituents that we have, turn your course 15 degrees to the south, just pay a little more. We paid that binding arbitration pay raise back in 2000. And then the following year, then Governor Cayetano removed binding arbitration. He was really the one that spearheaded that effort, and it was a struggle but this Body last year reinstated, restored binding arbitration once, and then it voted to override Governor Lingle's veto on that. We all know that, we were all here. Now we're faced with what we have created.

"Let's not make a mistake about this, Mr. Speaker, this is not something that just arrived on the scene. We created this. We went out of our way to create this situation last year when we came into Special Session to override the veto. This is our responsibility. And for the record, I voted against bringing back binding arbitration and against the override of the veto. But now we are faced nonetheless with these arbitration awards. They're out of the bounds of sound fiscal policy, Mr. Speaker, and how will we pay for them. We pay for them by raiding fund, raiding special funds, borrowing money, and pushing off the debt to the future.

"Since 1967, the State has withheld or diverted over \$1.6 billion from the Employee's Retirement Fund. Now our liability is over \$2.8 billion. We've raided funds. Now these are one-time coverages. If you raid a fund this year, you don't get that money next year, you have to raid another fund. We're kind of a government with an addiction. We need to go on a

diet. We continue to raid funds. It's not fiscally wise. For example, we've raided the Highway Fund for hundreds of millions of dollars.

"Now here in a year, Mr. Speaker, when we are proposing to regulate the price of gas and at the same time being told that we have the highest gas taxes in the country, we are raiding the very fund into which those gas taxes are put. If this is done in a corporation, I believe the board members and the CEO would be on trial. You cannot have an artificially high rate of taxes, and then continue to raid that fund. I'm very delighted that as I drive along the road, that all the potholes are spray-painted white so that we can see where we should not drive. Mr. Speaker, the Highway Fund is to fix the roads, not to raid to pay union raises.

"So this is the practice that we've gotten into. We're like a heroin addict. We cannot control ourselves so we continue to have high fees, high prices, high surcharges and then we raid all of those funds. And at the same time, we say, I can't help it. I couldn't do it. We had to abide by the law. We had to abide by the rules. Well, Mr. Speaker, we make the rules. We need to change our course of direction. We need to stop doing this. Because, this is not just about numbers and percentages and debt services, of course we have lots of figures to talk about but what does it mean for our State, for our communities, for my constituency, and for my family? Well it means that in order to give the impression of balance, in order to take a snap shot of what we will call a balanced budget, we've raided funds, we've pushed off debt, we've done all these things and yes, the snap shot for a moment can appear balanced. But it's not balanced. The real picture is that as a Legislature, we're pushing up a huge stone of debt up against a hill."

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

Representative Stonebraker continued, stating:

"Thank you, Representative. Here we are, the real picture, Mr. Speaker, as a Body, we are pushing up a huge stone of debt on an incline. And under that sits precariously our families, our neighborhoods waiting for this cost as it looms over them to crush them. We have to change our direction. If we don't change our direction, this debt, the future, will crush our families, our neighborhoods. We will be in such a state that we cannot pay for it unless we change our direction. These financial responsibilities will crush us. We cannot continue in this direction. For Pete's sake."

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

"Thank you, Mr. Speaker. Just for clarification, Speaker, if I do go beyond the scope, I wouldn't mind you telling me to sit down also.

"I'm in support. And I'm going to use the word that was used by the, hopefully I don't get censored, if I use the word used by the Representative from Waikiki, the word dis-ingenuous. Because I believe, Mr. Speaker, that it fits right. As I think it's dis-ingenuous for us to say that we all believe that these workers deserve this raise and then say, but, but, but we can't afford it without sufficient proof that we really can't. I think it has gone through the process of final and binding arbitration. And if we really truly believe that they deserve this raise, we should not say, but. We have a duty to comply with that. We have a duty to pay for your work."

The Chair interjected, stating:

"Representative Sonson, can you lower your voice?"

Representative Sonson continued, stating:

"Okay. He got me going. And I thank him for that. I have passion for certain things and Mr. Speaker, I want you to know that I will continue to be passionate about certain things. And one of those is the duty for government to take a look at its people. These workers are not there because basically they're not there for their own choosing maybe. It's because we chose them also to be there because they support us. They support us in everything that we do in government.

"And if you ask that I go overboard and say, why are we in the state that we are in, the financial situation we're in. It's not because we're actually spending way too much. Maybe because we are not making enough money. We have made that conscious decision in our government as a policy that we should not raise any more taxes. But that's our choice. Raise taxes, find other revenues, gambling for one. We cannot just say, oh, it's because of the cost, the cost, the cost. We have to take a look at our needs.

"The people that are working for government are working for the people of Hawaii because we demand better service. What, you want good plumbers or bad plumbers? If you want good plumbers obviously you have to pay the price. And frankly if you compare the money that they're making in State government compared to what they're getting paid in the private, no questions that they will make less. I have no qualms in saying pay them the money because I also believe that they deserve this money for a lot of reasons.

"Okay, I'll calm down because now I'm going to talk about the boring thing, which is arbitration. Since it's been brought out, I don't think it's within the scope, but I think since it's been brought in, and you allowed it, Mr. Speaker, I would like to respond that I do agree that we should support arbitration.

"As an attorney, I like this process. As an attorney, I know that it's fair and just. As an attorney, I know from personal experience, that both sides are represented. This is a three panel final and binding arbitration process that is set up by both parties. Neither party is going in this blind. Both parties know that they don't have to use this final and binding arbitration. Because once you do it, it's unpredictable."

"It's one of those unpredictable things, but is again, a conscious choice. It is dis-ingenious of us to say, now we can comply with it, when we went into it with our eyes open."

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

Representative Sonson continued, stating:

"I will wrap up in one minute. Thank you very much, Representative.

"In this process, the employer is represented by an arbitrator of their choice. Anybody that they want. If they make the wrong choice, whose fault is that? The other side is represented by an arbitrator. Great. And then these two smart arbitrators, well deserving of their titles to represent both parties will choose a neutral arbitrator. And among these three, they will then listen to the representatives of both sides. It's not just them. The information that they get and they receive comes from both parties. Now they come here saying that the arbitrators misinterpreted certain data. Whose fault is that? It has to be the fault of the party presenting the evidence. The information going through must be what you want arbitrators to see. And you must be able to now go through this process and persuade them that your facts are correct. And if you fail in

that, whose fault is that? It will be you because you chose that attorney or again the person that represents you.

"And again, we cannot demean the arbitration process just by saying that they come up with wrong results. Because the wrong results is usually something that the loser will always say. We can never ever say that. I don't think I've ever seen a time when a loser says it was the right result. I think that is also dis-ingenious. So let's support this bill. Let's look at it for what it is. It is something that we all believe that they deserve. Let's not attach any 'but' to it. Thank you."

At this time, Representative Lee called for the previous question.

The Chair then stated:

"Yes. With your indulgence, would you all want to just submit your written comments, for or against? Because we've already had about an hour and a half of debate on the Floor."

Representative Takamine rose, stating:

"Could I be allowed some consideration just to set the record straight?"

At 12:00 o'clock noon the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:01 o'clock p.m.

The Chair then stated:

"In summarizing what we discussed, we will have two Members of the Majority, and two Members of the Minority to speak. And anyone who wants to submit written comments for or against can also do that. And we'll have a rebuttal from the Minority Leader, and also a short rebuttal from the Chair of Finance."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure.

"In 2001, the Legislature repealed binding arbitration after six years of attempting to settle wage disputes under this system. Experience had demonstrated that binding arbitration did not work well in practice. I think the largest impetus to do this came from our past Governor. I'd like to just read some of the things he said.

Experience has shown that the mandatory binding arbitration law passed four years ago is seriously flawed. It is too vague and broad. It gives arbitrators too much discretion to make decisions that have no relationship to the State's true fiscal condition. We cannot continue to condone a process that gives arbitrators the power to award pay raises and compels the State to increase taxes or cut programs to pay for them.

"I think that our past Governor had tried to work within the law and he came to the decision that it just simply didn't serve both parties. We have a responsibility to make sure we have a balanced budget. A financial plan that only goes to 2005, and conveniently ignores the negative results in the out years. And we cannot ignore those.

"In '06, we would have a \$175 million negative balance. By '07, it's \$295 million negative. By running these kinds of

negative balances, we are putting our State into a great deal of jeopardy. This overly generous negotiation will put us in a very fragile financial state. Not only is this a generous award but on top of that, to compound the problem, the arbitration panel coupled this significant increase in wages with a reduction in productivity by granting employees hired after July 1, 2001, nine more days of vacation and six more days of sick leave beginning July 1, 2004. Governor Cayetano was clear about that being too generous. This was another part of the reform that he was trying to take care of. He was acting in a responsible way. So he wanted to create a two-tiered setup for employees that were there before '01, that they would not lose any vacation time. But those newcomers that were hired would start at a lower level.

"In the private sector, you would have to work at least ten years before you get a three week vacation. I mean you certainly don't have 21 days of sick leave. And I might add that State workers are encouraged to use their sick leave. So if you couple the 21 days sick, leave, with 21 days of vacation, they are AWOL for two months out of the year. It's like you're hiring somebody full time and you get them for 10 months. Pretty hard to be efficient when that person's gone for two months. So it's not as though we on this side, and we are not all voting no, but that we don't think people deserve raises. We have to weigh it. We have to be responsible.

"And as the Representative from Hawaii Kai said, the record is clear, that in the past, in order to pay the various raises that have come down the pike, we've had to borrow. The one that is really scary is all the money we have borrowed from the Retirement Fund. We put it in a terrible spot. And we are just looking at this, those that say yes, these workers deserve what they've asked for by just looking at this in a vacuum and not looking at the total picture. I think it's irresponsible that we don't have a financial plan that goes out to '09 so we see exactly what we're doing.

"The Representative from Waipahu talking about the HGEA members or public workers said, these people support us. They support all the people in Hawaii with the service they give. But what I see in this building, they support some Members more than they support others. I saw a lot of lunches and dinners coming in here, which look very much to me like a lobbying effort. I didn't see any dinners coming over to this side of the ..."

Representative Sonson rose, stating:

"Mr. Speaker, point of personal privilege. I have never meant the word 'support' to in the way the current speaker is saying it. When I say 'support', she got it right the first time. The second time she's using the word 'support', in no way, did I say that or intended that as what I meant by 'support'."

The Chair responded, stating:

"Representative Sonson, your point is well taken. I believe your 'support' was for the support of all the people of the State of Hawaii from these public employee workers. Representative Meyer."

Representative Meyer: "It could be seen in more than one light."

Speaker Say: "Representative Meyer, excuse me. Representative Jernigan, will you yield your five minutes for Representative Meyer?"

Representative Jernigan: "Mr. Speaker, I will. I would like to have some words incorporated at the appropriate time. Thank you."

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

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

"I'd like to offer, maybe a clearer look at the big picture. Because the situation is that yesterday, the State bill that we passed as the budget, was described as a fair and reasonable attempt to achieve a balanced budget for our State. But the reality is that what we passed yesterday included cutbacks. Cutbacks in the area, critical area of human services. The human services program cutbacks would take services away from some of the most needy, most vulnerable of our people.

"So the facts, if I may, the QUEST healthcare payments enabling those who need to maintain or improve their health by providing a payment of medical, dental, or hospital services. Hawaii has approximately 7,300 migrants from the Compact of Free Association Nations. And they face serious economic, educational, language, cultural challenges when they migrate here. So providing access to Medicaid and QUEST is a priority.

"Childcare services promoting self-sufficiency of low income families who are employed, in training, or in education to provide them access to comprehensive childcare resources to assure their basic health, their basic safety.

"General support for healthcare payments which enhance the program's effectiveness to formulate the policies and operate them.

"The housing for the low income. Housing for rental, sale, community. Maintenance of these facilities. There are nearly 19,000 extremely low and very low income families, who remain on waiting list for public housing because there's only 6,500 units.

"General administration enhancing program effectiveness formulating policies. Disability determination, maximizing program effectiveness for the eligibility of these applicants. And employment related services for public assistants or entering services.

"Next, adult and community care branches preventing inappropriate institutionalization of the dependent, disabled adult who provides them with a range of in-home community based social health supportive services.

"And finally, youth services. 55% of high school students are involved in volunteer community activities, helping them to get involved in the community, community programming so that they can contribute to the rest of the needs and issues.

"There's vocational rehabilitation enabling those with physical or mental disability to achieve gainful employment.

"That's just some of the list of the things that we cut yesterday. But according to the memo of Lillian Koller, Director of Human Services, yesterday, which I meant to mention yesterday. Apparently the cuts that we are making, would actually put us in exposure to federal penalties and fees and possibly lawsuits. So bearing that in mind for not funding these positions. I don't believe that's prudent, Mr. Speaker. Because yes we have to make tough decisions. I realize that."

Representative Kahikina rose, stating:

"Mr. Speaker, point of information. Mr. Speaker, I'm kind of confused. I'm the Chair of Human Services and Housing, and

I've been hearing on this Floor, arguments of Director Koller's message. Mr. Speaker, I have never heard that message."

The Chair responded, stating:

"Representative Kahikina, please be seated. Please proceed Representative Ching."

Representative Ching continued, stating:

"Thank you. Well I can get a copy of those. It was distributed yesterday.

"We were entrusted, I believe I was entrusted to protect the best interest of all of those in my district, the entire State. And who doesn't want additional days of vacation? Who doesn't want additional days of vacation? But hard as it is, I was elected to protect the best interest of all of the people in my district, the blind, the poor, the institutions, the health care institutions that are on shaky ground as it is, who can ill-afford these additional payroll costs. So I will conclude with that, that these costs are too much to bear. I feel for myself it would be not prudent, not responsible for all of the people in my district. And therefore it's not fair.

"I would like to ask for the remarks of the Representatives of Kailua, Kihei, and Kapolei be inserted as my own. Thank you."

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

"Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, I am no genius, nor am I dis-ingenuous but this just seems like a very simple issue. The Governor has said this is not an issue of fairness, it's an issue of affordability. And there are a few people who feel that way. However, 23,000 others feel it's all about fairness.

"In the past when one union got 'stiffed' by the government, everybody got 'stiffed'. Apparently this Governor feels there's a lot of money to pay for one group and very little for yet another group. It's not right to penalize HGEA because they have the largest membership in the State. Yesterday, one of their members, Thomas Kwok wrote a letter to the Governor. And allow me to share some of his thoughts.

"He says, 'I worked conscientiously at UH for the past 14 years administering research grants both from the fiscal office and project office level. My contributions are equally important as the faculty I worked with. I recognized the value of what they do and why they're paid thousands of dollars more than me. But I also know that without me doing my part, without me doing the dirty work, the work just doesn't get done. The successful team is not comprised only of stars. You need the role players and the support players as well. You cannot build anything unless you have a solid foundation. And that's what HGEA members do.'

"Mr. Kwok there, eloquently states his deep frustration and the thousands of others who feel the same way. HGEA members are the Governor's lieutenants. And they want to carry out her plans as well as her vision. The Governor's reluctance to fund this HGEA raise is a total disregard for fairness. Thank you, Mr. Speaker."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker. Still in opposition.

"Briefly right along, the arbitration award process was essentially forced on the Governor. She made it very clear that she opposed binding arbitration as a way of settling agreements. And she goes to the stage where they're going to do the award and she's basically forced to by law, that the law also provides for the bill to come before the Legislature. So it's the next step in the process that she is forced to deal with. And it is certainly within the realm of the Constitution. I'm not a lawyer, but I think I understand the separation of powers. Basically the Executive branch can't dictate to the Legislative branch the terms of the settlement. That's why we have a bill. That's why we debate a bill. That's why we pass a bill. And that's why certain members of the Democratic Party are seriously weighing whether or not to pay the UHPA settlement. Do we pay that amount of money? It's all part of the process. Do we buy into it or not?

"Given that process, it's just perfectly logical for the Governor to do what she's doing, to say to the Legislature, you know, you have an opportunity to reject this, please reject it, we'll go back to the bargaining table. We'll come up with a more affordable solution. We all want to see public workers get more money. But we just can't afford what this arbitrator who came in from the mainland imposed on us. And I think it's all a legitimate part of the process. And that's my understanding of the Constitution. Thank you, Mr. Speaker."

Representative Takamine rose to respond, stating:

"Thank you very much, Mr. Speaker. And I'll keep my comments brief also. Still in support.

"Basically, sometimes when a statement is made on the Floor and it's repeated, people assume that it's true when it is very inaccurate. And therefore, I just wanted to set the record straight.

"There were references to our financial plan being only for the biennium and being balanced only for '04 and '05, that could be furthest from the truth. And therefore I wanted to make it very clear as we are required in terms of financial planning requirements, our financial plan is for a six year period. It covers 3 bienniums and just to make it real clear, that's '04-'05, '06-'07, '08-'09. As is required by the Administration, our financial plan is in compliance with that also. And as I indicated earlier, when we passed the budget, our balanced financial plan takes into account those considerations. Thank you."

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker. Written comments in opposition. And can I have 10 seconds? A short 10 second comment."

The Chair responded, stating:

"The Chair has agreed with the Minority Leader and the Minority Floor Leader, with the Majority Leader and the Majority Floor Leader that we were going to just end it at this period in time. I'm very sorry."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to C.C.R. 4-04, H.B. 1043, C.D. 1. This measure funds the pay raises awarded to H.G.E.A. collective bargaining units by the binding arbitration panel. This is a difficult 'no' vote for me. On the one hand, I appreciate the hard work done by our public workers and would like to see them get a raise. On the other hand, unfortunately, the present raise is simply unaffordable. The raise awarded by the binding arbitration panel is simply not affordable. I wish the arbitration panel had returned an affordable



recommendation, but it did not. I wish that the Majority had followed the Governor's request and funded an affordable salary increase, but it did not. And so now, if I am to fulfill my obligation to the public and ensure that the State is able to meet all of its obligations both now and in the future, I have to oppose this bill.

"My colleagues in the Majority make two arguments in support of this measure. First, they argue that we have no choice but to follow the determination of the arbitration panel. I do not believe this is a correct interpretation of the binding arbitration statute. I believe the interpretation put forward by the Governor and the Mayor of the City and County of Honolulu is correct – that the award is binding upon the employer, whether state or county, if the relevant legislative bodies fund them. However, the decision of whether or not to fund the award is solely up to the Legislature and the county councils, and cannot be effectively delegated away.

"The second argument is that we can in fact afford the increase. The Majority says that we have found sufficient funds to pay for it in the recently passed supplemental budget. It does appear to have scraped together enough money to pay the award. But look at what we are going through to find this money. Over \$40 million raided from special funds, including another round from the Highway Special Fund. The repeal of the D.C.C.A.'s Compliance Resolution Fund, with all of the success it has brought, in order to achieve a one-time infusion of cash into the general fund. The elimination of scores of State positions on the basis of how long they have gone unfilled, not on the basis of whether or not they are needed or even how they are funded. And this is just to fund it for this fiscal year, when the total payout is at its lowest amount. There is no indication given of how we will fund it in coming years, when the amount of the award will grow. The problem is that the State's obligations also grow, including a ballooning of the its debt service in the years ahead.

"I find it ironic that in order to fund the HGEA pay raises we will in essence have to cut programs, apply hiring freezes and the like, making work harder for HGEA employees and harming the already fragile morale that exists. Funding this level of pay increase is a mistake, and for this reason I am voting against this bill.

"Thank you, Mr. Speaker."

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

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

Representative Marumoto 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 Marumoto's written remarks are as follows:

"Though our State workers in HGEA units 2, 3, 4, 6, 8, 13 and the excluded officers and employees in the Executive departments, the Judiciary and the Hospital System Corporation are most deserving of raises, I have reservations regarding this appropriation. I have two reservations.

"One, in the 2003 Session I opposed the move back to mandatory arbitration rather than negotiation for pay increases and other improvements in the terms and conditions of

employment. The bill before is a mandated increase in which there was very little negotiation involved. Because arbitrators come into the picture at the end of the game, the negotiating on the part of management and of labor appears perfunctory to me. In other words, bargaining is now diminished in collective bargaining.

"Two, the Governor has consistently stated that the State could not afford an 8 per cent increase – especially in FY 2006. The mandated increase does not take the State budget picture into consideration. Had the pay been negotiated, perhaps the HGEA units would have received a better deal – more in line with the one that UHPA, (UH professors), received which is very little in the first two years of the contract, but generous increases in the out years. Thank you for allowing me to express my reservation."

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

"Thank you, Mr. Speaker. In addition to my comments in support of the measure, I'd like to request the entirety of the letter from my constituent Thomas Kwock which was referenced by the Representative from Moanalua be entered into the Journal."

Representative Arakaki submitted the following:

"April 15, 2004

Dear Governor Lingle,

My name is Thomas Kwock and I've been an Administrative Officer at UH since 1998. I'm also a member of the HGEA union, Unit 8 (otherwise known as APT for Administrative, Professional, Technical workers) and this email was sent via my personal email account from home, not work.

I supported you during the last two gubernatorial elections because I agreed major reforms have long been needed for this state. But your uneven stance on the HGEA pay raises, the UH faculty pay raises and the Executive/Judiciary raises has caused me to seriously question my decision and future support. As a state worker for the past 14 years and someone who also works part-time for a small business, I believe I have a good perspective at the grassroots level regarding what's good and bad in this state.

Understandably, you have a different perspective because you are not in my shoes. Let me share with you what it feels like to be me.

I've worked conscientiously at UH for the past 14 years administering research grants both from the fiscal office and project office level. My contributions are equally important as the faculty I work with. I recognize the value of what they do and why they're paid tens of thousands of dollars MORE than me. But I also know that without me doing my part...without me doing the dirty work...the work won't be done. A successful team is not comprised only of stars. You need the role players and the supporting players too. You cannot build anything unless you have a solid support foundation. And that's what HGEA members do. And in many, many cases, we do quite more than that.

For instance, from 1992 to 2001, I was the sole administrative officer for a AIDS research grant at Leahi Hospital. This federal grant brought in \$1.5 million a year into the state and UH coffers. It also helped the state economy because I always tried to buy from local vendors first...even it costs a bit more. My boss, a UH faculty member, had lofty dreams of building a major medical research program there. She succeeded because



she and her ever-expanding team has been successful in snagging more research grants. She even made the cover of Midweek a few years ago. But none of this would have been possible if not for the hard work, dedication and sacrifice of the people behind her. The team of nurses and support staff like myself. She dreamt of building an empire. I was the one who had to do the dirty work to help make it come true. I was the one creating her annual budgets to make sure we had enough funds for operational needs. We received little direct financial support from the Med. School save for utilities and the use of decrepit space in Leahii.

I was the one who supervised the renovation of old offices into modern medical clinic rooms. I was the one washing windows, hauling away the trash, disposing of old radioactive equipment, painting the rooms, mopping the floors, moving the furniture. I was the one climbing out on the 5th floor ledge to clean pigeon poop and solicit the requisite 3 bids to combat the constant pigeon horde there. Not my boss, the UH faculty member. And in the 9 years I worked there doing all of this, my annual salary only went from \$27,960 to \$33,564. This is because dedicated HGEA employees like myself are not valued by the powers-that-be. There is no merit pay system then and what have now is simply a farce. But I digress. My boss earned nearly three times my salary and I don't begrudge that because I didn't go through med. school. I only went through the school of hard knocks like most other HGEA members.

Back to the issue of fairness and pay raises. You support a 31% pay raise for the 3,148 member faculty union, but you oppose the supposedly "final, binding arbitration" settlement of 5%-8% raises for the 23,000 members of the HGEA union. Granted, we're comparing apples to oranges due to the disparity between size, cost and length of contract.

But the inherent issues of fairness and affordability should be the same for both. It strikes me as very hypocritical on your part to say there's lots of money to pay one group and very little for another other group. Is it fair for HGEA members to be penalized and receive less just because there's more of us? Should the smaller group...the ones whose average annual salaries already far exceed ours and who receives benefits greater than other unions like being paid the Federal Per Diem Rate for travel (i.e. Instead of the standard \$130 per diem everyone else gets, the last UHPA contract allows a faculty member to claim the federal rate for each particular city be it \$201 for D.C. and \$348 for Switzerland....ALL Tax Free)...be awarded more because there's less of them?

Or is it simply because you deem their contributions to be far worthier than ours?

I didn't support Gov. Cayetano...a fellow Kalihi boy and Farrington alumni...but I always respected the man because he tried to be fair (or unfair) to all. When he said there wasn't money for pay raises, he meant for everyone. And he stuck to his guns all eight years of his term. Even when we got raises, it was within the same ballpark for all.

Sadly, I can't say the same for you.

I realize the tone of my letter comes off as an "Us vs. Them" approach. It was not what I wanted. But you have to know there is already great disparity in work, pay and benefits between unions because we all do different things. Your uneven position accentuates these differences and forces us to make comparisons...to pit one group against another. You sent an "Open letter to all State Employees." Well everyone from HGEA to UHPA UPW HSTA to you folks are ALL State Employees too. Should the same treatment be applied to all?

I could go on, but I have to head off to work. Look, I realize you have to look at the big picture and set your priorities carving up the pie. There's many mouths to feed. But you should not forget to look at the "small" picture too...those of us in the HGEA union who carry out your dreams and objectives...and who provide a valuable service for everyone in the state.

I hope you reconsider your position. If not, you'll erode your support and perhaps fail to achieve your objectives.

Thomas Kwock  
Honolulu, HI 96817

PS: I wrote this letter as a concerned citizen and supporter to voice my opinion and objections. Not because I'm trying to get more money because I know the Legislature already approved the HGEA raises...and will mostly likely override any veto too if that happens.

You've been quoted in the Advertiser that "it's not a fairness issue.....it's an affordability issue for taxpayers and the state."

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

Representative Magaoay's written remarks are as follows:

"I stand in favor of this measure which appropriates funds for an increase in salary for state employees and allows other adjustments for employees that are excluded from the salary increase for the fiscal year 2004-2005. This bill also amends that the collective bargaining unit of funds will be allocated through the Director of Finance."

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

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

Representative Moses rose, stating:

"Mr. Speaker, in addition to what I already said, I'd like the comments of the Representative from Kailua/Kaneohe, Waikiki twice, because he spoke twice, Hawaii Kai, Liliha, and Haiku," and the Chair "so ordered." (By reference only.)

Representative Kaho'ohalahala rose in support of the measure and asked that the remarks of Representatives Takamine and M. Oshiro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

At 12:20 o'clock p.m., Representative Meyer requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

Representative Karamatsu rose in support of the measure and asked that the remarks of Representatives Takamine and M.

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

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 urge your support of this measure.

"Mr. Speaker, I rise in support of CCR4, HB1043, SD1 CD1: A Bill for an Act Making Appropriations for Salary Increases for Public Employees.

"This bill makes appropriations awarded by the Arbitration Panel in its decision in Hawaii Labor Relations Board Case No. 1-02-96, awarding collective and adjustments to collective bargaining agreements effective July 1, 2003 to June 30, 2005.

"The Legislature gave HGEA the option of using binding arbitration to settle contract differences, and I believe that we have the responsibility to fund those agreements awarded by the Arbitration Panel.

"For that reason, I stand in strong support of this measure.

"Thank you, Mr. Speaker."

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

Representative Finnegan rose, stating:

"I would just like to add the comments of the Representative from Kahaluu and Kaneohe/Kailua. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1043, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Final Reading by a vote of 41 ayes to 8 noes, with Representatives Blundell, Ching, Finnegan, Fox, Jernigan, Meyer, Ontai and Pendleton voting no and with Representatives Stonebraker and Thielen being excused.

At 12:23 o'clock p.m., the Chair noted that H.B. No. 1043, SD 1, CD 1, passed Final Reading.

#### **Conf. Com. Rep. No. 6-04 and H.B. No. 2743, HD 2, SD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2743, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'll be opposing this non-general fund transfer.

"I think my strongest concern is about the money being taken out of the Highway Fund. I think this is a particularly bad time to be removing the money from the Highway Fund. I think that the public at large has a strong sense that our highways are in a poor state of repair. And in fact, in a national ranking, we are very near the bottom in terms of the condition of our highways.

We need that money for its primary purpose to deal with highways.

"Second, Mr. Speaker, taking money out of the Highway Fund is not fiscally sound because it's a Fund that we get a 4 to 1 match on, federal money to State money, when we spend it for its intended purpose. We spend the money on its intended purposes in terms of constructing new highways, and 80% of the money is put up by the federal government. That is a sensible, sound, financial use of our resources. And to extract State money from that Fund, denies us the access to that 4 to 1, federally matching money. And for these reasons I would really oppose this kind of cut in this bill. And I'm going to have to vote against the whole bill. Thank you very much, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. This measure transfers excess cash balances into the general fund. The utilization of resources from these special funds assist in balancing the budget and assuring adequate resources are available to health, human service, public safety, education, and environmental public services. The use of redirected special funds to the general fund is not new, Mr. Speaker. These actions are taken as part of the Legislature's and Administration's regular review of special and revolving funds to ensure that public funds are utilized for the benefit of the people of Hawaii. I note that in the last fiscal year, '03, the current Governor approved the transfer of over \$78 million from non-general funds to the general fund and was part of her balanced financial plan.

"Your Finance Committee heard from the programs, and reviewed the financial information, weighed the need to balance the budget, and made the informed decision to identify these amounts to transfer to the general fund. This was with a clear understanding of what the role and function and programs were that were received by these special funds. Based on the analysis of the financial data, the Committee concluded that these transfers should not impact on program operations.

"It should also be noted that on April 12, the Governor sent to the Legislature a Governor's Message asking the Legislature to declare that over \$30 million in special funds are in excess of the requirements of the funds and to authorize the transfer of the funds to the general fund. Based on the considerations, the present bill is before you, Mr. Speaker."

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 2743, House Draft 2, Senate Draft 1, Conference Draft 1. This bill authorizes the transfer of excess revenues in special funds, revolving funds, and special accounts to the credit of the general fund. It also reduces the balance ceiling for the Tobacco Enforcement Special Fund and requires that all excess moneys in the State Parking Revolving Fund lapse to the credit of the State general fund.

"Mr. Speaker, my main point in opposition is that we as a state should not be raiding funds as a regular and recurring way to fashion our State budget. These funds are created through levied fees for stated and specific purposes. Now we are taking these funds to be placed into the general fund and there is no

way to ensure that these monies will be spent for the purposes for which they were raised.

"This is just one of many bills this Session which steals money from the special funds of several departments. I have with me a list of a number of special funds that the Legislature is currently considering raiding this session in a rash attempt to balance our overspending.

"These funds include the Animal Quarantine Special Fund, the Agricultural Loan Reserve Fund, the Stadium Special Fund, the State Motor Pool Revolving Fund, the State Identification Revolving Fund, the Medicaid Investigations Recovery Fund, the Research Sub-account of the Tourism Special Fund, the Foreign-Trade Zones Special Fund, the Aloha Tower Fund, the Hawaii Community Development Revolving Fund, the Dwelling Unit Revolving Fund, the Human Resources Development Special Fund, the Environmental Response Revolving Fund, the Environmental Management Special Fund, the Special Land and Development Fund, the State Highway Fund, the Tobacco Enforcement Special Fund, the Animal Quarantine Special Fund, the State Parking Revolving Fund, Convention Center Enterprise Special Fund, the Hawaii Capitol Loan Revolving Fund, the Strategic Development Corporation Revolving Fund, the Compliance Resolution Fund, the Spouse and Child Abuse Special Account, the Domestic Violence Prevention Special Fund, the State Health Planning and Development Special Fund, the Driver Education and Training Fund, the Probation Services Special Fund, the Natural Area Reserve Fund, the State Parks Special Fund, and the Public Utilities Commission Special Fund.

"Mr. Speaker, this bill continues the tradition of shortsighted one-time fixes to our State budget through special fund raids. The Legislature cannot afford to keep raiding these funds on a yearly basis. Rather than taking monies from special funds, our current expenses must be brought back into line with our current revenues. Our budget cannot be balanced through special funds raids forever. Passing this bill ignores the State of Hawaii's long-term financial health.

"For these reasons, Mr. Speaker, I stand in opposition to House Bill 1800, House Draft 1, Senate Draft 1, Conference Draft 1. Thank you for the opportunity to speak."

Representative Leong rose in opposition to the measure, 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 stand in opposition to this measure. This non-general fund transfer is removing \$5 million out of the Highway Fund which is not a favorable thing to do. This money should be used for road repairs which are so desperately needed. Therefore, I must oppose this bill."

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 C.C.R. 6-04, H.B. 2743, C.D. 1. I am not against transferring the excess balances of special funds. It makes no sense, nor is it fiscally prudent, to have money just building and building in these funds, well beyond any financial need they might have. They can be a useful supplement to general fund revenues, although we should be careful about using them to fund ongoing spending that isn't supported by general fund revenues.

"However, we have established far too many of these funds to properly account for them anymore, and yet we continue to establish them. What drives it is an inability to set priorities, which is what budgeting is all about. Rather than attempt to live within our means and determine what our priorities as a state are, this body continues to take the short-sighted but painless choice of establishing a special fund, with its own fee or fee increase, to send money to almost every problem and interest group. There are cases in which money is rarely used, and simply grows and grows until it is time to be harvested in another raid. This is not sound policymaking.

"On the question of this particular bill, the raid I would like to focus most on is the \$12.5 million raid on the State Highway Fund. Of all of the funds raided in this bill, this one makes the least sense to me. Least because, one, anyone examining our roads and highways can see they are in poor condition and in need of repair, particularly after the heavy rains we had earlier this year. Two, we are in desperate need of expanding our roads and highways in areas where we have had rapid population growth over the past several years. Finally, raiding this money potentially costs us money, in that every dollar of state highway funds receives a four-to-one match in federal dollars for certain projects. We are potentially forfeiting \$50 million in federal matching funds by raiding this money.

"I know my colleagues in the Majority will insist that this money is in excess of what is needed, that it has not been encumbered for any projects. I turned to the Department of Transportation for that determination, instead of the Auditor. The excess of funds, according to the Director of Transportation, must have been determined prior to the heavy rains and the damage it brought. The Auditor ignored two important points. First, this is still \$12.5 million we will not have in the future for any needed highway expenditures. Second, and more importantly, this fund gets its money from the tax we all pay on gasoline. And the deal we have ostensibly made with the public is that the money they pay in gas taxes will be used to maintain and develop our highway system, so that those who pay the taxes will receive the benefit of it. Once again, we have broken faith with them and not kept our side of the bargain. The money we said would be used only for highways is instead used to plug holes in the budget. When what the Legislature says and what it does differs, the cynicism of the public grows. We should not be continually raiding these funds and we should not be raiding this fund in particular. For this reason, I oppose this measure.

"Thank you, Mr. Speaker."

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

"In opposition. I'd just like to incorporate my previous comments on the previous reading," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I'm in opposition.

"But I just wanted to make one point, and that is with taking this \$12.5 million out of the Highway Fund, a good amount of that is gas tax that goes into that Fund. And when we keep depleting that Fund, which we have over the years, I think it was over \$400 million that we have taken out in previous raids of special funds, we just put pressure on the price of gas. Thank you."

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

"Mr. Speaker, thank you. I'm in opposition.

"My main opposition is the portion of the bill that raids the Highway Fund. My district in particular is experiencing severe traffic problems. We surely could use that money. Thank you."

Representative Ontai rose in opposition to 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:

"This bill raids several special funds. As such, it clearly states that the Legislature wants to spend more money than it has by taking money from other funds meant for other purposes. We must stop this inefficient and misleading practice. It's clearly inefficient and misleading since it takes money from such funds such as the Highway Fund. The Highway Fund is supposed to be used to repair and build highways, but in fact, has been raided for over \$143 million over the past 8 years. This bill takes another \$12.5 million. If money is not needed for the highways, then the fuel tax must be reduced. It appears dishonest to take the money for highways, but never spend it on highways."

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

"Thank you, Mr. Speaker. In opposition and the words from the Representative from Haiku and Waikiki," and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"And I've got to reiterate on the Highway Funds, I mean we have roads all over this island that are full of potholes. And we're taking the money out. I still don't believe that we can use this money for pay raises as was previously said, even though this is going to the general fund. I know you can use it for pay of the people that are involved in transportation. That's what it's there for because some of them are federal. But I don't believe you can just spread it around.

"I just want to point out, this is \$48.1 million. If \$48.1 million is all in excess, we're doing something wrong in this State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2743, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Final Reading by a vote of 35 ayes to 13 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai and Pendleton voting no and with Representatives Arakaki, Stonebraker and Thielen being excused.

At 12:30 o'clock p.m., the Chair noted that H.B. No. 2743, HD 2, SD 1, CD 1, passed Final Reading.

**Conf. Com. Rep. No. 7-04 and H.B. No. 2796, HD 1, SD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2796, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition.

"We are quickly collapsing the 'rainy day fund'. We have another bill that we dealt with earlier in the week that took \$17 million out of the 'rainy day fund'. This one is \$9.5 million. That adds up to \$26.5 million, which is 50% of the total value of the 'rainy day fund' currently. So I don't really think we're in a rainy day. We're acting like we are. And we're depleting this fund at such a rate that it will be nonexistent next year."

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

"Thank you, Mr. Speaker. Just a brief comment, in support.

"I was really touched by the story that the Representative from Hawaii Kai presented this morning for our invocation. And I kind of liken the story to the situation we're in. And I think many of us would agree that the programs that we are funding with the 'rainy day fund' really should be programs that are funded in the budget as line items because they really speak to the basic needs of people. And I think what we're doing is just providing a sort of a transfusion for these programs. But at some point in time, we're going to have to recognize that we can't keep borrowing whatever source it may be because the needs of our people continue to grow. And I think it is part of our obligation as policymakers to meet these needs, especially for those who are most vulnerable, the ones who are disabled, our elderly, and our children. That's part of our obligation. And I'd like to think we are in a position to do whatever we can to meet those needs, for now, this is just a temporary answer. But I hope for future Legislatures, we look at more consistent funding for these programs. Thank you, Mr. Speaker."

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

"In support. And just a short comment that I too believe that this should be coming out of the general fund."

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. And would ask that the Clerk would reinsert the remarks I made on Third Reading. And also incorporate the remarks of the Chair of Health," and the Chair "so ordered." (By reference only.)

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

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

Representative Magaoay's written remarks are as follows:

"I support the measure of HB 2796 which states that the emergency State Fund will appropriate \$9,585,765 to various human health services programs, to include \$750,000 for Kahuku hospital, which proves to be viable for the residents of the North Shore area. This bill also made amendments to include certain appropriations had been removed from the budget, while supplementing changes to others."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2796, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading by a vote of 43 ayes to 6 noes, with Representatives Fox, Jernigan, Leong, Marumoto, Moses and Ontai voting no and with Representatives Stonebraker and Thielen being excused.

At 12:34 o'clock p.m., the Chair noted that H.B. No. 2796, HD 1, SD 2, CD 1, passed Final Reading.

#### ANNOUNCEMENT

Representative Takai: "Thank you, Mr. Speaker. I'd just like to make an announcement to our Members. Some of you who forgot about it, today is the Arts First Lunch and I know some of you may have not called in your RSVPs but I believe they do have extra lunches. So it's right now, 12:30 in room 329. Please join the members of the Arts First Partners for lunch and a multimedia presentation of the 2001 to 2004 Arts First Report as required by Act 306, 2001. Thank you, Mr. Speaker."

Speaker Say: "Thank you. So at this time, we will recess till 1:30 and reconvene back at 1:30 here to address all other measures."

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

The House of Representatives reconvened at 1:44 o'clock p.m.

At 1:44 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 1:44 o'clock p.m.

#### UNFINISHED BUSINESS

##### Conf. Com. Rep. No. 8-04 and S.B. No. 2525, HD 1, CD 1:

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2525, HD 1, CD 1, pass Final Reading, seconded by Representative Lee.

Representative Pendleton rose, stating:

"Mr. Speaker, at this time I'll defer. I'll yield to the gentleman from Waikiki."

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

"Mr. Speaker, in opposition. This is the bill that destroys the Compliance Trust Fund, right? Thank you.

"Mr. Speaker, it's been instructive that just in yesterday's *Advertiser*, we had an editorial on this very subject pointing out that:

At one time, DCCA was considered a hellhole for business people. With long, long lines of frustrated business people having a terrible time getting their state business needs taken care of.

Former Director Kathryn Matayoshi is generally credited with reorganizing the Department to make it user-friendly. The fees it collects from business people pay for the hiring of people who do the business people's business.

As Department Director Mark Recktenwald puts it, his employees now feel that they work more for the business community than for the state government. And business people appreciate the difference.

Some argue the special fund that these user fees support is running a hefty surplus. Recktenwald agrees, and rather than dump the excess into the general fund, he has introduced bills to reduce the fees business people pay. By rights, the excess should be returned to the users.

But a small excess isn't what Democratic lawmakers have their eye on. By putting the Department back in the general fund, they figure it would free up more than \$30 million to use the balance in this year's budget.

Left to year-to-year funding by lawmakers, there's every possibility that the Department will eventually deteriorate to the way it was in the bad old days.

"Then the *Advertiser* concludes.

The last thing Hawaii needs is a reversal on the progress that has been made to make the State more friendly to businesses.

"I couldn't have possibly said it better myself. Thank you, Mr. Speaker. I ask that this be entered into the record."

Representative Moses rose, stating:

"Thank you, Mr. Speaker. This measure before us does in fact take more than \$30 million. It has been paid into the Compliance Resolution Fund and puts it into the general fund. Now how did this money get there? It's Hawaii's businesses that paid it. The businesses already pay taxes. And they also pay the DCCA fees. So now, we're going to make them pay again.

"The radical restructuring of DCCA proposed by this bill would make some sense if DCCA was not performing well but you heard the previous speaker talk about the article from the *Honolulu Advertiser*. And in the 1990s, DCCA wasn't working very well. It was general funded. People had to wait in line. It filled the lobbies. It filled out, and it poured out into the streets. And they didn't get very good service. But now, they know they will get service because they pay the fees and the people that work in DCCA know who the customers are. The customers are the businesses. The DCCA is run like a business because they have customers. DCCA funded by the general fund, who are the customers? Okay, it's all the taxpayers, not just the taxpayers that come to your door or the fee payers that come to your door and ask for services.

"Now there was a whole list of people that came to testify in favor of paying fees. They came to the Finance Committee, Mr. Speaker. Seventy for, one against. The one against was Hawaii Tax Foundation, which just thinks that no special fund should exist. So they always oppose the special funds. The rest of the seventy were businesses who begged to be allowed to continue to pay the fees for the service they get. I am going to read this list, Mr. Speaker.

"Hawaii Chamber of Commerce, Hawaii Business League, Hawaiian Electric Company, Building Industry Association, HMSA, Hawaii Medical Association, the International Brotherhood of Electrical Workers, Honolulu Board of Realtors, Securities Industry Association, Hawaii Association

of Realtors, NFIB, the Credit Union League, Council of Life Insurers, Conference of State Bank Supervisors, the Gas Company, Hawaii Council AOA, State Farm, Hawaii's Independent Insurance Agents Association, Hawaii Automobile Dealers Association, Kaiser Permanente, and the former DCCA Director, Robbie Alm. Matt Matsunaga on behalf of banking clients, and many of the Department's Boards and Commissions. Can all these people be wrong Mr. Speaker? I don't think so.

"The testimonials made absolutely clear that the Department's customers believe that they are receiving good value for their money. And that we, we, all of us, are responsible and accountable to them. Does that mean all we, the Legislature? Right now, it's we the DCCA employees. If it's all of us, they're going to be knocking on our door, Mr. Speaker. Because if we general fund them, then they're going to be paying twice. They're paying their fees and then they're paying the taxes that everybody pays in this State.

"The testimony of Matt Matsunaga, Carlsmith Ball LLP, on behalf of various banks and financial institutions. He said the special fund has benefited both the consumer and the licensees by cutting back in processing time for all applications and inquiries. To divert the fund would be a disservice to consumers and licensees. To divert our fees into the general fund would fundamentally result in a tax increase. We swore no tax increases, Mr. Speaker. This would be a tax increase as the fees would not be used for the purpose it was collected for. The State of Hawaii would violate the public's trust, as it would in effect be illegally taxing a small group of citizens for the benefit of the whole State. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, this measure is the repeal of the Compliance Resolution Fund. As has been made clear in my previous speeches in different times and places, I don't agree with the proliferation or creation of new funds. But this was one that existed. It was ongoing. And was found to be very useful. The DCCA in fact was praised for this Fund. And what this bill does is it repeals it, and makes for a huge money grab as the previous speaker said, over \$30 million worth. This money grab, Mr. Speaker, isn't about concern for DCCA's businesses or the businesses of Hawaii or the customers of that Department. It's about balancing the budget at the expense of Hawaii's businesses. This is not the way that we should be funding our budget. The DCCA proposed to cut fees when they saw how large this was growing. But they were not allowed to do that because their bills were not heard or they are not allowed to move forward. Instead we have this measure. What could happen is that if the DCCA is generally funded, its services will now be at risk.

"Customers or businesses, Mr. Speaker, testified to various Committees here in this Legislature against this. In fact, at one hearing there were forty to one against. And then at a subsequent hearing there were eighty to one against. So there is very little support at least among Hawaii's businesses or Hawaii's residents for this particular measure. This is one fund where the people that are being charged fees don't mind paying those fees because they see where the money goes. They see what happens with that money. They see the services that are purchased or paid for because of those fees. That kind of transparency is good for government.

"What happens with the repeal of this Compliance Resolution Fund is you lose that transparency because now the

money then just goes right into the general fund. And it's hard to trace back where the money paid goes, what kind of service is given in exchange for that particular fee.

"Hawaii's businesses are overwhelmingly opposed to this. There's very little if any support. And also Mr. Speaker, there's a risk that we could force, force as it were, the Division of Financial Institutions to raise fees on financial institutions. And perhaps by as much as 400%.

"The bill requires DCCA to increase fees if revenues collected in the prior fiscal year dropped below 90% of attributable costs. The bill also repeals the \$2 million transfer from DOTAX to the Division of Financial Institutions.

"As a result, Mr. Speaker, DFI's allocated revenues are reduced by \$2 million. And DFI, or the Division of Financial Institutions will have to raise or create new fees to cover the balance to the general fund.

"This is unfair Mr. Speaker. And it is unwise for us to move this bill any further. I ask that my colleagues join me in opposing this measure. Thank you."

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

"Thank you, Mr. Speaker. I rise to speak in support of the measure.

"Mr. Speaker, the measure before us, in its Conference draft, is about transparency. It's about greater accountability in government. And transparency has been one of the key themes that the current Administration has stressed in terms of trying to restore confidence in government and government operations.

"Let me be really clear, Mr. Speaker, that the effort to modify the Department is pro-business and is pro-DCCA. This measure empowers both businesses and DCCA to control costs and reduce fees.

"The problem that this measure corrects is the weak correlation between actual expenditures of the Department and the fees charged by the Department. The measure achieves this by mandating that if fees collected by the DCCA exceed program requirements by 10%, that the Department either refund the amount to those that paid them or lower fees for the following year. If fees collected are 10% below the requirements to operate the DCCA's programs, the DCCA must make adjustments to bring revenues back in line with expenditures.

"Said another way, Mr. Speaker, the solution is that DCCA's programs expenditures will become the baseline from which appropriate fees will be established. If the cost of running the programs increases, then the fees will increase. If the cost of running the programs decreases, then the fees are required to be decreased appropriately.

"This modification to the DCCA was necessary because as we saw in the last completed fiscal year, the fees and charges collected by the Department far exceeded the actual expenditures of the Department. In the last completed fiscal year, DCCA reported that Compliance Resolution Fund realized revenues of \$39.1 million and had expenditures of only \$30.2 million. The difference of \$8.9 million represented a net profit of 29%. Had the requirements called for in Senate Bill 2525 in the form before us today, Mr. Speaker, if that had been in effect for the last completed fiscal year, the DCCA would have returned to fee payers \$5.9 million of the excess that was collected.



"To provide the customers of DCCA better access and input to the expenditure information of the Department, Senate Bill 1318, which we previously passed, establishes advisory committees made up representatives from the regulated industries, who will examine the historic, current and future expenditures of DCCA and provide input to the DCCA and the Legislature as to whether the customers are getting their dollars' worth. It is expected that the DCCA will provide the necessary staff support and budget transparency to allow the committees to represent the interest of the DCCA's customers adequately.

"In addition to bringing revenues in line with expenditures and increased accountability to the DCCA's customers, the Legislature had empowered the DCCA to adjust the fees to effectuate the universally held desire to bring revenues and expenditures in line. There is no doubt that the quality of services as provided by the DCCA has improved over the years, Senate Bill 2525 will do nothing to change that. The correlation between fees and the Department's expenditures, which are necessary to provide quality service remains intact and is actually strengthened under this measure. Senate Bill 2525 actually relieves the DCCA from the burden of maintaining a nine-month to two-year reserve for operations.

"Historically, the DCCA has built up substantial reserves, reportedly to insulate itself from downturns in the economy. By relying on the general fund to serve as reserve for operations, the need to mask funds will be unnecessary.

"As we said earlier, Mr. Speaker, there have been actual experience with surpluses to the tune of \$28 million being built up in this fund. And by simply overestimating the expenditures and underestimating the revenues, in one year's time, a \$14 million surplus was realized. And so in hindsight, I guess at one point, we had looked for departments to become more self-sufficient and to be funded by special funds."

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

Representative Takamine continued, stating:

"Thank you. But at this point, I think in hindsight, we need to learn the lessons lest we repeat maybe some of the mistakes. And that will not improve our ability to be accountable to all of the taxpayers of Hawaii.

"Mr. Speaker, there was mention made to concern that since the fees would then go into the general fund, what happens after that, and would there be accountability there. And if I could, let me just quote from the testimony from Lowell Kalapa, the Tax Foundation of Hawaii. Because he said in his testimony that one of the most attractive facets of the measure is the refunding provision. One of the fears of the regulated professionals who are subjected to these licensing fees is that a return to the general fund will mean that the fees they pay will be used for programs and services that do not directly benefit them as professionals. However, with the addition of the refund increase provision, there is an automatic mandate, that provides that whenever the fees collected in the prior fiscal year exceeds the attributable cost to the Department for that year, a refund is to be made to the payers on a pro rata basis.

"Further, those who fear that putting the money back into the general fund will allow their professional fees to be frittered away on other programs should remember that the Compliance Resolution Fund has become a huge target for the annual raid of a special fund surplus.

"And in all of this discussion, Mr. Speaker, I guess there's been one factor missing. And that has been, what about the interest of the consumers in the State of Hawaii? Because

those are people that are served by the Department of Commerce and Consumer Affairs also. And in his remarks, I think there is an appropriate response. And it states, and I quote, "No stronger case can be made for the repeal of this Fund other than the fact that the public disclosures that would result would benefit not only the regulated professions and industries but also the consumer to whom some of these costs are passed."

"Now, Mr. Speaker, I think that in the prior speaker's comments, there was repeated references to, the businesses all want this to continue. Why are we trying to interfere or undermine that if there is satisfaction? And won't that change? And I think that I'd like to raise for you, Mr. Speaker, some information that was gotten regarding how some of that testimony came to be.

"First of all is, you will note the DCCA does regulate a number of professions. And if we would look to the Chapters 436 and on, roughly it's over fifty different professional groups. And each of these groups sort of has an Authority, a Commission, a Board to sort of speak. And in the Board is the power or the authority to issue licenses and in its regulation, to make determinations that will impact on any business entities ability to continue to operate.

"Let me just give you an example. 436B-7 HRS provides for the powers and duties of such a licensing authority, and states there that the board can grant, deny, forfeit, renew, reinstate, or restore licenses including the issuance of conditional licenses. Can revoke, suspend or otherwise limit the license of any licensee ..."

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

Representative Takamine continued, stating:

"Thank you very much. For any licensee, for any violation of the provisions in this Chapter, the licensing laws, or any rule or order of the licensing authority. It also has the power to develop requirements for licensure through the applicable licensing law or rules, which also includes ..."

Representative Meyer rose, stating:

"Mr. Speaker, point of personal privilege. It appears that the speaker is trying to relay that somehow these licensees would feel threatened if somebody let them know about a hearing that they'd be interested in."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. That's not a point of privilege under the Mason's Rules."

The Chair responded, stating:

"Correct. Representative Meyer, why don't we take a recess."

At 2:05 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:08 o'clock p.m.

Representative Takamine continued, stating:



"Thank you very much, Mr. Speaker. I was just trying to indicate what is in the HRS and basically the power of authority that these Boards hold.

"And just to complete, Mr. Speaker. Besides the power to develop requirements for licensure through the applicable licensing laws or rules, they also have the power to investigate and conduct hearings regarding any violation of the Chapter. And it's sort of a parallel and similar for essentially most if not all of the fifty, the various professions that are regulated by DCCA. Now, I think that's important just to understand for context. And I think it has something to do with the manner in which the testimonies came in on this measure.

"And let me say the very outset, Mr. Speaker, that I am not making any allegations. In fact, I'd like to state at the outset that I believe that in my personal dealings with the Director for the Department, I have found him to be a person of integrity, who maintains high standards. However, I think it's important for people to understand what did transpire in terms of how the testimonies that were alluded to by earlier speakers came about.

"It seemed curious that when you had a bill that would tie revenues to expenditures, it would be good for the fee payers. It would be in their economic interest. And therefore when the testimony all came in seventy for to one, it raised some questions. And so we did make inquiries to the Department. We did receive information. And I'd like to just go over a few of these just as examples of what occurred. And again, no allegations of impropriety or improper conduct are being made. But I think in a debate like this, it's important for Members to know what happened in terms of context.

"This is an email I'd like to read a part of that came from the Director's office and it states, and I quote:

One of the points that we are making in our testimony is that DCCA does a good job at customer service under its current setup. Among other indicators of that, we wanted to make the claim that we are one of the leading State agencies in terms of Internet applications and adaptation generally. We can say that we are but it would be a bit more believable if someone less biased could say it too. That's how I come to you. Would you be able to say something like that about DCCA such that you could prepare very brief testimony for filing by tomorrow afternoon? If you're not familiar with the testimony process, just tell me what you want to say, I'll draft it up and get it back for your review. We could even take care of the filing for you. All you have to do is bless the content.

"In another transmittal, in another email, Mr. Speaker, and again I want to quote.

The Administration is requesting your okay for Board testimony and that we have a Board member person to testify. Is any Board member available to provide testimony tomorrow? The Board testimony we want your approval on will basically state that:

A. Under the CRF, we have dramatically improved processing times and accessibility for applications and renewals and other licensure processing matters for applicants and licensees.

B. This is due to the fact that CRF has allowed us to have adequate resources, has allowed us to explore and utilize IT solutions. And that we have improved and our effectiveness and efficiency in customer service have all become better.

C. That being general funded will undermine the great strides and advancements we have made. As we will need to compete for a share of the pot of the general fund.

D. The Board opposes this move backwards as it would be a disservice to our applicants and licensees and the general public.

E. Further, the Board opposes converting current CRF moneys over to the general fund for any other agency's use as the moneys were collected for the purposes and an expectation for services from the licensing division in DCCA.

F. Strongly urge the bill be held.

Also, I will be contacting your industry Associations to:

1. Ask, urge their filing of testimony in opposition to this bill; and

2. If the Association can describe the good that has come about with the CRF, that would be ideal.

And if the Association can as well describe the bad, the junk that existed when we were general funded, that's even better. We need the double barrel of both the Board and the industry Association opposing the bill.

"Another transmittal, Mr. Speaker. And this one says and I quote ..."

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

Representative Takamine continued, stating:

"Thank you. Quote.

I know that you are really busy but I need to ask a favor. Tomorrow at 3:30 p.m., before the House Finance, House Bill 2742, House Draft 1 will be heard. Mark Recktenwald has asked for the utility companies to submit written testimony to oppose the bill.

"There is a further request at the very end. It concludes with:

Mark wants to know if we will have support tomorrow.

"And one final one, Mr. Speaker. And this is again, I'll just quote the pertinent parts. This the Real Estate Commission and DCCA, and again I'm quoting.

The Real Estate Commission and DCCA feels that since it is industry members who pay into CRF for certain services, they should be concerned. Therefore, it is requested that they submit testimony in opposition to the bill. Real Estate Commission testimony will reflect that.

Point 1. Under CRF, we have dramatically improved processing times and accessibility for applications and renewals and other licensure processing matters for applicants and licensees.

Bullet 2. CRF has allowed DCCA to have adequate resources. Has allowed for timely and creative IT solutions that have improved effectiveness, efficiency, customer service.

Next bullet. Being general funded will undermine the great strides and advancements as DCCA will then need to compete for a share of the general fund.

Next item. Real Estate Commission opposes this move backwards as it would be a disservice to our applicants, licensees, industries and the general public.

Next item. Real Estate Commission opposes converting current CRF moneys over to the general fund for any other agencies use as the moneys were collected for the purpose and expectation for service from DCCA only.

Final bullet point. Real Estate Commission strongly urges the bill be held.

"And that goes on and states, Mr. Speaker.

We will need strong testimony from all the real estate industry groups, not only the Hawaii Association of Realtors but also the local boards, Hawaii Board of Realty, Kauai Board of Realty, Maui Board of Realty.

"And it goes on to state.

We will also need strong testimony from the condominium groups, such as CAI, HCAAO, HICCO, etc.

"Mr. Speaker, again, I want to be real clear, I'm not making any allegations but it helps for all of us to understand some of the communications that led to the kind of hearing that we saw. That having been said, I want to point out that, we live in a democracy. Any person, any entity has the right to ask others to participate in the process. That is what public hearings are for. That is how we come to the judgments that we do make in the legislative process. However, we need to understand the context and then make those kinds of determinations, Mr. Speaker.

"I wanted to point out that, notwithstanding all of this and the testimony, it is important to know what the Conference draft does."

Representative Bukoski rose, stating:

"Mr. Speaker. I believe the time has run out."

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

Representative Takamine continued, stating:

"Okay. Thank you, Mr. Speaker. And I'll try to wrap up. But several more points. And one of which is that while we live in a democracy, where a government is a player, where regulatory authority, the power to enforce, is part of the overall circumstances, it's important to understand this in the context of the kinds of request that get made.

"And again, Mr. Speaker, I want to make real clear, from what I've known of Mr. Recktenwald, he maintains the highest standards. And as well-intentioned as things may go, sometimes, it's in the implementation.

"With that said, Mr. Speaker, I'd like to then make the point that it's important to understand what's in this Conference Draft 1. And given the testimony, we wanted to be responsive to that, therefore I did mention that there are about fifty or so of these professions that are regulated by DCCA. If you'll note, Conference Draft 1, while no longer establishing the Compliance Resolution Fund, does provide for one exception. And that one exception is for the Professional and Vocational Licensing Division. So for many of those who provided testimony, that special fund structure will remain. And that

will remain in addition to the mechanism that will govern limiting the kinds of fees that can be collected.

"One final note, Mr. Speaker, and that is there is in the bill or the bill can be read to provide for one ambiguity. And that's why I wanted to make, I guess the point, fairly clear in my comments on the floor. And that is that it has been brought to our attention that amendments made to Section 26-9, Hawaii Revised Statutes, regarding decreasing or increasing fees may have some ambiguity as to what are revenues in determining the formula for triggering the decrease or increase. It was our intent that revenues include but not be limited to any general fund appropriations, fees, or fines collected and received by the Department. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. And before I begin, I would like to incorporate my comments on Second and Third Reading," and the Chair "so ordered." (By reference only.)

Representative Bukoski continued, stating:

"Mr. Speaker, I was opposed to this in Committee and I'm opposed to this Second, Third, and now Final Reading. To address some of the comments made by the Chair of Finance, he mentioned tying revenue to expenditures. As I mentioned in previous hearings, the Auditor made that very clear that all the revenues collected were indeed expended in order. She saw no reason to question the revenues and how they were tied to expenditures.

"I appreciate the Chair of Finance bringing up the information that he shared. I recall him asking for it in Committee. We never did receive it. So I appreciate him educating us here on the Floor on this information. But I listened to it intently and it sounds pretty legitimate to me. Sounds like anybody that's looking for support, explaining their position and just asking for people to come out in support. So I don't see anything wrong with the way that it was handled.

"I think there's an old saying, if you live in a glass house, don't throw rocks. It seems as though I really don't understand the reason for bringing up that information. It seems as though the proponents of this bill are kind of grasping for straws. It's almost like bringing up a Member's attendance in defense of a measure on this Floor.

"But the objectives that are mentioned by the Chair of Finance can be accomplished without dissolving the Fund. We can implement measures to bring the cost of fees down without dissolving the Fund. I think that was made pretty clear in testimony, in hearings. And I think if you were actually present at the hearings, and I was present at all of them for this bill, if you saw the people that came out, they didn't just submit testimony, they were there in person. They waited till late at night on some cases where we were delayed till 8, 9 o'clock at night. And they waited for this particular bill. So they just didn't send in written testimony. And it wasn't 'blanket' testimony like we sometimes see. The same letter just signed by different people. You can tell it's just one letter. It was different letters with different explanations, different reasons, different letterhead. It was completely different. But if you saw the people that actually came out, you could see that they weren't coerced, intimidated, forced to come out and testify. They wanted to be there. They wanted to be there. And they came out and they testified asking us to please reconsider moving this forward. So I'll just leave it at that and I just ask my Members to please consider voting against this bill. I think it's a bad bill. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Standing in support with reservations.

"First, I'd like to really show some appreciation to the Finance Chair's wisdom and patience in handling this very sensitive issue regarding the letters coming from DCCA Director to these people who will be offering testimony on this particular measure. Because if I was to I guess, bring this up, I wouldn't be so nice about it. I'd be frankly, I think it's tampering with witnesses who's going to present testimony. Our hearings are designed to get the actual feelings and I guess points of views from the individuals who are of interest in the particular measure. And to think that an entity, who will be affected in a different way, that is mostly like in the fear of having to compete for general funds in order to finance their operation, will come out and actually solicit certain testimony. *Per se* it's not illegal."

At 2:24 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 2:28 o'clock p.m.

At this time, the Chair stated:

"Representative Sonson, have you completed your discussion?"

Representative Sonson responded, stating:

"Mr. Speaker, I believe the Chair of Health requested a late introduction."

### LATE INTRODUCTION

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

Representative Arakaki introduced high school students from the Ola I Kahana C-Based program sponsored by the Goodwill Industries, and their teachers, Ms. Chantelle Garman and Mr. Gannon Garagas. Representative Arakaki also recognized Ms. Queenie Kuheana of the Capitol Tours program.

### UNFINISHED BUSINESS

(Conf. Com. Rep. No. 8-04 and S.B. No. 2525, HD 1, CD 1)

Representative Sonson continued, stating:

"Thank you, Mr. Speaker. Now to get back to what I was saying. Actually I wanted to move on to a different topic. I stood up and said I was in support with reservations. My reservations, Mr. Speaker, are that the DCCA and those customers of theirs, the business community, do have some recognizable and I think reasonable gripes or objections to this particular bill. And I see it this way.

"Although it is planned that there should be a match between the cost of the operation and the fees collected, there is this money that's going into the general fund. And I think the legitimate concern there is that as soon as it gets to the general fund, they may not receive the entire amount. Let's say they

collect, they need \$50 million in operations so that they will set their goal in collecting \$50 million in fees, just for number purposes. The \$50 million let's say, again simplified, it goes to the general fund. If it's exactly, in its exact match, you would expect that the Legislature would appropriate \$50 million. There will be no loss. However, Mr. Speaker, the legitimate concern is that if perchance the Legislature will give only \$40 million back, what would happen in that case? And I don't think I have a sufficient answer for this and that's why I'm again with reservations. Is that I would tend to agree with the business community and again the Director in this thing, in that they will have to probably raise their fees by \$10 million. I don't know how this would be corrected in that way, Mr. Speaker. I don't think it would be fair for the business community to come up with this additional \$10 million.

"In another example how this will go awry, I believe, Mr. Speaker, unless I misunderstand this bill, is that the refund mechanism hits at 110%. So if it was, again to simplify, \$100,000, 10% would be about \$10,000. In that way, it stays in the general fund. So again, there is no match and the ratepayers would again be \$10,000 too much. And if you multiply that, it could be \$10 million too much. Who knows what that number could be? But since the mechanism is set at 110% before a refund is returned to the ratepayers or the fee payers, I see a possible windfall into our general fund and I guess that would be a loss to the ratepayers. And with that Mr. Speaker, I guess that is how I will explain my reservations in this. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure.

"I don't think it's any news to anyone that we are a part-time Legislature. We have sixty working days. And the time goes by very quickly. And it's a common procedure here for Representatives, Chairs of various committees to get up and ask for a waiver of the 48-hour notice. But in the busy, work-a-day worlds of people who lived in Hawaii, 48 hours is not even sufficient for them to have any idea of what's going on in this building. That notice is posted in this building. There are thousands of people that have never been in this building.

"So fortunately, the fact that we now are a high-tech society, and for most people in this building, we know how to use emails and have the ability to contact interested parties or people that we think might want to know certain information. We can get a hold of them a lot easier than we did say even five years ago, when people were on mailing list and you had to mail them notices and then the mail is slow, and people don't know what's going on.

"It's been, the reference to emails that were sent from the DCCA Director, as well as emails that must have been sent by the Chairs of Commissions and Boards, somehow characterized as nefarious activity, when it is simply in the day-to-day. It's just like picking up your phone except that it's almost more efficient because you can type a letter. You can talk about the ins and outs. Get the information to people that you think would be interested in it. Get it there very quickly. I mean you can reach a lot of people.

"In this same Session we had a bill that was asking for the public purchase of a large piece of property at Sunset Beach area, Paumalu. I must have gotten thousands of testimonies. Maybe six inches full. And I thought why are these people sending these testimonies. They were coming from Florida. They were coming from all around the United States saying this is a great deal. Do it. Buy it. A lot are form letters, I mean it was just incredible. And then I just thought, what do they care?

And they really, they shouldn't have cared, they don't live here. But this is an example of how you can reach large numbers of people quickly by using email.

"I rose with a point of, I said point of privilege, perhaps that was not correct, but when the Chair of Finance started to read the statutes about what Boards and Commissions do, I felt, and maybe it's just me, that he was painting a picture of a powerful group that would send out messages. And it would feel threatening to the people that received it. That you better show up or you're not going to keep your license. And that just seems incredible to me that anybody could make that inference.

"The fact of it is we had a short form bill, about government, which is common but the average person doesn't know we do that. But there was a short form bill and in a very short time frame, this whole bill was inserted in there to do away with the special fund at DCCA. Just out of the blue. And so I think it was totally appropriate for the Director there to start letting people know.

"And as my colleague from Kula said, these were not just form letters or written testimony, but these individuals were in the room and they stayed. And they came for different hearings. And when we went into decision-making, which often times they've got to hang around the Capitol for an hour, an hour and a half till we come back, they were there. These were not people that didn't really believe in what they were saying. They were not parroting words from the Director of DCCA.

"And in fact at one of the hearings, Robert Alm, who was a past director of the Department of Commerce and Consumer Affairs, sat through hours of testimony so that he could in person, present his testimony. And I'll just read a small part of it. He says:

Clearly the DCCA's fiscal strategy of requiring division revenues to cover all expenditures of that division for the fiscal year and the reserve to cover major improvement and anticipated operating expenses is proof that the current law works.

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

Representative Meyer continued, stating:

That the legislative intent to greatly improve the quality of mandatory government services has been accomplished and that the public interest is being served.

"So at the risk of being repetitive, I mean we've had a Department that's improved dramatically over the years. Their customers are happy. The service is good. Why would you do away with it? The only reason I can come up with this is to put another \$30 million into the general fund. Take all the money that people have paid for the services, forget it, you're not refunding it to them. You're just taking it, putting it in the general fund. More sticky fingers. Thank you, Mr. Speaker."

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

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

"I was concerned when the Finance Chair rose and spoke about the possibility of testifiers feeling threatened and that was the reason why they showed up in numbers with overwhelming testimony in opposition to the bill. I think the same argument could be made that the Finance Chair and the Finance Committee could also have influence over the testifiers because

our actions could adversely impact their businesses by us not funding DCCA properly. So I just wanted to say those points. Thank you."

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

"Thank you, Mr. Speaker. I am in opposition and I couldn't agree more with my colleague on my right. I'd like also to have the words of the Minority Leader incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Marumoto continued, stating:

"I do believe she addressed the problem of the possible coercion of testifiers. I do not believe that they were coerced by anybody asking them to testify. I do believe that, like my Kona colleague, that they were afraid of possible fee increases, adverse effects by this bill on their businesses. And so they did come out, respond. Many times when you are asked to show up at the Legislature or submit testimony, people do not respond. But in this case, they certainly did wholeheartedly.

"I wanted to tell the Finance Chairman that I appreciated his remarks. His clarifying remarks that the revenues of the Department include general fund appropriations because of the plain language of this provision could result in the fact that financial institutions will face a large increase in fees. The Department has said perhaps 400%. And if the plain language is followed, that banks and financial institutions may be in big trouble. I do believe we should come back next year to amend this language to further clarify it. Thank you very much, Mr. Speaker. Just wanted to make that point. And I have further remarks that I'd like inserted in the Journal," and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"This measure collapses the Compliance Resolution Fund (CRF) and relegates the Department of Commerce and Consumer Affairs to a general funded entity that is no longer self-supporting. Several of my colleagues have expressed dismay over this measure. I agree with them and wish to add that there is a serious flaw in this bill. Because of the rush on the part of the Majority to prepare and pass bills before the 50th day of the Legislature in order that they might override any of the Governor's vetoes while still in session, there were many errors made in drafting.

"Because of an inadvertent error, the fees paid by financial institution may not be counted as part of the CRF to pay for the expensive audits that are required from time to time. I am certain that the intent of the Legislature is to provide that the revenues for DCCA include the fees paid by these financial institutions."

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

"Thank you, Mr. Speaker. I'm rising in opposition.

"This seems to be a sort of a sibling in its nature and its scope to many of the bills that we've discussed today. I know we've gone long and I'll try to be brief, Mr. Speaker. But this seems to be in general, sort of a 'tug-of-war' here between philosophies, between how to fund the budget, the balance. We've talked about the raiding of funds. I'm happy that it's now in the public eye. The harsh scrutiny of the public eye is always healthy for democracy. And this tug-of-war is over this bill based on the philosophy of can you balance the budget by raiding funds. And here's a Fund for \$30 million that's going to be shut down. And the two philosophies are basically that

when a special fund has a positive balance, it should be raided or skimmed off the top or shut down and be absorbed by the general fund in order to create the snapshot of a balanced budget.

"The other philosophy is that if the special fund has a positive balance in its account then the fees should be decreased and the benefits should be passed on to those fee payers. That's what you have here, the Director pushing for cutting the fees, as well as giving the Certificate of Good Standing for free. Of course those are other bills and I'm not going to speak to that. But these two philosophies, bigger or smaller government, was succinctly written by a French philosopher who stated, that government should be a guard dog to be fed, and not a cow to be milked. It's surprising to me that: a) that a philosopher could be so succinct; and b) that it was a French philosopher who wrote such a conservative statement.

"But Mr. Speaker, we have these two philosophies, a guard dog that should be fed, or a cow to be milked. The Director of DCCA, Mr. Rectenwald is of the 'guard dog to be fed' government philosophy. He proposes cutting fees, giving the Certificate of Good Standing for free. And on the other hand, the proponents of this bill are of the 'cow to be milked' government philosophy.

"In lieu of Rectenwald's proposals to cut fees, the response was let's take that Fund back. Give me my nipple back, in other words. The government wanting to keep that money and I see right through to the real issue here. You have the Department from a new Administration that says, 'No, let's go in a different direction. Let's cut fees.' And the Legislature in a heartbeat says, 'Hell no, we won't go. Give me that money back.' It's selfish. It's greedy. And it's not fair for the people of Hawaii. The people of Hawaii should have the money given back to them. If we have excessively high gas taxes and we're skimming the Highway Fund, let's cut the gas taxes. If we have excessively high fees in another area and that Fund continues to be raided, let's cut those fees. If the DCCA is doing a good job, and they have a positive balance, let's cut those fees and let them do a good job. Let's not go to the 'cow to be milked' government philosophy.

"I mean I'm happy in one sense that this Body seems so motivated to actually act, and act in record time I might add, to do things like dissolving a special fund. But in this case, it's not a good idea. Unfortunately it seems that the only action is based on a motivation to thwart the pro-business direction of a new Administration."

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

"Thank you, Mr. Speaker. In opposition.

"Mr. Speaker, I very much appreciated hearing those emails. Mr. Speaker, I haven't read them. They weren't sent to me. And I have not read them and I very much appreciate hearing them. They were very straightforward. The head of DCCA was making his case. And everyone making the case, stating what the problems is, and he was rallying as the head of the Department should I believe. Rallying to preserve the good programs that he runs. And so Mr. Speaker, from that point, one of my takes on that was we certainly hired the right guy for the job to have that much dedication and enthusiasm. And we've heard in Committee, in many Committees, just an incredibly thoughtful and intelligent person. That was expressed to me in those emails that I heard.

"And also, Mr. Speaker, I'm not aware that anyone did submit testimony who now wants to retract it or disagrees of what they said. So I appreciate that that came up.

"Mr. Speaker, I would like to lift off of the comments made by the Representative from Upcountry, that people who live in glass houses shouldn't throw stones. And at this point I would like to incorporate the remarks of the Representative from Kona and add my own take that 'the pot shouldn't call the kettle black.'

"Mr. Speaker, the Legislature has been very effective at arm twisting. And there are many, many examples. One example, in 1998, we got union leadership to back off on opposing payroll lag because we wanted to borrow \$50 million."

The Chair interjected, stating:

"Representative Halford, please confine your remarks to the measure that is before us at this point."

Representative Halford continued, stating:

"Well, Mr. Speaker, the issue that was brought to oppose this Senate Bill was a disagreement with the process. The reading of the emails was saying, the process is flawed, and because we don't like the process how this thing came through Committee, therefore we're against ..."

Speaker Say: "Representative Halford, I believe the Chair of Finance had stated that he did not state anything as far as intent. He just brought it up for the Members to understand. What the process is."

Representative Halford: "I see. Mr. Speaker, we're here to vote for or against Senate Bill 2525 ..."

Speaker Say: "Correct. And that's why I'm asking you, to confine your remarks to your opposition to the bill's context."

Representative Halford: "Mr. Speaker, in support of the bill, the process issue was brought as ..."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. You've already made your ruling and he continues to make his point."

Speaker Say: "Representative Halford, please do not bring up references from the past of like 1999, those type of statements. I'm just trying to run this House properly and efficiently. And if you could confine your remarks. Representative Bukoski."

Representative Bukoski rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe on a previous measure, another Member of the Majority brought up information from 1999."

The Chair responded, stating:

"Okay, I stand corrected. It's just that, I think it's been repetitive that we've heard these statements in other measures in the past. Representative Halford, the Chair will ..."

Representative Halford continued, stating:

"Mr. Speaker, I will defer to your request. I just want to point out that we shouldn't be derogatory about the process. That approach is a 'red herring' to the issue as to whether Senate Bill 2525, CD 1 is good policy or not. How this bill got there is, the process that got it there, does not condemn or support the policy that's contained in there. Mr. Speaker, I believe that the policy contained in there is misguided. And I

see that the defense of the bill is weakened when the only mechanism to defend it is to be disparaging of the process they got there.

"An additionally, Mr. Speaker, the process they got there I thought was excellent. And I thought those emails were great. And I'm a bigger fan of Mr. Rectenwald than I was before I heard them.

"I also want to point out that it was correctly made, a point correctly made by two Representative that the issues brought, the process issue brought are the 'pot calling the kettle black' condemnations.

"Many on this Floor could, if they would attest to regular arm twisting and threatening in Caucus. And I'll defer to you, Mr. Speaker. I won't bring up how we've done that to our constituencies."

Representative Lee: "Mr. Speaker, point of order."

Representative Halford: "I'm done. Thank you."

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

"Thank you, Speaker. In opposition.

"I just wanted to actually share some personal testimony I have for this situation. I had a small business and also being in the mortgage industry. I've been going to DCCA in the past. And I remember early on in the 90s that I would actually go walk into DCCA and I would stand there and I wouldn't get any help. I would stand at the counter and I would see people walking past doing their thing and they still wouldn't help me. And I kind of waited around just to see what would happen and I wouldn't get any help. Then eventually, somebody would help me.

"Later, around 2000, 2001, I went and I would go and do different business between these times, but later on I would go back. And it was a whole different atmosphere. I would stand almost in the middle of the floor and someone would say, 'Excuse me, do you need some help?' And I thought that was so shocking. Now that I'm here at Legislature, it's an ah-ha moment for me because I'm going, 'Ohh, so that's what happened.' It's really interesting. It might be coincidence some may say. I don't think it is because the testifiers in the Finance Committee in the 80s or so have talked about similar reasons for opposing this bill.

"But I'd like to share a lesson that I learned early on when I worked with the Al Harrington show. It was really interesting because what we would have to do after the Al Harrington show is he would make us go to the back and shake everyone's hand and say, good evening and thank you for coming. And we would always drag our feet, but we'd smile but we would drag our feet and not want to go to the back of the showroom to tell everybody, bye. It was interesting because one night, none of us showed up. And he called a meeting afterwards. Short sentence he said. He said, 'Why weren't you guys there? No happy customers, no job.' I think this is what has happened. Basically now, instead of government funding DCCA in the general fund, it turned around, we have a special fund and the people that walk in now are responsible for their jobs. And now they are asking that they be served. I think that's a precious lesson for us to learn. The larger lesson for our State to learn is that without businesses, without businesses being happy, we have no jobs. Thank you."

At this time, Representative Saiki called for the previous question.

At 2:54 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:56 o'clock p.m.

Representative Ontai rose in opposition to 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:

"This bill raids \$32 million from the Compliance Resolution Fund. This fund gets money from fees from businesses and is meant to run the DCCA (Department of Commerce and Consumer Affairs). The DCCA has been so successful, that a large excess amount has developed. Instead of allowing the DCCA to lower fees and reward the DCCA, the Legislature appears intent on punishing the DCCA by taking the money and using it for purposes other than for the reasons it was taken in the first place. Again, this appears blatantly dishonest, to force businesses to pay fees for this fund, but then redirect these fees for other purposes. We must stop this practice. It clearly indicates that the Legislature does not know how to manage the money properly and this practice must stop."

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

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong opposition to Senate Bill 2525, House Draft 1, Conference Draft 1 which seeks to repeal the Compliance Resolution Fund (CRF) and redirect the fees to the State's general fund. I read pages and pages of testimony by the very groups that will be adversely affected by this action, all in strong opposition of this measure.

"First, it must be acknowledged that the Department of Commerce and Consumer Affairs (DCCA) is performing well. It has improved its services over the past five years, especially in the last year, and its self-sufficiency contributed to this improvement. This sentiment was voiced and shared by nearly all of the business organizations that offered testimony in opposition to this bill. This fact was recently solidified in an article by the Honolulu Advertiser, which reported on a recent survey of businesses conducted by the Chamber of Commerce of Hawaii. The DCCA was the highest rated state agency and one of only three rated good to excellent. In an era where most businesses in Hawaii feel that 'government agencies don't treat businesses like customers,' the survey results are a true testament to the positive steps the DCCA has made to improve its services and relations with the very organizations it serves. Governor Lingle should be commended and Director Mark Rectenwald deserves our thanks.

"Hawaii's businesses not only pay taxes but pay DCCA fees as well. The Compliance Resolution Fund was created in response to requests by the DCCA's own customers who objected to having the Department rely on the general fund for its programs. They objected to having to pay for fees that did not go directly to serving their needs, but instead went into the general fund. The fund helps to ensure that the DCCA customers get the services that they pay for. The fees paid by Hawaii's businesses are dedicated to the programs that



generated them. This is exactly what DCCA's customers were asking for.

"Senate Bill 2525, HD1, CD1 is a solution to a non-existent problem. The proposed system that this bill seeks to enact has already been proven not to work. Most of the testimonies recalled the horribly slow and inefficient days of the DCCA before the fund was put in place. In those days when the Department's programs were paid for through the State's general funds, it took months to process applications and other essential documents for Hawaii's businesses. Many see the repeal of this fund as a step back into the Dark Ages of the 1980s. I agree that repealing the fund would not serve the best interests of the DCCA's customers. If the fees paid for by businesses are deposited into the general fund, there is then no guarantee that the funds will not be allocated for other purposes.

"DCCA's customers firmly believe that the Department is already set up to promptly and efficiently meet their needs. They uniformly testified against this bill and added that the DCCA as it is currently structured works to their benefit. They do not mind paying additional fees when they know that those fees are being put to use for the purpose of providing them the services they desire. By eliminating the fund, we are eliminating the DCCA's self-sufficiency, which is the reason why this Department works and is successful.

"Mr. Speaker, it seems to me that by seeking to transfer the existing fund balance of \$30 million to the general fund, the intent of the bill is to balance the State budget through the Department's collected fees, rather than to protect the consumers. If this bill was truly an attempt to advance accountability and transparency, the excess monies should be refunded back to the consumers, as recommended by the DCCA by way of lower fees.

"Mr. Speaker, as I stated before, the DCCA is performing well, and its customers are satisfied, due to the existence of this fund. If SB 2525, HD1, CD1 is passed, it will no doubt have a severe detrimental effect on not only the Department, but also to Hawaii's businesses. For these reasons, I strongly oppose the repeal of the Compliance Resolution Fund and redirection of these funds into the State's general fund.

"Thank you, Mr. Speaker, for the opportunity to speak in strong opposition to Senate Bill 2525, House Draft 1, Conference Draft 1."

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

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

Representative Moses rose, stating:

"Thank you, Mr. Speaker. I will submit written comments. It's all the testimony and I have testimony here to prove that it's not all the same. And there's very important things here that this Body should know about what happened in the Senate. They voted against this measure. Thank you, Mr. Speaker."

The Chair responded, stating:

"Representative Moses, you are out of order. I'll accept your written comments."

Representative Moses submitted the following testimony:

"HAWAII CREDIT UNION LEAGUE  
1654 South King Street  
Honolulu, Hawaii 96826-2097  
Web Site: www.hcul.org  
Telephone: (808) 941-0556  
Fax: (808) 945-0019  
Email: info@hcul.org

March 25, 2004

The Honorable Dwight Y. Takamine, Chair  
Committee on Finance  
Hawaii State Capitol, Room 306  
Honolulu, Hawaii 96813

Chair Takamine and members of the Committee;

Re: S.B. 2525, Proposed H.D. 1, Relating to State Funds

Hawaii Credit Union League supports the original intent of S.B. 2525, and opposes the proposed H.D. 1. The proposed H.D. 1 seeks to repeal the Department of Commerce and Consumer Affairs (DCCA) compliance resolution fund (CRF) and redirect fees to the general fund.

Fees paid by Hawaii's state-chartered credit unions are deposited into the CRF. The CRF has been used to pay for salaries of financial institution examiners and administrative support personnel, as well as to reimburse certain specified expenses incurred for the examination of state-chartered financial institutions. These expenses include fees or tuition for examiners to attend necessary educational and training conferences, workshops, seminars, and similar events. This training is essential to keep up with constantly changing regulations, advancements in technology, and increasing sophistication in the financial services marketplace. CRF helps to ensure that the safety and soundness of Hawaii's state-chartered financial institutions are not compromised due to possible shortfalls in the state general fund. Consequently, we oppose eliminating CRF.

An important concern is the proposed H.D. 1 requires DCCA to increase fees or return excess fees based on the newly defined concept of "attributable costs" which means all operating costs, all fringe benefit costs for employees, and any other reasonable costs associated with the operation of the department (page three, lines 14-17). The proposed definition appears to distinguish all operating costs as a separate category from all fringe benefit costs for employees and any other reasonable costs associated with the operation of the department. This seems to indicate that regulated activities will bear a substantially higher cost under the proposal than currently exists.

Is the proposal intended to increase the fees for state chartered financial institutions charged by the department beyond their current level? If that is the intent, how much are the fees intended to increase for each state chartered financial institution? The proposed definition of attributable costs supports the idea that regulated activities will now pay far more than the operating costs identified in Subsection 26-9(o), HRS. This subsection seems to currently require the DCCA Director to ensure that "...the proceeds, together with all other fines, income, and penalties collected under this section, do not surpass the annual operating costs of conducting compliance resolution activities required under this section" (page four, lines 7-10).

More specifically, it is not clear what is contemplated by the proposal's inclusion of "any other reasonable costs associated with the operation of the department." It would be very



difficult for regulated activities to anticipate what additional costs will be added to operating costs given the difficulty in defining what is reasonable. The magnitude of increased costs is an important concern because state-chartered financial institutions have the option of converting to a federal charter, thereby potentially diminishing the pool of state-chartered financial institutions that could bear an even greater proportion of the attributable costs of the division of financial institutions. It would be extremely unfortunate if a major state-chartered financial institution converted to a federal charter, thereby creating a major revenue shortfall for the department that smaller institutions will be tasked to make up.

Hawaii Credit Union League respectfully recommends that S.B. 2525 be passed without the proposed H.D. 1. Thank you for the opportunity to testify on this measure.

Sincerely,

/s/  
MICHAEL LEACH  
Legislative Officer"

"HAWAII ASSOCIATION OF MORTGAGE BROKERS  
P.O. Box 1074  
Honolulu, HI 96808-1074

S.B. 2525, Proposed H.D. 1  
Before the House Committee on Finance  
Friday, March 26, 2004

Mr. Chairman and Members of the Committee, my name is Gayle Ishima, representing the Hawaii Association of Mortgage Brokers (HAMB). HAMB is opposed to this bill.

As one of the professions regulated by DCCA, we are concerned that the licensing fees paid are dedicated to the programs that generated them.

For our specific profession, we are seeking to establish an ambitious program of examination and continuing education in order to enhance the quality and competency of our profession and to ensure that there are adequate consumer protections against predatory lending. We expect that increased fees will cover the costs of the added regulatory scrutiny and rely upon DCCA's ability to plan and budget several years out as implementation is phased in. This would be difficult to do, especially for a new program, if we must compete for a share of the general funds every year.

DCCA has been extraordinarily responsive to the needs of our profession to the benefit of all consumers. Their effectiveness is due in large part to the resources available to them via the Compliance Resolution Fund. We urge you to continue the high level of efficiency and customer service that has been the hallmark of DCCA by holding this bill.

Thank you for the opportunity to testify in opposition to this bill."

"Hawaii Association of REALTORS  
www.hawaiiirealtors.com  
The REALTOR Building  
1136 12<sup>th</sup> Avenue, Suite 220  
Honolulu, Hawaii 96816  
Phone (808) 733-7060  
Fax (808) 737-4977  
Neighbor Islands (888) 737-9070

March 26, 2004

The Honorable Dwight Takamine, Chair  
House Committee on Finance  
State Capitol, Room 308  
Honolulu, Hawaii 96813

RE: SB2525, Proposed HD1 Relating to State Funds

Dear Chair Takamine and Committee Members:

I am Mary Begier, Chair of the Business and Transactional Issues subcommittee for the Hawaii Association of REALTORS Legislative Committee. The Hawaii Association of REALTORS represents 7,400 members statewide.

I would have liked very much to be here in person; however, the combination of spring break, Prince Kuhio Day and the timing of this hearing notice prevented me from securing any available air travel.

When we testified before you on HB2742, HD1, there was a great deal of discussion about accountability. With sincere respect for all of you, I would like to point out that two-thirds of the Compliance Resolution Fund is made up of real estate related funds. We have an active paid lobbying staff PLUS very active volunteers that attend not only these hearings at the capital, but Real Estate Commission meetings on a regular basis. We have worked so very hard to first get the specific funding for DCCA so that it can operate like a business.

You heard testimony from the Tax Foundation (of which we are members) saying that special funds are bad for accountability. I offer to you that this is not a special fund but a *unique fund*. What can be more accountable than giving a specific dollar amount to someone, asking for a product, receiving that product, asking how much money is left over (if any) and then having those funds directed to a specific purpose or refunded. If you have another definition of accountability, I'm sure those of us here representing the business community would be interested in learning about it.

Speaking of accountability, as an example, our license renewal fee of \$180 is earmarked as follows: \$40 for the real estate education fund; \$50 for the renewal fee; and \$90 for the Compliance Resolution Fund. If all the money goes into the general fund, how will we know if the amount we are paying for each of these services is really getting there? How will you know which monies should be refunded to us?

Through SWAT, we proved that we are a serious entity that wants to work with government regulators for the common good of our customers, the consumers of Hawaii. We have been able to implement several ideas and we have exciting plans for further improvement. DCCA introduced several housekeeping bills because they saw a need to do some housekeeping. Many of those bills would increase the amount of accountability DCCA would have but the legislature has chosen not to hear them. That strikes the business community as curious and contradictory.

There may be testimony here today that criticizes the move that DCCA made to a new facility. Some of those same testifiers have in the past asked that our Hawaii state government behave more business-like in their operation. We suggest that the move to the new facility is evidence of a government department taking on a greater "ownership" role. DCCA had a problem. DCCA saw a way to correct it and improve all at one price tag. Is this not the kind of empowerment we want in our employees? I know it is what I ask of my employees. This is something that I reward and recognize. For the legislature to take the Compliance Resolution Fund and shift back to the dark ages of general fund

collection of fees from the very backbone of our economy, the small businesses served by DCCA, is not only a cruel form of punishment but with all due respect, insulting to first the employees of the state of Hawaii and then the fee payers of regulated industries.

If the legislature sees fit for some reason to raid the Compliance Resolution Fund and disband it, then it is the State's duty to mandate that an annual report be submitted to the Governor and the public so that the accountability you keep referring to truly happens.

Thank you for allowing us to submit written testimony on this matter.

Sincerely,

/s/

MARY BEGIER  
Legislative Committee"

"NFIB

The Voice of Small Business  
National Federation of Independent Business – HAWAII  
1588 Piikea Street  
Honolulu, HI 96818  
808-422-2163  
Fax 808-422-2163  
bitatum@aol.com  
www.NFIB.com

#### TESTIMONY OF BETTE TATUM

NFIB STATE DIRECTOR

BEFORE: Committee on Finance

BILL NO: SB 2525 proposed HD1, Relating to State Funds

DATE: Friday, March 26, 2004, 11 a.m., CR 308

Mahalo, Chair Takamine, Vice Chair Kawakami, and Committee Members, for the opportunity to submit testimony in **opposition** to SB 2525, proposed HD1, repealing the DCCA compliance resolution fund and redirecting fees to the general fund. My name is Bette Tatum and I have served as state director of the National Federation of Independent business (NFIB) for the past 23 years.

One positive in staying in the fight for small business at the Capitol all these years is having lived through history being made here—remembering what life was like before certain laws were passed. This SB 2525, with your proposed House Draft 1, again brought back a flood of memories—not good memories—of how it used to be years ago at DCCA.

As chair of the Governor's Small Business Advisory Council (GSBAC) during the 1980's, I well remember that one major complaint of small business in doing business in Hawaii was the outrageous length of time it was taking to get needed certificates—or whatever it took to do business—from the Department of Commerce and Consumer Affairs. It could take many weeks—even three or four months—to get what the businesses had paid for. Serving on the Governor's Small Business Advisory Council were not only small business leaders but also directors of various state agencies that dealt with small businesses, Hawaii's job creators. Then-DCCA Director Robbie Alm, a GSBAC member, acknowledged the DCCA problem regarding lengthy waits businesses had to endure and took the bull by the horns in trying to run the DCCA in a more efficient manner. I remember long, long lines in the DCCA lobby—even out to the street—being reduced drastically. (According to results of my latest NFIB member survey, released recently, DCCA continues to improve even more under current DCCA Director Mark Recktenwald. Our

thousands of members voted a 23.4 percent improvement over the past year.)

DCCA's goal of helping small businesses get their money's worth when dealing with that government agency has been a welcome relief to the small business community and needs to continue as is. Why should money that small businesses pay DCCA for specific services be put into the general fund? Let DCCA run its business efficiently as it has proven it can do. As the saying goes, "If it ain't broke, don't fix it." (Or words to that effect.) What used to take weeks, and often months, to get what a small business needed from DCCA now takes one or two days at the most. This is a major improvement in how state government is run.

When the bill was passed a few years ago allowing DCCA more control by creating and maintaining a compliance resolution fund, that action resulted in a big improvement in DCCA's providing timely and needed services for small business and has made it possible for DCCA to become self-sufficient without having to go begging each year to the legislature for needed funds to run an efficient ship.

Why should money that small businesses pay to DCCA for specific services be put into the general fund? Sounds more like another tax on small business rather than a fee for a specific service—and House leadership on opening day declared "no" to more taxes this year.

If you believe there is more money in the fund than is needed for DCCA to be self-sufficient and conduct its business in a timely manner, rather than repealing the compliance resolution fund and redirecting fees to the general fund, where the money goes who knows where and for who knows what, the DCCA could reduce small business costs even more—maintaining just enough in the compliance resolution fund to continue DCCA's winning ways of doing business effectively and efficiently.

Let's not go back to the bad old days. Please hold this bill. Mahalo and aloha!"

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 Takai rose, stating:

"Point of information, Mr. Speaker. The Representative from Makakilo requested insertion of the entire packet of testimony?"

Speaker Say: "In opposition, yes."

Representative Takai: "And you accepted, Mr. Speaker?"

Speaker Say: "Yes."

Representative Takai: "I think that's highly inappropriate and it sets precedents. I don't think we want to do that."

Speaker Say: "The Chair has ruled at this point in time."

At 2:58 o'clock p.m., Representative Takai requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:02 o'clock p.m.

Representative Hiraki rose and asked that the Clerk record an aye vote with reservations for him, 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 SB 2525, HD1, CD1, relating to State Funds.

"Mr. Speaker and colleagues, by repealing the Compliance Resolution Fund, these programs associated with the general fund will once again, require a review by the Legislature prior to appropriation; moreover, legislative oversight will ensure that such programs will compete for funding with other programs like education and public assistance.

"The Legislature must take back control of the 'purse-strings' and retain management of these Funds. Therefore, I strongly support this measure. Thank you Mr. Speaker."

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

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

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

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

Representative Schatz rose and asked that the Clerk record an aye vote with reservations for him, 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 Chang 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. 2525, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading by a vote of 33 ayes to 15 noes, with Representatives Arakaki, Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no and with Representatives Luke, Shimabukuro and Thielen being excused.

At 3:03 o'clock p.m., the Chair noted that S.B. No. 2525, HD 1, CD 1, passed Final Reading.

At 3:04 o'clock p.m., Representative Takamine requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:05 o'clock p.m.

The following bill was taken from the Clerk's desk and the following action taken:

Representative Saiki moved to agree to the amendments proposed by the Senate to the following House bill, seconded by Representative Lee and carried. (Representatives Halford, Hiraki, Kanoho, Luke, Ontai and Thielen were excused.)

H.B. No. 267, HD 2 (SD 2)

**H.B. No. 267, H.D. 2, S.D. 2:**

Representative Saiki moved that H.B. No. 267, HD 2, SD 2, pass Final Reading, seconded by Representative Lee.

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

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

"Mr. Speaker, this measure is very innocuously entitled. It's just Relating to Government, but the implications I find very disturbing. If one reads the description, it's very straightforward but the last sentence simply says in the description, 'Establishes a Commission to oversee the Office of Elections.' When you look at what this bill does and it does this on page 10 of this Senate Draft 2, this is where I find something of great concern and that's why I oppose this measure. If I can just kind of walk us through this, Mr. Speaker.

"It says, line 18, 'There is established an Elections Commission within the Department of Accounting and General Services for administrative purposes.' Lines 20 and 21 says, 'The Elections Commission shall consist of nine members who shall be selected as follows.' Over on page 11, we find the President of the Senate shall select two Elections Commission members. Second, line 3 says, the Speaker of the House shall select two Elections Commission members. Three says, the Senators belong to party or parties different from the President of Senate shall designate one Senator to select two Elections Commission members. Line 8, the Representative belongs to a party or parties different from the Speaker of the House shall designate one Representative to select two Elections Commission members. And then five, one member who shall serve as Chairperson of the Elections Commission shall be selected by the members of the Elections Commission, selected pursuant to paragraphs 1 to 4.

"When read that way, it doesn't sound very controversial. However, if you look at the current law, presently, the Governor has a say. The Governor actually gets to appoint. So on Election Day, at her last election when voters voted for Governor Linda Lingle, they voted her in with the current laws and the powers and those rights and responsibilities and obligations attributable to the office on that day. What this bill is doing, and I'm not going to refer to intent or desire or motives or those kinds of things, I can't get to the psyche, so I'm no going to comment on those kinds of things. I can't get inside of people's heads as to motive, but I'm saying what this does, the consequence of this bill is that it takes away a power traditionally given by law to the Governor.

"Now why would we want to do this, Mr. Speaker? As I think about this consequence and why we would want to take this course of action, I try to think about the faxes, the emails, the letters that we receive from constituents about various issues, not once have I heard from a constituent or anybody for that matter say that, 'You know what? We need to take this

#### FINAL READING

power away from the Governor. We need to give it to some other group of people.' I've never ever heard that. And so this is a solution in search of a problem. That is my conclusion about this particular bill. It's fixing something that ain't broke. And I know people have said, why do you keep harping on the concern about taking away powers that have been traditionally given to the Governor. Why do you keep pointing that out? This is just another example of that.

"And again, I'm not talking motives. I don't know what the motives are. But I can tell you what the consequence and effect of this bill is. All you do is compare the current statute with this statute, and clearly under the current scenario, the Governor has a say as to one person on this particular important body. And under this change, she will not. And I object to that. I object to this measure. I think it's not called for. It's not necessary. It is being done in response to, I don't know, but it's not something that I've heard about. Maybe other people can say that they received a ton of email from people saying this is an important issue, take this power away from the Governor. But I've never heard anything about that on this particular measure. So for that reason, I'm going to oppose this measure. I ask my colleagues in this Chamber to really take a look at the consequences, the actual effect, what are the consequences of moving this bill? What will it do to diminish the power of the Governor to take away a power that she presently has? And how can we say that this is something we need to do? So for those reasons, I oppose this measure."

At 3:11 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 3:13 o'clock p.m.

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 267, H.D. 2 and H.B. No. 267, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Final Reading by a vote of 32 ayes to 13 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Pendleton and Stonebraker voting no, and with Representatives Hiraki, Luke, Ontai, Takamine, Thielen and Waters being excused.

At 3:13 o'clock p.m., the Chair noted that H.B. No. 267, HD 2, SD 2, passed Final Reading.

#### SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to a certain House bill. (Representatives Hiraki, Luke, Ontai, Takamine, Thielen and Waters were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and moved to agree to the amendments proposed by the Senate to the following House bill, seconded by Representative Lee:

H.B. No. 2608, HD 1 (SD 1)

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

"Mr. Speaker, I am opposed to this and object to us going from step 1 to step 2 in the same day. What is the sense of urgency? Can't we do this on Monday?"

The Chair responded, stating:

"At this point, the Chair would like to address this particular issue and get it out as quickly as possible, Representative Fox. Okay?"

Representative Fox: "Well are you going to address it?"

Speaker Say: "I just stated my comment. I would like to get ..."

Representative Fox: "I'm sorry, Mr. Speaker. I thought you were going to clarify why this is being done today."

Speaker Say: "It is being done today because the Majority Caucus feels it should be done today."

Representative Fox: "Majority rules. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried with Representative Fox voting no. (Representatives Luke, Takamine, Thielen and Waters were excused.)

Representative Meyer interjected, stating:

"No, no, no, no, wait a minute."

Speaker Say: "We're in the vote already, Representative Meyer. I said, 'Any discussion? All those in favor say aye, aye. Those opposed, say no. The motion is carried.' Representative Meyer, for what purpose do you stand? I responded to the Minority Leader."

Representative Meyer: "You responded in a very confusing way. He thought you were going to give an explanation but there was no explanation."

Representative Saiki: "Mr. Speaker, point of order. We have already taken the vote. Thank you."

Representative Fox: "Point of order, Mr. Speaker."

At 3:16 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:17 o'clock p.m.

Speaker Say: "The motion that we have just adopted by a voice vote was in regards to the ..."

Representative Fox: "Point of order, Mr. Speaker. I really hate to do this. I want to move things along but you did not complete the voice vote. You only took the ayes, you did not take the nays."

Representative Saiki: "Mr. Speaker, point of order. Interruptions are not permitted during the taking of a vote."

Speaker Say: "Representative Fox, you are out of order, because I stated, all those in favor say aye; aye. Those oppose say no. The motion is carried. After that she stood up."

Representative Fox: "The problem is, Mr. Speaker."

Representative Saiki: "Mr. Speaker, point of order."

Speaker Say: "Representative Fox, you are out of order at this point. So the reconsideration motion has already been taken, okay?"

Representative Fox: "But Mr. Speaker, we never took the nays, I was sitting here waiting to say nay."

Speaker Say: "On a voice vote."

Representative Saiki: "Mr. Speaker, point of order. The Chair has made a ruling, Mr. Speaker. This is out of order, we are in the process of taking the vote."

Representative Jernigan: "Point of order, Mr. Speaker, did you ask for any nay votes?"

Speaker Say: "Yes, I did."

Representative Jernigan: "Would request the Clerk read it back please."

At 3:18 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:19 o'clock p.m.

The Chair then stated:

"Is there any further discussion after what the Minority Leader stated? I will restate the vote once more. All those in favor say aye. Those oppose say no. The motion is carried. Thank you very much.

The motion was again put to vote by the Chair and carried with Representative Fox voting no. (Representatives Luke, Takamine, Thielen and Waters were excused.)

The Chair addressed the Clerk who announced that the record of vote form for the aforementioned bill had been received.

#### **H.B. No. 2608, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2608, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Chang, B. Oshiro, Takamine and Karamatsu). Noes, none. Excused, none.

Representative Saiki moved H.B. No. 2608, HD 1, SD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. My opposition is triggered on the first point that we have not had sufficient time to deal with this. Our past policy has been when we go to the yellow action sheets, we announce them on one day and then on the next day, next day of business or even later than that, we take a vote and

that provides a proper period to study the bill and to take action on it.

"I also object to the fact that this bill unnecessarily provides for the HTA to appoint private attorneys, independent of the Attorney General, to handle its business. It also allows the Hawaii Tourism Authority to directly, on its own, appoint a sports coordinator. And it further separates the Hawaii Tourism Authority from the desirable aspects of having the Controller being able to check the records of the Hawaii Tourism Authority.

"Mr. Speaker, it's often interesting in this Body how we remember certain events and don't remember other events. But there is a very, very prominent audit of the Hawaii Tourism Authority. It was a very serious issue about how they were handling expenditures and money. I think it is definitely in order to have the Controller still have some authority to review the books of the Hawaii Tourism Authority.

"This seems to be part of a pattern of bills to remove pieces of the Executive branch from the purview, not the control because this is an independent operation, but the purview of the Governor. For these reasons, I strongly oppose everything happening in relation to this bill. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker.

"Much of the contents of this bill was passed in past legislative Sessions, namely 2003, but vetoed by the Governor, including appropriation of the \$8 million for the funding of the Tourism Special Fund to allow the Hawaii Tourism Authority to correct the fiscal anomaly arising from its initial budget, which required it to fund 18 months of an HVCB contract with only 12 months of funding. This required the HTA to utilize future budgets to make up for the funding shortfall, which in the initial budget amounted to approximately \$27 million.

"This \$8 million by the way, was included in this year's Administration budget request. Also included is giving the authority to have the Tourism Authority hire their own attorney solely in cases of contract negotiations in which the Attorney General lacks sufficient expertise, provided that the independent attorney shall consult and work in conjunction with the designated Deputy Attorney General assigned to the Hawaii Tourism Authority.

"There are many State departments that already have the authority to retain independent attorneys. Among them are the Public Utilities Commission, the Labor and Industrial Relations Appeals Board, the Hawaii Labor Relations Board, any court or judicial or legislative office of the State, the Legislative Reference Bureau, any Compilation Commission, the Real Estate Commission for any action involving the Real Estate Recovery Fund, the Contractor Licensing Board for any action involving the Contractors Recovery Fund, the trustees for any action involving the Travel Agency Recovery Fund, the Office of Hawaiian Affairs, the Department of Commerce and Consumer Affairs for the enforcement of violations of Chapter 480 and 485, grand jury counsel, the Hawaiian Homelands Trust, Individual Claims and Review Panel, the Hawaii Health Systems Corporation or any of its facilities, the Auditor, the Office of the Ombudsmen, the Insurance Division, the University of Hawaii, the Kahoolawe Island Reserve Commission, the Division of Consumer Advocacy, and by any department in the event the Attorney General for reasons deemed by the Attorney General good and sufficient, declines to employ or retain an attorney for a department.

"So there are many agencies that's already doing this. So I think the Committee felt that HTA deserves to have the authority to hire their own attorney.

"And Mr. Speaker, it's also a matter of timing. When the HTA needs support for writing contracts that are specialized in convention centers and providers of tourism contracts, they need it in a timely fashion. And in past experience where contracts were needed, the HTA has experienced delays and missed essential deadlines because of the AG.

"So Members, much of this bill has already been passed in past legislative Sessions. I think the major concern for many on the Administration was with the attorneys but I think we narrowed it down to a point where it's acceptable. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2608, H.D. 1 and H.B. No. 2608, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Final Reading by a vote of 33 ayes to 13 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Luke, Nakasone, Takamine, Thielen and Waters being excused.

At 3:26 o'clock p.m., the Chair noted that H.B. No. 2608, HD 1, SD 1, passed Final Reading.

At 3:26 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:27 o'clock p.m.

At this time, the Chair stated:

"Before we move on to Reports of Standing Committees, for the Standing Committee Report Numbers 1378 and 1379, we have to defer one legislative day. The Majority Caucus has some problems so we deferred it one legislative day. I'm being very honest with all of you."

#### **Stand. Com. Rep. No. 1378-04 and H.R. No. 157, HD 1:**

By unanimous consent, action was deferred one legislative day.

#### **Stand. Com. Rep. No. 1379-04 and S.C.R. No. 9, SD 1, HD 1:**

By unanimous consent, action was deferred one legislative day.

### **STANDING COMMITTEE REPORTS**

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1381-04) recommending that H.R. No. 125, 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, entitled: "HOUSE RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was adopted, with

Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1382-04) recommending that H.C.R. No. 181, 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. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1383-04) recommending that H.R. No. 28, 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. 28, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROMOTE THE RECOVERY OF NATIVE PLANT SPECIES BY ENCOURAGING THE ESTABLISHMENT OF NATIVE TREE FARMS ON PUBLIC LANDS AND LANDS NOT DESIGNATED AS IMPORTANT AGRICULTURAL LANDS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1384-04) recommending that H.C.R. No. 45, 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. 45, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROMOTE THE RECOVERY OF NATIVE PLANT SPECIES BY ENCOURAGING THE ESTABLISHMENT OF NATIVE TREE FARMS ON PUBLIC LANDS AND LANDS NOT DESIGNATED AS IMPORTANT AGRICULTURAL LANDS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1385-04) recommending that H.R. No. 114, 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. 114, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS AS A MARINE REFUGE TO PROVIDE LONG-TERM AND LASTING PROTECTIONS TO THE FRAGILE ECOSYSTEMS IN THAT REGION," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep.



No. 1386-04) recommending that H.C.R. No. 166, 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. 166, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS TO PROVIDE LONG-TERM AND LASTING PROTECTIONS TO THE FRAGILE ECOSYSTEMS IN THAT REGION," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1387-04) recommending that H.R. No. 183, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1388-04) recommending that H.C.R. No. 255, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 183, HD 1, and H.C.R. No. 255, HD 1, be adopted, seconded by Representative Lee.

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of House Concurrent Resolution 255.

"Mr. Speaker, due to the recent heavy rains, starting in December 2003 till now, homeowners along Heeia, Keaahala/Keolaa, Kawa, and Kaneohe Streams have suffered major damage along the banks of the stream traversing their property. During the Committee on Water, Land and Hawaiian Affairs hearing Mr. Darryl Polland and Mr. & Mrs. Larry Riley testified that the stream bank along their property has eroded so severely that their homes are now in jeopardy of collapsing into the stream. Both stated that they have spoken with state and City and County of Honolulu officials to discuss governmental assistance in helping to mitigate the erosion and restoring the stream. Both governmental officials informed them that because the streams are privately owned governmental agencies could not provide assistance. Mr. Riley further stated that there is a federal program available for financial assistance. This program is called the NRCS Emergency Watershed Protection Program. In order to qualify for this program there must be a local sponsor (state or county agency). Under this program, the local sponsor is responsible for 25% of the construction costs through cash or in-kind services. It was further stated that the local sponsors share could come from the private sector.

"Mr. Speaker, this resolution requests the DLNR and City and County of Honolulu to:

1. Assist the homeowners to prevent further erosion along Heeia, Keaahala/Keolaa, Kawa, and Kaneohe Streams on Oahu; and
2. Identify relevant sources of federal and state funding to repair and renovate the banks of such streams to prevent further erosion.

This resolution will permit the DLNR to be that sponsor.

"Mr. Polland and Mr. & Mrs. Riley further stated that they could not understand why these streams are under private ownership when they serve a greater public purpose as a conduit for the drainage of surface runoff from the larger community.

"Mr. Speaker, I urge all of my colleagues to support this resolution."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 183, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND CITY & COUNTY OF HONOLULU TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 255, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND CITY & COUNTY OF HONOLULU TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1389-04) recommending that H.R. No. 162, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.R. No. 162, HD 1, be adopted, 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 Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 162, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO RECONSIDER ITS DECISION TO NOT ISSUE NEW RULES AND STANDARDS FOR WATER QUALITY AND TO REVIEW AND STRENGTHEN ITS POLICIES ON WATER QUALITY MONITORING, ENFORCEMENT, AND DATA COLLECTION PRACTICES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1390-04) recommending that H.R. No. 160, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE MAY 23, 2004, AS "SEA TURTLE DAY" IN HAWAII," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine, Takumi and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1391-04) recommending that H.C.R. No. 223, 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. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE MAY 23, 2004, AS 'SEA TURTLE DAY' IN HAWAII," was adopted, with Representatives Herkes, Hiraki, Leong, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1392-04) recommending that H.R. No. 169, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 169, entitled: "HOUSE RESOLUTION URGING THE SECRETARY OF THE INTERIOR TO DESIGNATE A NEW NATIONAL SEASHORE FROM 'AHIHI-KINA'U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1393-04) recommending that H.C.R. No. 234, 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. 234, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SECRETARY OF THE INTERIOR TO DESIGNATE A NEW NATIONAL SEASHORE FROM 'AHIHI-KINA'U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1394-04) 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 REQUESTING THE ADOPTION OF RULES RESTRICTING COMMERCIAL ACTIVITIES AND IMPLEMENTING AN EFFECTIVE RESTORATION AND CONSERVATION MANAGEMENT PLAN FOR THE HANAPEPE AND WAIMEA RIVERS ON KAUAI," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representatives Hale and Chang, for the Committee on International Affairs and the Committee on Tourism and Culture presented two reports:

(Stand. Com. Rep. No. 1395-04) recommending that H.R. No. 111, be adopted.

(Stand. Com. Rep. No. 1396-04) recommending that H.C.R. No. 163, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 111, and H.C.R. No. 163, be adopted, seconded by Representative Lee.

Representative Pendleton rose in support of both measures 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 House Resolution 111 which requests the State to foster and improve relations between Israel and the State of Hawaii.

"As stated in the resolution, Hawaii and Israel have several points of mutual interests not the least of which is our dependence on tourism and the challenges we face in light of the terrorism threats created by 9/11. Israel does have a major tourism industry which exists under difficult circumstances, and Hawaii can learn from them to meet these challenges. We are now in a new era of terror threats and heightened security, and we can learn from Israel's experiences in dealing with these threats.

"Director Liu of the Department of Business, Economic Development, and Tourism (DBEDT) testified before the House Committees on International Affairs, Tourism and Culture, and Education that the department is in agreement with creating closer ties between Hawaii and Israel. He recalled a speech made by former Prime Minister Ehud Barak while in Hawaii, where he described the numerous measures instituted by Israel over the past 30-plus years to protect its borders and citizens. Prime Minister Barak was attending the Inaugural Asia-Pacific Homeland Security Summit and Exposition that was held here last year. Director Liu testified that Hawaii is developing a reputation as a center of excellence in homeland security and terrorism response for the Asia Pacific Region. Prime Minister Barak was impressed with the results of Hawaii's homeland security summit, and that he indicated a willingness to attend this year's event in November. Director Liu says that Hawaii can benefit from Israel's experiences as we continue to position ourselves as a leader in homeland security.

"Improving and increasing our relations with Israel could also result in boost to our tourism economy. Hawaii already sees many Israeli tourists each year, because our islands are already a destination of choice for many in the Middle East. We are a state dependent on tourists and we need to continue to add more countries who make Hawaii their vacation destination.

"For these reasons, I rise in support of House Resolution 111. Thank you, Mr. Speaker for the opportunity to speak on this measure."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO FOSTER AND IMPROVE RELATIONS BETWEEN ISRAEL AND THE STATE OF HAWAII," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO FOSTER AND IMPROVE RELATIONS BETWEEN ISRAEL AND THE STATE OF HAWAII," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representatives Hale and Chang, for the Committee on International Affairs and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1397-04) recommending that H.R. No. 141, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 141, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representatives Hale and Chang, for the Committee on International Affairs and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1398-04) recommending that H.C.R. No. 202, 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. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representatives Chang and Morita, for the Committee on Tourism and Culture and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1399-04) recommending that H.R. No. 59, as amended in HD 1, be adopted, seconded by Representative Lee.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 59, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO FORM A TASK FORCE TO RESEARCH AND COLLECT INPUT FROM LOCAL TOUR OPERATORS AND THE LOCAL COMMUNITY, RELATIVE TO CREATING A COMPREHENSIVE DEFINITION OF ECOTOURISM AND DEVELOPING STANDARDS AND OPERATING GUIDELINES FOR IMPLEMENTATION OF AN ECOTOURISM PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representatives Chang and Morita, for the Committee on Tourism and Culture and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1400-04) recommending that H.C.R. No. 91, 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. 91, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO FORM A TASK FORCE TO RESEARCH AND COLLECT INPUT FROM LOCAL TOUR OPERATORS AND THE LOCAL COMMUNITY, RELATIVE TO CREATING A COMPREHENSIVE DEFINITION OF ECOTOURISM AND DEVELOPING STANDARDS AND OPERATING GUIDELINES FOR IMPLEMENTATION OF AN ECOTOURISM PROGRAM,"

was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1401-04) recommending that H.R. No. 77, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1402-04) recommending that H.C.R. No. 113, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 77, HD 1, and H.C.R. No. 113, HD 1, be adopted, seconded by Representative Lee.

Representative Morita rose in support of both measures 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. On March 29, 2004 I had the privilege of giving the welcome address before the Asia-Pacific Economic Cooperation (APEC), Energy Working Group on Hydrogen Initiatives. A presenter and the luncheon speaker at this conference was Professor Thorsteinn Sigfusson of the University of Iceland, Co-Chair of the International Partnership for Hydrogen Economy and Chairman of the Board of Directors of Icelandic New Energy, Ltd. I invited Professor Sigfusson to brief the House Committee on Energy and Environmental Protection on April 1 on hydrogen issues. He noted the striking similarities of the potential for hydrogen development between Iceland and Hawaii and proposed a unique partnership between the island of Iceland and the island State of Hawaii.

"Iceland is a key partner in the International Partnership for the Hydrogen Economy, which serves as a mechanism to organize and implement effective, efficient, and focused development demonstration and commercial activities related to hydrogen. For many years I have proposed Iceland as the Center for Hydrogen Excellence in the Atlantic and Hawaii as the Center for Hydrogen Excellence in the Pacific. These resolutions are the formal beginning to establish this promising partnership and collaboration.

"Mr. Speaker, I would like to submit my address before APEC as part of the Journal.

"Asia-Pacific Economic Cooperation – Energy Working Group  
Welcome Address -Representative Hermina Morita  
March 29, 2004 – Hyatt Waikiki

Aloha - Since we all come from many different cultures, from a variety of backgrounds, and countries with different forms of governance, I would like to take this opportunity to address something we all have in common. That is, how do we create the best future for our world – a better place for our children and grandchildren.

Tonight some of you will attend a luau buffet where the traditional Hawaiian staple, poi, may be served. I live on the island of Kauai. Each time as I drive home I enter Hanalei Valley through acres of taro fields, the major source of Hawaii's poi. Here I find myself grounded and guided by my Hawaiian heritage through the symbolism of the taro plant.

According to the Kumulipo, the Hawaiian creation chant, kalo, the Hawaiian word for taro, grew from the first born son of Wakea, the sky father, and Papa, the earth mother, through Wakea's relationship with his and Papa's daughter,

Hoohokulani. This son, named Haloa, was stillborn and buried. From Haloa's grave grew the first taro plant.

Wakea and Hoohokulani named their second son Haloa, after his older brother. From the second Haloa came the genesis of man. So, taro the crop that provides Hawaii's life-giving sustenance, poi, is seen as the older brother of all mankind.

To this day this symbolism continues in the cultivation of taro and ohana, the Hawaiian word for family. The stalk of the taro, called the huli, is cut from the taro corm, called the oha, and planted to become the next generation. Huli means to turn or turn over. When ohana is broken into root words, "oha" is the part of the taro plant that is used to feed one's family and "ana" is a conjunctive word connoting regeneration or procreation.

Therefore, kalo intrinsically ties the interdependency of our past, the present and the future – the essence of procreation and regeneration – as the foundation of any sustainable practice. The taro expresses the spiritual and physical well being of the Hawaiian people and their culture.

Today, sustainability is often defined as meeting the needs of the present without compromising the ability to meet the needs of tomorrow. However, the visual dynamics of procreation and regeneration expressed by my Hawaiian ancestors through the taro plant is often missed and passed by in our fast paced world.

We once believed that doing the best for the present generation also implied that we are doing good for future generations. However, now, we have come to realize that continued growth and consumption – the typical indicators of economic prosperity, in a finite space, whether an island or on planet Earth is unsustainable. So, now, we need to ask ourselves – where do we want to go as a global community? What kind of a world do we want to leave to future generations – whose lives we impact by the way we live and do business?

I am an advocate for a hydrogen economy for a selfish reason. I am Hawaiian and I cannot bear the thought that the Hawaii I knew as a child will be different for my grandchildren. I view the transformation to a hydrogen economy as the only means to protect the natural and cultural heritage of my identity. And, I am convinced that a hydrogen economy is the only answer to sustain Hawaii's fragile environment and to stabilize and diversify its economy.

A hydrogen economy that utilizes renewable energy resources has the regenerative characteristics of the taro plant and captures the basic principles of sustainability in promoting environmental stewardship, the potential of economic prosperity and social justice and equity. In Hawaiian we say that this is "pono", that is, this is right and just.

There is a Hawaiian saying, "I paa ike kalo aole oe e puka." Literally translated it means "if it ends with the kalo you would not be here." Or, a Hawaiian cannot be sustained without his or her life-giving sustenance, taro or poi.

Where and how we get our energy, both electricity and transportation fuels, has the potential to sustain or destroy each of our economies. Therefore, I believe the appropriate saying for this workshop, to make a cogent point, is "if it ends with cheap oil most economies could not be sustained or prosper."

Today you begin your discussion on hydrogen, it will be a critical partnership involving not only the economy of each member nation of the Asia-Pacific Economic Cooperation, but science, technology, politics and humanity all embracing and creating what the world's energy future could and should be.

It is my hope that today's beginning will be the genesis of a unique partnership of a hydrogen legacy and a world energy future that we can proudly pass on to my and your children and grandchildren.

On behalf of the State of Hawaii, I want to thank you for your participation in this discussion and wish each of you Godspeed for all your efforts."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 77, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 113, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1403-04) recommending that H.R. No. 68, be adopted; and

(Stand. Com. Rep. No. 1404-04) recommending that H.C.R. No. 100, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 68, and H.C.R. No. 100, be adopted, seconded by Representative Lee.

Representative Finnegan rose in support of both measures 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 strong support of H.R. 68 and H.C.R. 100. These resolutions support the entire historic trail with stops at depots and sites along the way. It will be a wonderful way for tourists in Hawaii to visit this beautiful and historic part of Oahu. They will be able to explore local communities, eat in restaurants and visit shops, and see a different side of Hawaii than they can find on the beaches and in the hotels of Waikiki. Here they can see the plantation villages and sugar mills that make up part of Hawaii's past, the wetlands and undeveloped shoreline that are part of Hawaii's natural beauty, and the residential and commercial developments that are part of our future. They will be able to do so without further sprawl

"The Pearl Harbor Historic Trail will run from the shores of Pearl Harbor through Ewa and the Waianae Coast to Nanakuli. The goal is to run a train along the entire historic trail with stops at depots and sites along the way. It will be a wonderful way for tourists in Hawaii to visit this beautiful and historic part of Oahu. They will be able to explore local communities, eat in restaurants and visit shops, and see a different side of Hawaii than they can find on the beaches and in the hotels of Waikiki. Here they can see the plantation villages and sugar mills that make up part of Hawaii's past, the wetlands and undeveloped shoreline that are part of Hawaii's natural beauty, and the residential and commercial developments that are part of our future. They will be able to do so without further sprawl

or adding any more cars to our crowded roadways. And by bringing tourists out to the Leeward side of the island, it can help in the economic growth and development of a part of Oahu that too often gets left behind.

"The development of the Pearl Harbor Historic Trail has a lot of promise for the benefit of the Leeward side and for Oahu as a whole. Because of this promise, it is vital that the relevant state departments get behind this community initiative and city master plan. For this reason, I support these resolutions.

"Thank you, Mr. Speaker."

Representative Takai rose in support of both measures and asked that the written remarks of Representative Finnegan be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative B. Oshiro rose in support of both measures and asked that the written remarks of Representative Finnegan 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. 68, entitled: "HOUSE RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1405-04) recommending that H.R. No. 123, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 123, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF, AND PROVIDE COST ESTIMATES FOR, THE INSTALLATION OF AN ACCESS ROAD ON THE SOUTHERN END OF KAWAIHAE HARBOR TO INCREASE ACCESS TO THE SMALL BOAT HARBOR AND BEACH AREA, AND FOR OTHER HARBOR IMPROVEMENTS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1406-04) recommending that H.C.R. No. 179, 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. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE

FEASIBILITY OF, AND PROVIDE COST ESTIMATES FOR, THE INSTALLATION OF AN ACCESS ROAD ON THE SOUTHERN END OF KAWAIHAE HARBOR TO INCREASE ACCESS TO THE SMALL BOAT HARBOR AND BEACH AREA, AND FOR OTHER HARBOR IMPROVEMENTS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1407-04) recommending that H.R. No. 61, 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. 61, HD 1, entitled: "HOUSE RESOLUTION ADDRESSING THE CONCERNS RAISED BY RESIDENTS IMPACTED BY THE H-1 WAIMALU VIADUCT FREEWAY WESTBOUND WIDENING PROJECT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1408-04) recommending that H.C.R. No. 92, 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. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ADDRESSING THE CONCERNS RAISED BY RESIDENTS IMPACTED BY THE H-1 WAIMALU VIADUCT FREEWAY WESTBOUND WIDENING PROJECT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1409-04) recommending that H.C.R. No. 87, 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. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE CITY AND COUNTY OF HONOLULU ENTERTAIN SOLICITED AND UNSOLICITED PROPOSALS FOR MASS TRANSIT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1410-04) recommending that H.C.R. No. 106, 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. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION TO TAKE AN ACTIVE ROLE IN PLANNING FOR AND PROVIDING PUBLIC TRANSPORTATION BOTH ON OAHU AND IN THE NEIGHBOR ISLAND COUNTIES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1411-04) recommending that H.C.R. No. 171, 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. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO STUDY THE ADVISABILITY OF TRANSFERRING THE VANPOOL PROGRAM TO THE COUNTIES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1412-04) recommending that H.C.R. No. 198, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 198, be adopted, seconded by Representative Lee.

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On 1412-04, I rise in support and brief comments, Mr. Speaker.

"I'd just like the Members here to understand that Kaunapali Harbor is the only harbor on the Island of Lanai where our goods arrive. And so in the last two hurricanes, Iwa and Iniki, the harbor was severely damaged. And today, it's critical in terms of the barges coming into Lanai. And that repair needs to be supported, so I've asked this Body to help support this. Mahalo."

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

"In strong support and ask that the words of the Representative from Lanai be entered in the Journal as my own. And Mr. Speaker, just to add on, that I had the fortunate opportunity to go and visit the island during the CPS forums, and I did go down and take a look at that harbor. And it is in bad disrepair. Not to also mention that we had the opportunity to go to visit Kalaupapa, where they only get their goods come in once a year. And so I just wanted to speak in favor of the Representative from Lanai, Maui, and Molokai."

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

"Thank you, Mr. Speaker. I'm rising in strong support of that resolution. I believe we really needed a bill. We needed something stronger than this resolution. Iniki was in '91 and Iwa in '81 or '82, and the folks in Lanai have been terribly inconvenienced waiting for some help from the State of Hawaii. As the Representative from Lanai said, this is the only harbor. All their gasoline comes in there. All their products, their food, everything comes in there. And there are times when it is so rough that the barges can't anchor there or at least if they do, there are many people put at risk because of the terrible shape that breakwaters in. And I'm happy to see at least something is moving forward. Thank you."

Representative Leong rose in support of the measure and asked that the remarks of Representative Kaho'ohalahala 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 H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE EFFORTS OF HAWAII'S CONGRESSIONAL DELEGATION IN OBTAINING FUNDING FOR THE KAUNAPALI HARBOR PROJECT," was adopted, with Representatives

Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1413-04) recommending that H.C.R. No. 249, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, and the report of the Committee was adopted and H.C.R. No. 249, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP FLEXIBLE DESIGN GUIDELINES FOR SCENIC HIGHWAYS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representatives Hale and Takumi, for the Committee on International Affairs and the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1414-04) recommending that H.R. No. 168, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1415-04) recommending that H.C.R. No. 231, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 168, HD 1, and H.C.R. No. 231, HD 1, be adopted, seconded by Representative Lee.

Representative Mindo rose to speak in support of both measures, stating:

"I rise in strong support, Mr. Speaker, on Standing Committee Report Number 1414 and 1415.

"Thank you, Mr. Speaker. These resolutions support the establishment of a student exchange program between the public schools in Hawaii and schools in the Republic of the Philippines.

"This School Exchange Program would help foster goodwill around the world. This program will allow the students from the Philippines to experience the diversity of our islands, while simultaneously allowing them to contribute to that diversity.

"And it will allow students from Hawaii to broaden their experiences and horizons tremendously. I ask for the passage of this measure, Mr. Speaker."

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

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in support of House Resolution 168, House Draft 1. This resolution requests the Department of Education to support a student exchange program for students attending public schools in Hawaii and provinces in the Republic of the Philippines with which the state has State-Province relationships.

"Mr. Speaker, Hawaii has had a very strong relationship with the Philippines since the arrival of the Filipino plantation workers, or "sakadas," in the early years of the last century. Considerable numbers of Hawaii's people have Filipino



ancestry. In fact, approximately 23% of our total population claim Filipino ancestry. The Filipino population is the second largest Asian population in Hawaii, second in size only to the Japanese.

"Student exchange programs provide students with the opportunity to experience first-hand the diverse cultures of other countries of the world. Fourteen years ago a similar student exchange program was formed between the State of Hawaii and the educational system in Japan's Okinawa Prefecture. This program has been a model example of successful exchange programs. It has demonstrated the many benefits and cost-effectiveness of student exchange programs.

"Mr. Speaker, the Governors of the provinces in the Republic of the Philippines with which Hawaii has State-Province relationships, especially in the Ilocos Region, have expressed their strong interest in developing a student exchange program. Having students from the Philippines come to Hawaii to study will give them valuable insight to the success that Filipinos have had in America.

"An exchange program between Hawaii and the Philippines would serve to cultivate a special relationship by promoting cultural interactions. It would allow many of our young Filipino-American students to learn from and see their native culture and history first-hand. It would also allow students of other ethnic backgrounds to experience the beauty and rich culture of the Philippines. Implementing a student exchange program similar to the one that already exists between Hawaii and Japan would provide a valuable connection between the State and these provinces in the Philippines.

"For these reasons, Mr. Speaker, I rise in support of House Resolution 168, House Draft 1. Thank you for the opportunity to speak on this measure."

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

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

Representative Magaoay's written remarks are as follows:

"I am in strong support for HR 168 HD1 and HCR 231. These resolutions recognize that there exists a student exchange program between the State of Hawaii and the different provinces of the Philippine Islands. These resolutions, which will be sent out to the sister alliances of Philippines and Hawaii will enable students to grasp a better comprehension as well as appreciation for various cultures and heritages."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 168, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUPPORT A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 231, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF

EDUCATION TO SUPPORT A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1416-04) recommending that H.R. No. 42, be adopted; and

(Stand. Com. Rep. No. 1417-04) recommending that H.C.R. No. 62, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 42, and H.C.R. No. 62, be adopted, seconded by Representative Lee.

Representative Takai rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. On Standing Committee Report 1416 and 1417, I rise in support. I just wanted to make one quick statement, Mr. Speaker.

"After last year's discussion about the No Child Left Behind Act, that we're being very partisan, I think this measure attempts to address the concerns of both sides. The point of the No Child Left Behind Act and the frustrations that we've had as a State and as a nation is epitomized in a speech given by an Arizona Representative Karen Johnson, who is by the way, a Republican, and I'll just quote the first two paragraphs of her speech. And she said on the Arizona House Floor:

I have grave concerns regarding NCLB since it was signed into law on January of 2002. I do not believe it is the federal government's job to mandate to the various states what their education policy should be.

Now with a couple of years under our belts, it is even more evident how detrimental NCLB is to our state, especially to those schools and districts where the majority of minorities, as well as families with children that are at or below the federal poverty level.

"She goes on and on. Basically she supported our measure last year. Again, Arizona Representative Karen Johnson, a Republican. Thank you, Mr. 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 reports of the Committee were adopted and H.R. No. 42, entitled: "HOUSE RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE

LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1418-04) recommending that H.R. No. 63, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 63, entitled: "HOUSE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1419-04) recommending that H.C.R. No. 94, 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. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1420-04) recommending that H.R. No. 79, be adopted; and

(Stand. Com. Rep. No. 1421-04) recommending that H.C.R. No. 117, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 79, and H.C.R. No. 117, be adopted, seconded by Representative Lee.

Representative Mindo rose to speak in support of both measures, stating:

"Mr. Speaker. Thank you, Mr. Speaker. In strong support of Standing Committee Report Number 1420-04 and 1421-04. House Resolution No. 79 and House Concurrent Resolution No. 117. 1420 and 1421. Thank you, Mr. Speaker.

"The purpose of these measures is to request the United States Congress to support the full funding for the Carl D. Perkins Vocational and Technical Education Act, referred to as the Perkins Act.

"The Perkins Act is one of the most important pieces of legislation passed with respect to vocational and technical education support. This is because under the Perkins Act, many thousands of bright, gifted, and motivated young men and women receive financial assistance so that they can pursue vocational and technical education.

"Mr. Speaker and esteemed colleagues, as you are well aware, vocational and technical education are important for acquiring the skills necessary to be successful in the workforce. Any decrease in the amount of funding provided under the Perkins Act could significantly impact our nation's ability to obtain a highly skilled and dedicated workforce.

"Mr. Speaker, here in Hawaii we have a long-standing tradition of supporting our labor unions. Indeed, many members of the various local trade unions benefited from the Perkins Act, and supporting these resolutions would be to continue our tradition of supporting the working men and women of Hawaii. 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. 79, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO SUPPORT FULL FUNDING FOR THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO SUPPORT FULL FUNDING FOR THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1422-04) recommending that H.C.R. No. 63, 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. 63, 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 Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1423-04) recommending that H.R. No. 58, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1424-04) recommending that H.C.R. No. 88, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 58, HD 1, and H.C.R. No. 88, HD 1, be adopted, seconded by Representative Lee.

Representative Tamayo rose to speak in opposition to both measures, stating:

"Thank you, Speaker. I'm rising in opposition to Standing Committee Reports 1423 and 1424.

"Thank you, Speaker. I know we have a lot of resolutions that we are taking up right now, but I do need to make some remarks about these resolutions in the hopes that after presenting information and facts that my colleagues will also be moved to vote no.

"This resolution basically asks us to waste taxpayer dollars on a study of the sexual desires and impulses of school children at a time when we're struggling to find money for textbooks, school repair, and even paper towels and soap for school bathrooms.

"Its passage would render hollow all our words honoring our teachers and educators on promises of education reform. The rationale for these resolutions is that our schools are a hotbed of

harassment against children perceived to be homosexual. And the resolution on page 1, line 19 of House Concurrent Resolution 88, states that gay, lesbian, bisexual, and transgender youth are three times as likely as their counterparts to face harassment in public schools.

"Such claims, however are proven completely false by the facts. In 2001, the Department of Education added sexual orientation to the list of harassment categories and began a thorough and accurate procedure of keeping track of the numbers and types of harassment in our schools. These facts prove that harassment due to sexual orientation is an extremely small part of the harassment problem that we see in our schools.

"In the present school year, up to date, there have been 1,435 incidents of harassment in our public schools. The Department of Education has separated these incidents by category. The first is verbal, which the Department defines as a hostile utterance of a generic nature not directed to any particular category. Next are physical attributes, then gender, racial, and sexual orientation. Out of those 1,435 incidents of harassment this year, only 16 of those involved sexual orientation.

"Since 563 incidents of harassment in our schools are related to physical attributes such as obesity or height, this means that a student, who is overweight, or unusually tall or short is 35 times more likely to be harassed than a child perceived to be homosexual. These are the facts.

"The truth is that our schools are not writhing with anti-homosexual harassment. The problem that homosexual extremists said existed in our schools three years ago, in which their claim is still present today, simply doesn't exist.

"The Hawaii Safe Schools Coalition did not even attempt to find out what the facts were before they initiated this resolution. I know this because it was not until the day before yesterday, that one of the proponents of this resolution, Karen Goyu came to my office asking for the DOE harassment numbers because she didn't have them. They obviously are not truly interested in either facts or the safety of our kids but rather are more interested in promoting their own agenda.

"Some say that these numbers that I've just stated to you are not complete because not all incidents of harassment are reported. That's true, but it's true across the board. Not all incidents of sexual harassment are reported. Not all incidents of ethnic harassment are reported. A child who is overweight or unusually tall or short doesn't report every incident of harassment either. My point is that these numbers are representative. They're accurate to the extent that there is underreporting, it is across the board so these numbers are valid and prove that this resolution and the study it calls for is not necessary.

"If we support these resolutions, we would have to first accept that the statements, statistics, and assertions in the resolution, even though we now know that they are false. We have to accept secondly, that our educators are underreporting and that data compiled by the Department of Education is wrong.

"These resolutions outrageously condemn our dedicated teachers and educators by claiming that they are blind to harassment, deaf to complaints, unable to count or have no aloha for our school children. This is unacceptable to me as it denigrates and is offensive to our teachers and educators. As you know, our teachers and administrators do care. They do have aloha for all of our kids. And of course our teachers are not blind or deaf and they can count.

"I would like to draw my colleagues attention to just another very important and alarming aspect of these resolutions."

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

Representative Tamayo continued, stating:

"Thank you. On page 3 of the resolution, on line 10, the Department of Education is requested with the help of a pro-homosexual coalition to study the demographics and needs of our gay, lesbian, bisexual, and transgender youth in Hawaii's public schools. A study of such demographics in our schools would be a clear violation of student's privacy. Such a study would require children to be asked questions regarding their sexual orientation and their sexual feelings toward members of the same or opposite sex. This is clearly out of bounds for our schools to be interfering in the private personal lives and feelings of our students. Many parents will surely see this as an indirect attempt by government to encourage young people to question and doubt their sexual orientation. That's not the business of government. It's not the business of our schools. Rather than distracting students with questions about sexual orientation, we should instead be encouraging them to focus on math, science, language arts and other studies related to educational achievement.

"In conclusion, Mr. Speaker, it's clear that the people who initiated these resolutions have as their goal, the teaching homosexuality in our schools is normal and natural. We should not be party to their goals. Goals the people of Hawaii don't agree with. These resolutions slander our dedicated hardworking educators and teachers, inviting homosexual advocacy organizations into our schools to promote their agenda to our vulnerable youth. These resolutions waste taxpayer dollars, time for an unnecessary study, and it waste teachers' time, and also violates our students' privacy. Based on all these very compelling information, I urge all of my colleagues to oppose this resolution. Thank you."

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

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

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

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

Representative Meyer rose in opposition to both measures and asked that the remarks of Representative Tamayo 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 on both measures, and the Chair "so ordered."

Representative Mindo rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

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

Representative Shimabukuro rose to speak in support of both measures, stating:

"Mr. Speaker, in support.

"Mr. Speaker, there is a clear need for the DOE to conduct a follow up study of gay, lesbian, bisexual and transgender, or GLBT, youth in our State.

"Mr. Speaker, the last study was conducted over ten years ago, and the State has failed to implement the recommendations of this study.

"Mr. Speaker, the assertion in the resolution that GLBT students are "three times as likely" to be harassed is based on national data. In Hawaii, the low number of reported students that are being harassed for sexual orientation proves the need for a better system, one in which students can report harassment anonymously and confidentially. This is not the situation currently in Hawaii, those students are either afraid to report or do not know they have the right to report these incidents.

"Nevertheless, it is undisputed that GLBT youth have the highest suicide rate among teens, have a significantly higher runaway risk, and are incarcerated longer than other status offenders, and have very few group home available.

"So clearly, we as a society have marginalized this population, and left them open to harm's way.

"Our Constitution requires that we preserve the right to privacy for all human beings.

"Just as the DOE conducts anonymous surveys through students to gather data on drug use and other problems, they can conduct a survey to study this issue in away that saves students from embarrassment or any further stigmatization.

"Mr. Speaker, I am so heartened to report that the proponents of this measure come from a broad spectrum of our community.

"One of the measure's proponents, the Hawaii Safe Schools Coalition, includes representatives from the Pediatric Department of the Kapi'olani Women's and Children's Hospital, American Friends Service Committee, Life Foundation, and University of Hawai'i.

"Other supporters include the Social Justice Council of the First Unitarian Church, the Hawai'i Civil Rights Commission, and the DOE itself.

"Mr. Speaker, the testimony in support of this measure was unanimously.

"Let's do everything in our power to put an end to the prejudice and discrimination suffered by the GLBT members of our community. Thank you."

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

Representative Moses rose in opposition to both measures and asked that the remarks of Representative Tamayo be

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

Representative Ching rose to speak in opposition to both measures, stating:

"In opposition, and I ask that words of the speaker from Ewa be incorporated as my own. I wanted to just also add that one of the supporters of these resolutions in Committee was Lambda. Thank you."

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

Representative Morita rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative B. Oshiro rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Hamakawa rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Fox rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. In opposition.

"I think I understood from the previous debate that in fact the figures given were local figures not national figures. And that would be in opposition to both measures."

Representative Caldwell rose in support of both measures and asked that the remarks of Representative Shimabukuro 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 a no vote for her on both measures, and the Chair "so ordered."

Representative Kaho'ohalahala rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative Karamatsu rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kawakami rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 58, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY

OF GAY, LESBIAN, BISEXUAL, AND TRANSGENDER YOUTH OF HAWAII," was adopted, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Jernigan, Kahikina, Kanoho, Kawakami, Leong, Meyer, Mindo, Moses, Ontai, Pendleton, Stonebraker and Tamayo voting no, and with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 88, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF GAY, LESBIAN, BISEXUAL, AND TRANSGENDER YOUTH OF HAWAII," was adopted, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Jernigan, Kahikina, Kanoho, Kawakami, Leong, Meyer, Mindo, Moses, Ontai, Pendleton, Stonebraker and Tamayo voting no, and with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1425-04) recommending that H.C.R. No. 156, 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. 156, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO STREAMLINE AND EXPEDITE MENTAL HEALTH TREATMENT TO PERSONS COMMITTED TO STATE-OPERATED OR -CONTRACTED FACILITIES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1426-04) recommending that H.R. No. 113, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 113, entitled: "HOUSE RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1427-04) recommending that H.C.R. No. 165, 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. 165, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1428-04) recommending that H.R. No. 32, HD 1, be adopted; and

(Stand. Com. Rep. No. 1429-04) recommending that H.C.R. No. 49, HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 32, HD 1, and H.C.R. No. 49, HD 1, be adopted, seconded by Representative Lee.

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

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

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

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

Representative Blundell rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

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

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

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

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

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

"Mr. Speaker, in support.

"Mr. Speaker, we cannot put a price tag on the value of our precious environment.

"And doesn't it make sense to prevent harm rather than try to make up for it when it is too late?

"Mr. Speaker, I believe in balancing needs. I support our agricultural industry, and I understand the critical role they play in our economy and well-being. And that is why I support the amendment by your Environmental Protection Committee to call on the Legislative Reference Bureau to conduct a policy review of the impact of this resolution. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 32, HD 1,

entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A POLICY REVIEW TO EXAMINE THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK AS A GUIDING PRINCIPLE IN CONDUCTING THE STATE'S AFFAIRS," was adopted, with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 49, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A POLICY REVIEW TO EXAMINE THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK AS A GUIDING PRINCIPLE IN CONDUCTING THE STATE'S AFFAIRS," was adopted, with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1430-04) recommending that H.R. No. 56, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 56, entitled: "HOUSE RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1431-04) recommending that H.C.R. No. 83, 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. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1432-04) recommending that H.R. No. 142, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1433-04) 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 EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1434-04) recommending that H.R. No. 148, be adopted; and

(Stand. Com. Rep. No. 1435-04) recommending that H.C.R. No. 211, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 148, and H.C.R. No. 211, be adopted, seconded by Representative Lee.

Representative Mindo rose in support of both measures 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 and Members of the House of Representatives, I rise in support of House Resolution No. 148 and House Concurrent Resolution 211, focusing on substance abuse treatment programs for the following reasons:

"The purpose of these resolutions is to request that the Department of Accounting and General Services search for surplus property within the State system that could be leased to substance abuse treatment programs to assist in the treatment of recovering addicts and that the Departments of Health and Human Services respectively look for available federal monies and other grants to help develop housing facilities for these treatment programs.

"Mr. Speaker and colleagues, as we are all well aware, the epidemic of "ice" is ruining our family social structure. Under these resolutions, those private non-profit agencies charged with the responsibility of providing substance abuse treatment to our fellow friends and neighbors who are addicted to deadly drugs such as "ice" would be greatly assisted in their mission, because they would be able to secure additional facilities which could provide more space for more people to receive this necessary treatment.

"Additionally, under these resolutions, those same private non-profit agencies could potentially be eligible for additional money from DOH, and or DHS which could also benefit those receiving treatment. Mr. Speaker and colleagues, this resolution is a "win-win" solution for all involved in the treatment of substance abuse here in Hawaii.

"Mr. Speaker and colleagues, I respectfully urge you to pass House Resolution No. 148 and House Concurrent Resolution 211. Thank you very much."



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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.R. No. 148 and H.C.R. No. 211. Hawaii needs to use all available means to fight the epidemic of drug addiction that has been building around us for the last several decades. This means, in part, the direct use of State resources to support private treatment programs. These two measures before us propose practical, results-oriented steps in that direction.

"These measures seek to effectively coordinate efforts by State agencies. DAGS is requested to search out surplus State property which could be used for substance abuse treatment programs, and the DOH and the DHS, in conjunction with DAGS, are requested to look for federal funding and grant monies to assist in developing these facilities for use by program operators. The treatment and prevention of drug addiction is clearly tied to creating and maintaining good facilities and programs. This proposal will commit existing resources to attract the federal help we need to fight this menace.

"This is legislation we must support. 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. 148, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1436-04) recommending that H.R. No. 172, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 172, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE "FIXIT" SYSTEM ON THE STATE WEBSITE," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1437-04) recommending that H.C.R. No. 238, 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. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE "FIXIT" SYSTEM ON THE STATE WEBSITE," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1438-04) recommending that H.C.R. No. 10, 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. 10, 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 adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1439-04) recommending that H.C.R. No. 12, 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. 12, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1440-04) recommending that H.C.R. No. 13, 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. 13, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1441-04) recommending that H.C.R. No. 57, 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. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY TO DETERMINE A RETAIL SALES TAX RATE SUFFICIENT TO REPLACE THE STATE INCOME, GENERAL EXCISE, AND FUEL TAXES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1442-04) recommending that H.C.R. No. 90, 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. 90, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1443-04) recommending that H.R. No. 98, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1444-04) recommending that H.C.R. No. 141, 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, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1445-04) recommending that H.R. No. 70, 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. 70, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1446-04) recommending that H.C.R. No. 103, 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. 103, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE

INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1447-04) recommending that H.R. No. 84, 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. 84, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1448-04) recommending that H.C.R. No. 125, 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. 125, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1449-04) recommending that H.C.R. No. 105, HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 105, HD 1, 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:

"I stand in strong support of the measure.

"This resolution asks that the issue of allowing private pay patients to access the day continuing services provided by the State to mental health clients be considered by the Department of Health.

"In many communities, there are no day facilities available for private pay patients to attend. This resolution asks they be considered on a needs basis graduated scale.

"The resolution is part of a package of bills presented to the Legislature by the Mililani Town Anti-Drug Committee. I urge the members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 105, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1450-04) recommending that H.C.R. No. 118, 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. 118, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A WATER QUALITY MONITORING PROGRAM FOR MARINE WATERS THAT EMPHASIZES ENVIRONMENTAL PROTECTION," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1451-04) recommending that H.C.R. No. 127, HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 127, HD 1, be adopted, seconded by Representative Lee.

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

Representative Karamatsu's written remarks are as follows:

"Mr. Speaker, I rise in support.

"The Aloha Stadium (Stadium) in Halawa was built in 1975 and has served the general public for twenty-nine years. The repair and maintenance of the Stadium addressed various problems, including concerns with the corten steel used in the initial construction of the Stadium. That problem was addressed during a major overhaul of the Stadium from 1989 to 1995 that cost the State approximately \$88,000,000. There is an anticipated maintenance cost concerning the replacement of all of the Stadium seats at a cost of approximately \$17,500,000 over a three-year period. In addition, the Stadium parking lot is also in need of repair and is expected to cost the State approximately \$6,000,000. I introduced this measure to find out what it will cost to maintain the Stadium with the intention of introducing another resolution in 2005 requesting the Department of Accounting and General Services to conduct a study on the cost of building a new stadium, and to have the department do a comparison between the two studies.

"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. 127, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY ON THE COST OF MAINTAINING ALOHA STADIUM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1452-04) recommending that H.R. No. 103, HD 1, be adopted; and

(Stand. Com. Rep. No. 1453-04) recommending that H.C.R. No. 146, HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 103, HD 1, and

H.C.R. No. 146, HD 1, be adopted, seconded by Representative Lee.

Representative Pendleton rose in support of both measures 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 House Resolution 103 House Draft 1. This Resolution is requesting that the Hawaii Tourism Authority reduce barriers to travel and promote tourism between the Philippines and Hawaii.

"Mr. Speaker, Hawaii has very strong ties with the Philippines beginning with the arrival of the Filipino plantation workers, or "sakadas", in the early years of the last century. As we are all aware, the State is in active preparation for the centennial celebration of the "sakadas" which will occur in 2006. HR 103 HD1 is consistent with the overall efforts of the Filipino Centennial Commission to promote travel to Hawaii during the yearlong celebration in 2006.

"Mr. Elias Beniga, my friend and chair of the Filipino Centennial Celebration Commission, testified before the House Committee on Tourism and Culture. In his testimony he lists many of the events that are planned for the yearlong celebration: 'As part of our centennial mission we will endeavor to position Hawaii as the host for international events. These programs include the Global Conference and Trade Exposition, a sports extravaganza in partnership with Hawaii International Youth Goodwill Games, as well as promoting Hawaii's tourism assets and convention capabilities through a global broadcast of major centennial events.'

"Mr. Speaker, by reducing the barriers to travel and tourism between Hawaii and the Philippines, we will be partnering with the organizers by facilitating and enhancing their efforts to promote a global event in Hawaii and ensuring a successful celebration.

"Tourists from the Philippines are an emerging market and there is definitely room in our tourism market to include more groups of people who want to visit Hawaii and who have strong ties to Hawaii. According to Dr. Tian of the Department of Business Economic Development and Tourism, the number of tourists from the Philippines to Hawaii has increased steadily. In 1999, we had 8,404 visitors from the Philippines, and last year in 2003, that number increased to 13,027. That is an increase of 55 percent in four years alone. Dr. Tian goes on to say that, on average, there are three flights from the Philippines to Hawaii per week, which translates to 2,500 visitors from the Philippines each month. These Filipino tourists stay an average of 8.9 days in Hawaii and spend an average of \$161 dollars per day. These numbers mean that there is a possibility that Hawaii can have a new tourism market segment. There is potential for as many as 30,000 Filipino tourists in Hawaii each year, each spending an average of \$1433 per person per stay, which adds up to \$42,990,000 that could be pumped into Hawaii's economy by Filipino tourists each year.

"Furthermore, if we take a look at Vietnam, which recently instituted an entry visa exemption to Thai and Filipino tourists visiting for thirty days or less, we find a report from their Department of Tourism that shows that this action tripled the number of Filipino tourists to Vietnam. It is highly likely that Hawaii would see the same results as Vietnam has. By reducing the barriers that face many Filipino tourists, we would encourage or foster the increase in the number of Filipino tourists who may otherwise not make Hawaii their vacation destination. That would be a substantial amount of dollars our islands will miss out on in. We need to reach out to other

countries other than Japan for their tourism business. The impact would most definitely boost our economy.

"Mr. Speaker, for these reasons and many more, I rise in strong support of House Resolution 103, House Draft 1, requesting that the Hawaii Tourism Authority reduce barriers to travel and promote tourism between the Philippines and Hawaii.

"I thank you Mr. Speaker, for the opportunity to stand in strong support of House Resolution 103, House Draft 1."

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

Representative Magaoay's written remarks are as follows:

"I stand in strong support for HR 103 and HCR 146 which amends for barriers within the tourism industry to be decreased, which in turn will allow for easier Philippine and Hawaii relations. I believe that the resolutions will result in viable associations between the Philippine Islands, and will also generate higher revenues for our State's tourism industry."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 103, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1454-04) recommending that H.R. No. 154, 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. 154, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1455-04) recommending that H.C.R. No. 217, 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. 217, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1456-04) recommending that H.R. No. 188, 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. 188, HD 1, entitled: "HOUSE

RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1457-04) recommending that H.C.R. No. 261, 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. 261, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1458-04) recommending that H.R. No. 173, be adopted; and

(Stand. Com. Rep. No. 1459-04) recommending that H.C.R. No. 239, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 173, and H.C.R. No. 239, be adopted, seconded by Representative Lee.

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.

"Mr. Speaker, the position of the shoreline in Hawaii is defined by multiple criteria, requiring interpretation and judgment. The State surveyor processes over two hundred shoreline certifications each year resulting in five to six contested case hearings a year. The majority of the cases involve a dispute over the interpretation of the field evidence to locate the upper reaches of the wash of the waves. The manipulated planting of salt-tolerant plants can easily confuse the identification of a natural vegetated shoreline that in the past have evidenced the upper reaches of the wash of the waves. Vegetated berms, now widely planted on coastal properties, can lead to heavy abuses of the shoreline certification process. A typical beach is only one hundred feet wide; therefore, a manipulated, vegetated shoreline may represent a loss of ten to one hundred per cent of beach width for public use.

"In In Re Application of Ashford, 50 Haw. 314 (1968), the Hawaii Supreme Court also acknowledged the importance of kamaaina witnesses in determining the location of "ma ke kai". Beach loss in Hawaii is an environmental tragedy that can result in significant adverse economic impact. Those individuals who administer shoreline certification and county setback ordinances form a thin layer of protection for landowners who frequently fight against what in fact is in their own best interest, and for the public who may not yet appreciate the tenuous standing of their favorite recreational and cultural resource. Any weakness or oversight in the

certification or setback process can spell fast and irreversible catastrophe to our shoreline.

"Our shorelines are the common heritage for all generations to come. Although it is the duty of all citizens in the State, whether landowner, registered surveyor, or government worker, to understand the importance of accurately identifying the shoreline the burden does heavily fall on the qualifications of a registered surveyor in making this important determination."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 173, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE STATE SURVEYOR AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE TECHNOLOGIES, EDUCATION, STAFF POSITIONS WITHIN THE DEPARTMENT AND TO DEVELOP CRITERIA TO QUALIFY SURVEYORS IN THE DETERMINATION OF SHORELINES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE STATE SURVEYOR AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE TECHNOLOGIES, EDUCATION, STAFF POSITIONS WITHIN THE DEPARTMENT AND TO DEVELOP CRITERIA TO QUALIFY SURVEYORS IN THE DETERMINATION OF SHORELINES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1460-04) recommending that H.C.R. No. 263, 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. 263, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1461-04) recommending that H.R. No. 136, 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. 136, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INITIATE CONDEMNATION PROCEEDINGS TO PURCHASE REAL PROPERTY OWNED BY THE GALBRAITH ESTATE," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1462-04) recommending that H.C.R. No. 194, 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. 194, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INITIATE CONDEMNATION PROCEEDINGS TO PURCHASE REAL PROPERTY OWNED BY THE GALBRAITH ESTATE," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1463-04) recommending that H.R. No. 140, 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. 140, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1464-04) recommending that H.C.R. No. 201, 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. 201, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1465-04) recommending that H.R. No. 161, 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. 161, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU TO CONDUCT A STUDY ON LENGTHENING YELLOW LIGHTS TO ADDRESS THE PROBLEM OF RUNNING RED LIGHTS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1466-04) recommending that H.C.R. No. 225, 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. 225, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU TO CONDUCT A STUDY ON LENGTHENING YELLOW LIGHTS TO ADDRESS THE PROBLEM OF RUNNING RED LIGHTS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1467-04) recommending that H.C.R. No. 260, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 260, be adopted, seconded by Representative Lee.

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, members of the House, I stand in strong support of this resolution to request the College of Tropical Agriculture and Human Resources of the University of Hawaii to develop an agribusiness incubator in Waialua. The natural agricultural land resources in Waialua abound with much promise. Recently the community of Waialua dedicated a community kitchen which incubates food preparation businesses in the former Waialua Sugar Company industrial site. Since 1997, farmers with short term leases from Dole Food Company and Bishop Estate have been gaining success with farming taro, fresh vegetables and fresh flowers and bringing these goods to market. Now is the time for our University to step in and support the development of farmers, businesses, and value added products for the benefit of our citizens and economy."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1468-04) recommending that H.C.R. No. 124, 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. 124, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A LEASE OF WATER RIGHTS FOR THE USE OF THE "BLUE HOLE" DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1469-04) recommending that H.R. No. 69, 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. 69, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1470-04)

recommending that H.C.R. No. 101, 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. 101, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1471-04) recommending that H.R. No. 163, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1472-04) recommending that H.C.R. No. 226, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 163, HD 1, and H.C.R. No. 226, HD 1, be adopted, seconded by Representative Lee.

Representative Mindo rose in support of both measures 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, and Members of the House of Representatives, I rise in support of House Resolution No. 163, House Draft 1, and House Concurrent Resolution No. 226, House Draft 1, for the following reasons:

"The purpose of these resolutions is to request the Departments of Education, Business, Economic Development, and Tourism respectively, along with the Federal Department of Defense to correct the shortfall in impact aid that is due to our State Department of Education.

"Mr. Speaker and colleagues, this impact aid is critically important because it provides additional funds to our public schools based on the number of children and youth attending our public schools whose parents are members of our Armed Forces, or who are dependents of members of our Armed Forces personnel. Without this impact aid in its entirety, those public schools here in the State of Hawaii that service large numbers of dependent children will suffer, which in turn will result in a decline in the overall quality of education for our children and youth.

"Mr. Speaker and colleagues, your Finance Committee amended the original resolution to narrow the scope to where both the President and Congress are urged to fully fund the impact aid program. This is a necessary change, and one which I fully supported as a member of the House Finance Committee, and one which I now and respectfully requesting that you too, please support.

"Thank you very much for allowing me this opportunity to speak on behalf of House Resolution No. 163, House Draft 1, and House Concurrent Resolution No. 226, House Draft 1."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 163, HD 1, entitled: "HOUSE RESOLUTION URGING THE



PRESIDENT AND CONGRESS TO FULLY FUND THE IMPACT AID PROGRAM," was adopted, with Representatives Herkes, Hiraki, Leong, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 226, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO FULLY FUND THE IMPACT AID PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1473-04) recommending that H.R. No. 116, HD 1, as amended in HD 2, be adopted; and

(Stand. Com. Rep. No. 1474-04) recommending that H.C.R. No. 168, HD 1, as amended in HD 2, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 116, HD 2, and H.C.R. No. 168, HD 2, be adopted, seconded by Representative Lee.

Representative Kawakami rose in support of both measures 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 in support of HR116/HCR168: Supporting the United States Navy's Request for a Long-Term Lease of State Lands as well as the Preservation of a Permanent Agricultural Buffer Around the Pacific Missile Range Facility.

"The Navy has been operating and maintaining the pumping and drainage system that has transformed formerly submerged areas to continue as rich agricultural lands. This resolution supports the United States Navy request to preserve an agricultural buffer around the Pacific Missile Range Facility in exchange for their maintaining the drainage system at an approximate annual cost of \$500,000 to \$1 million.

"I strongly support this arrangement.

"Thank you, Mr. Speaker."

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

Representative Meyer's written remarks are as follows:

"I rise in strong support of these resolutions, Mr. Speaker. Our military has operated a base at Barking Sands for over sixty years, and in that time it has developed into a major resource for both the state of Hawaii and the Island of Kauai. H.R. No. 116 and H.R.C. No. 168 offer reciprocal support to the United States Navy by honoring their request to assume responsibility for caring for the pumping and drainage systems in Mana in exchange for retaining, on a permanent basis, the agricultural buffer for the Pacific Missile Range Facility. This arrangement is a win-win proposition, with our nation's armed forces, the State and our Neighbor Island all benefiting.

"The PMRF has grown into a major provider of jobs for the people of Kauai, accounting for over one quarter of Kauai's federal jobs and 19 percent of all government jobs on the island. The high-tech nature of many of these positions has encouraged the growth of technology-based businesses on

Kauai and in other areas of the State. This fits in perfectly with the goal of diversifying our economy. As a plus, all of these jobs have been created without any direct financial support from the State. The University of Hawaii is also a major beneficiary of these Department of Defense technology programs.

"The PMRF and Navy have provided support to the Island of Kauai in numerous other ways. Residents were given emergency relief after Hurricane Iniki, schools have seen their technology programs enriched, and the road to Polihale State Park has been maintained at no cost to taxpayers. The Navy now wants to continue supporting the island by assuming responsibility for the operation and maintenance of the pumping and drainage systems at Mana previously under the management of Kekaha Sugar Company. This continuous draining has made submerged lands into a rich agricultural area. The Navy proposes to assume this responsibility at an annual cost of one million dollars, in exchange for a long-term lease on State lands, which will be kept in agricultural production.

"Mr. Speaker, I recently visited the installation at Barking Sands, and the quality of the work being done there is impressive. Our State is favored to be the site of this important work. I was also impressed that the single thing that the Navy most wanted from the State was the assumption of this lease and this responsibility. They have proven themselves as good neighbors since before World War II, and it benefits us all to grant them their request."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 116, HD 2, entitled: "HOUSE RESOLUTION SUPPORTING THE UNITED STATES NAVY'S REQUEST FOR A LONG-TERM LEASE OF STATE LANDS AS WELL AS THE PRESERVATION OF A PERMANENT AGRICULTURAL BUFFER AROUND THE PACIFIC MISSILE RANGE FACILITY," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused; and

H.C.R. No. 168, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES NAVY'S REQUEST FOR A LONG-TERM LEASE OF STATE LANDS AS WELL AS THE PRESERVATION OF A PERMANENT AGRICULTURAL BUFFER AROUND THE PACIFIC MISSILE RANGE FACILITY," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1475-04) recommending that H.R. No. 187, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.R. No. 187, be adopted, seconded by Representative Lee.

Representative Magaoay rose in support of both measures 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, members of the House, I stand in strong support of this resolution to request the College of Tropical Agriculture and Human Resources of the University of Hawaii to develop an agribusiness incubator in Waialua. The natural agricultural land resources in Waialua abound with much promise. Recently the community of Waialua dedicated a community kitchen which incubates food preparation

businesses in the former Waialua Sugar Company industrial site. Since 1997, farmers with short term leases from Dole Food Company and Bishop Estate have been gaining success with farming taro, fresh vegetables and fresh flowers and bringing these goods to market. Now is the time for our University to step in and support the development of farmers, businesses, and value added products for the benefit of our citizens and economy."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1476-04) recommending that H.R. No. 150, HD 1, as amended in HD 2, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 150, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1477-04) recommending that H.C.R. No. 213, HD 1, as amended in HD 2, 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. 213, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1478-04) recommending that H.C.R. No. 175, HD 1, as amended in HD 2, 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. 175, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO IMPLEMENT A NATIONAL SECURITY PERSONNEL SYSTEM THAT PROTECTS AND MAINTAINS THE CIVIL SERVICE RIGHTS AND COLLECTIVE BARGAINING RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1479-04) recommending that H.R. No. 88, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE CALIFORNIA SERVICE CENTER FOR THE BUREAU OF U.S.

CITIZENSHIP AND IMMIGRATION SERVICES TO REOPEN DUNCAN HAMILTON'S REQUEST FOR EXTENSION OF HIS E-2 NONIMMIGRANT TREATY INVESTOR STATUS AND FOR HIS TWO DAUGHTERS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1480-04) recommending that H.C.R. No. 129, 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. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CALIFORNIA SERVICE CENTER FOR THE BUREAU OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO REOPEN DUNCAN HAMILTON'S REQUEST FOR EXTENSION OF HIS E-2 NONIMMIGRANT TREATY INVESTOR STATUS AND FOR HIS TWO DAUGHTERS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1481-04) recommending that H.R. No. 2, 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. 2, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1482-04) recommending that H.C.R. No. 7, 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. 7, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1483-04) recommending that H.R. No. 192, 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. 192, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REPORT TO THE LEGISLATURE ON PROGRESS MADE BY THE OFFICE OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEYS FROM THE COUNTIES OF THE STATE OF HAWAII IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1484-04) recommending that H.C.R. No. 267, 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. 267, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REPORT TO THE LEGISLATURE ON PROGRESS MADE BY THE OFFICE OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEYS FROM THE COUNTIES OF THE STATE OF HAWAII IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1485-04) recommending that H.R. No. 118, 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. 118, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES CONSULT WITH FILIPINO NATIONAL LONGLINE FISHERS SEEKING TO ENTER HAWAII CONCERNING NONIMMIGRANT VISA OPTIONS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1486-04) recommending that H.C.R. No. 173, 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. 173, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES CONSULT WITH FILIPINO NATIONAL LONGLINE FISHERS SEEKING TO ENTER HAWAII CONCERNING NONIMMIGRANT VISA OPTIONS," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1487-04) recommending that H.C.R. No. 77, HD 1, as amended in HD 2, 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. 77, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ENFORCE THE PROVISIONS OF ACT 44, SESSION LAWS OF HAWAII 2003, IN ACCORDANCE WITH THE LEGISLATURE'S INTENT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1488-04)

recommending that H.C.R. No. 157, HD 1, as amended in HD 2, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 157, HD 2, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. On the bottom of the page, Standing Committee Report 1488, HCR 157, I'd just like to publicly thank the Judiciary Committee, especially the Vice Chair for amending the resolution and making it clear."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 157, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DISCLOSURE OF INFORMATION RELATED TO THE PETER BOY KEMA CASE," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1489-04) recommending that H.C.R. No. 151, HD 1, as amended in HD 2, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 151, HD 2, 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:

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

"It is human nature to underestimate familiar risks and to overestimate exotic or unknown risks. In the United States, over forty thousand people a year die from traffic accidents. Worldwide, approximately one million people die each year in traffic accidents.

"If traffic accidents were a disease, we would be spending billions a year in the search for a cure, but because cars are commonplace and accidents routine, we treat traffic deaths as though they were inevitable. Traffic deaths are not inevitable. This is particularly true of accidents caused by speeding.

"Approximately 30% of traffic deaths in the United States are a result of speeding. That amounts to approximately 12,850 needless deaths a year. On Oahu, the numbers are even more alarming. In the first ten months of 2003, 80% of all fatal crashes were speed-related.

"I think it is obvious that a number of actions need to be taken to reduce speeding, including increased enforcement and penalties that are commensurate with the carnage that speeding causes. But if there is a technological fix, like requiring speed governors on cars, we should consider that, too.

"I ask that my colleagues support this measure which would allow exploration of the possibility of a technological solution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 151, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE LEGISLATURE ON THE AVAILABILITY OF SPECIAL EQUIPMENT THAT INFLUENCES AN AUTOMOBILE'S SPEED AND THE ADVISABILITY OF ENACTING LEGISLATION TO REQUIRE THE USE OF GOVERNORS TO INFLUENCE AN AUTOMOBILE'S SPEED," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1490-04) recommending that H.C.R. No. 152, HD 1, as amended in HD 2, 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. 152, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON HOW MEDICAL MARIJUANA PLANTS AND PRODUCTS MAY BE PROCURED AND DISTRIBUTED TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1491-04) recommending that H.C.R. No. 164, 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. 164, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO COMPLY WITH THE STATUTORY DIRECTIVE THAT THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM HAVE SOLE JURISDICTION OVER THE LAND USE COMMISSION, OFFICE OF PLANNING, AND THE HAWAII STATE PLANNING ACT," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1492-04) recommending that H.C.R. No. 199, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 199, be adopted, seconded by Representative Lee.

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

"Mr. Speaker, I rise in opposition to 1492.

"Mr. Speaker, first of all I'd like to say that I have a lot of personal respect for the introducer of this resolution. I would also like to state that I was elected as a State Representative. The decisions that I make affect the entire State. And therefore if anybody in this State asks for my assistance, I will not turn them away.

"I would also like to ask permission, Mr. Speaker, at this time to insert in its entirety, a letter from the Chair of the Kaneohe Neighborhood Board, as well as the resolution that

was passed last night in opposition to this Resolution Number 199. Thank you, Mr. Speaker," and the Chair "so ordered."

Representative Bukoski submitted the following:

"Kaneohe Neighborhood Board No. 30  
c/o Kaneohe Satellite City Hall  
46-024 Kamehameha Highway  
Kaneohe, Hawaii 96744  
Phone: (808) 527-5749  
Fax: (808) 527-5760  
Internet: www.co.honolulu.hi.us

April 16, 2004

At their regular monthly meeting on Thursday, April 15, 2004, the Kaneohe Neighborhood Board voted 10-1-0 (Ayes: Flanigan, Leong, Yamashiro, Russell, Moku, Lum Sager, Friel, Jeffries, and Yanagihara. Nay: Tam. Abstained: None.) to support a resolution stating its opposition to HCR199 relating to the Haiku Stairs introduced by Representative Ken Ito. The resolution was made upon a motion by member Stephen R. Jeffries and seconded by member John Flanigan. Board members were particularly upset that HCR199 indicated that the Board and City officials were unresponsive to residents' concerns. The Board submitted formal findings and recommendations based on residents' input over the past six months. Board members also expressed concerns that HCR199 would require the State departments not to issue permits or easements to the City for access to the Haiku Stairs and Haiku Valley that would interfere with ongoing negotiations and require the City to terminate the existing arrangement for security guards posted at the foot of the stairs to prevent trespassing. Several members also expressed dismay when they read the committee report from the Water, Land and Hawaiian Affairs Committee that failed to state that four members of the Board, including the Chair had submitted testimony in opposition to HCR199 at its hearing on April 1, 2004.

Copies of this resolution are to be sent to the Governor, Mayor, DHHL, DLNR, City Managing Director Ben Lee, Representative Ken Ito and David Pendleton; Senators Melodie Aduja and Bob Hogue and John Sabas (Mayor's Representative).

Sincerely,

/s/  
ROY S. YANAGIHARA  
Chair"

"Kaneohe Neighborhood Board No. 30  
c/o Kaneohe Satellite City Hall  
46-024 Kamehameha Highway  
Kaneohe, Hawaii 96744  
Phone: (808) 527-5749  
Fax: (808) 527-5760  
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April 16, 2004

WHEREAS, HCR 199 indicated that the Kaneohe Neighborhood Board and the city officials were unresponsive to residents' concerns;

WHEREAS, the Kaneohe Neighborhood Board did in fact form a special task force to address residents' concerns;

WHEREAS, the task force did submit findings and based on residents' input after holding well-publicized public meetings

for the past six months that were adopted by unanimous vote by the Kaneohe Neighborhood Board;

WHEREAS, Kaneohe Neighborhood Board members expressed concerns that HCR 199 would require State departments not to issue permits or easements to the City for access to the Haiku Stairs and Haiku Valley that would interfere with ongoing negotiations and require the City to terminate the existing arrangement for security guards posted at the foot of the stairs to prevent trespassing;

WHEREAS, Kaneohe Neighborhood Board members expressed dismay in reading the report from the Water, Land and Hawaiian Affairs Committee that failed to state that four members of the Kaneohe Neighborhood Board, including the Chair, had submitted testimony in opposition to HCR 199 at its hearing on April 1, 2004;

NOW, THEREFORE, the Kaneohe Neighborhood Board by a vote of 10 "ayes" and one "nay" hereby resolved to indicate its displeasure and opposition to HCR 199;

BE IT FINALLY RESOLVED that copies of this resolution be sent to the following: Mayor J. Harris, Governor L. Lingle, City Managing Director Ben Lee, Senators Melodie Aduja and Bob Hogue, Representatives Ken Ito and David Pendleton, John Sabas (Mayor's Representative), Peter Young (Governor's Representative – DLNR), and the Director of DHHL.

Sincerely,

/s/  
ROY S. YANAGIHARA  
Chair"

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

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of House Concurrent Resolution 199 (Requesting the Department of Hawaiian Home Lands, the Department of Transportation, the Department of Land and Natural Resources, and the Office of Hawaiian Affairs to cease issuing any easements to the City and County of Honolulu for access to Haiku Valley and the Haiku Stairs).

"Mr. Speaker, as you recall, we had a somewhat heated debate on this concurrent resolution the last time it was considered by this body. I will keep my remarks short and temperate.

"I have previously set forth a number of concerns I had with the possibility of the City prematurely opening access to the Haiku Stairs. I will not repeat those numerous concerns; however, I cannot let this matter pass in this House without again speaking out for the residents of Haiku. Yes, these are my constituents...but more important, many of them are my friends ... most are longtime residents of Haiku ... they are local people who work hard so they can afford to purchase and enjoy the privacy and serenity of owning their own residences in what was a quiet and peaceful neighborhood...they are families raising children, teaching their children to be respectful of the rights of others.

"And, Mr. Speaker, for desiring these simple things they are met with arrogant trespassers who trample on their lawns and yards. More importantly, these trespassers ignore and trash the

rights of these residents of Haiku. When asked not to trespass, they have responded with obscene gestures, they have exposed themselves, they have made vile remarks.

"Mr. Speaker, the residents of Haiku, many who have approached me personally, are upset, they are frustrated, they are angry ... many are afraid in their own homes. Whether it is Haiku or Kalihi or Hawaii Kai, this is not right and we cannot let this situation continue.

"Mr. Speaker, last night the Kaneohe Neighborhood Board No. 30 voted in opposition to House Concurrent Resolution 199. This is an ill-advised vote by the Neighborhood Board. On March 18, 2004, the Kaneohe Neighborhood Board approved the recommendations of the Board's Haiku Stairs Special Task Force. However, nowhere in the task force's report is there mentioned that many other organizations; such as the youth sport leagues (daily basis) and the farmer's open market (Thursday mornings), utilize the Kaneohe District Park. Once the Haiku Stairs is legally opened nobody can accurately state how many hiker cars will park daily at Kaneohe District Park (at previous Neighborhood Board meetings Haiku residents have stated that over 100 cars of illegal hikers parked in their neighborhood). How greatly will these organizations, which possess legitimate park use permits, be inconvenienced? The Task Force's report also states, "The task force recognizes that these measures by themselves will not deter trespassing." This is what the residents are concerned about, 'the continued trespassing through their neighborhood'.

"Therefore, I ask for the full support of the House in passing this concurrent resolution."

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

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

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

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

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

"Strong support. Mr. Speaker, I come from Wahiawa and that's a little distance from Haiku Stairs, but I would one day like to go back up there. It's one of my favorite hiking spots on Oahu. So I support HCR Number 199. And I ask the words of the Representative of Kaneohe as my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In opposition. And just briefly say, as someone from Kihei, regarding the Haiku Stairs, that my vote is based on the concept of traditional and customary access, which I support. Thank you."

Representative Karamatsu rose in support of the measure and asked that the written remarks of Representative Ito 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, Speaker. I'm rising in strong support. And as the Representative from the Islands of Lanai, Molokai, East Maui, Kahoolawe, Kalaupapa, I would like to say that having spent some time walking through that area and listening to the concerns of the residents who are directly impacted by access which is not provided properly by the City and County of Honolulu, that their needs to me, speak the loudest in this case. So I would support that they support the resolution. And that they are asking for support from the City and County to resolve access to a resource which is Haiku Stairs."

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

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

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

Representative 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 written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. Private property rights are being trampled by those illegally making their way to the Stairway to Heaven. It has become a Stairway to Hell for nearby residents. I appreciate the desire by hikers to enjoy the unbelievable views from the Koolaus, but this love of the outdoors should not come at the expense of the hikers trespassing and relieving themselves in people's yards. The trail should be opened to the public only after there is a clear understanding between various City and State agencies. I agree that the DHHL, DOT, DLNR, and OHA should not issue any easements to the City for access to the Haiku Stairs until all required permitting and approvals are identified and accepted by the City. Thank you Mr. Speaker."

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

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

"Mr. Speaker, in support of the Haiku Stairs Resolution and like the words of the Representative from Kaneohe inserted in the Journal. Also like to say that as the former Chair of the Mililani Neighborhood Board, I do support this resolution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 199,

entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE OFFICE OF HAWAIIAN AFFAIRS TO CEASE ISSUING ANY EASEMENTS TO THE CITY AND COUNTY OF HONOLULU FOR ACCESS TO HAIKU VALLEY AND TO "HAIKU STAIRS"," was adopted, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

Representatives Magaoay and Hale, for the Committee on Legislative Management and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1493-04) recommending that S.C.R. No. 30, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 30, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," was adopted, with Representatives Herkes, Hiraki, Luke, Nakasone, Souki, Takamine and Thielen being excused.

At 4:06 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:15 o'clock p.m.

Representative Lee rose, stating:

"Mr. Speaker, I move to keep the Journal open. Is that where we are? Did we vote?"

At 4:16 o'clock p.m., Representative Saiki requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:16 o'clock p.m.

At this time, Representative Lee moved to keep the Journal open until 6:00 o'clock p.m., this legislative day for the purpose of receiving the Conference Draft of H.B. No. 2061, HD 2, SD 1.

The Chair then stated:

"Okay. In announcing this, what is going to happen is that the Journal will be kept open until 6 p.m. for receiving a Conference Draft. The Conference Draft will be prepared for all of you by tomorrow morning if that's possible, or by, this evening."

Representative Meyer rose, stating:

"Point of inquiry. This bill, if we had the Conference Draft here now on an OD, would it be a 48 hour notice? So I guess, my question is are we intending to vote on this on Monday?"



Speaker Say: "Yes. Because once it's decked at 6 p.m. this evening, the 48-hour clock starts ticking. So Saturday, Sunday."

Representative Meyer: "Will we be meeting at 9?"

Speaker Say: "No."

Representative Meyer: "Thank you."

Representative Marumoto rose, stating:

"Mr. Speaker, point of inquiry. Will the bills be available, the Conference Committee Reports at 6 p.m.?"

At 4:18 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:22 o'clock p.m.

The Chair then stated:

"So Representative Lee made the motion to keep the Journal till 6 p.m. this evening for the purpose of receiving your Conference Draft for House Bill Number 2061, House Draft 2, Senate Draft 1. So Representative Meyer, you may second the motion."

The motion was seconded by Representative Meyer and carried. (Representatives Bukoski, Ching, Finnegan, Fox, Halford, Herkes, Hiraki, Jernigan, Luke, Moses, Nakasone, Ontai, Pendleton, Stonebraker, Takamine and Thielen were excused.)

#### ANNOUNCEMENTS

Representative Caldwell: "Mr. Speaker, I'd request a moment of silence for those who have died in Iraq in the past two weeks with the fighting that's going on over there. Approximately 90 of our military personnel have died in the past two weeks. Approximately 600 have been wounded. And a total of almost 700 who have now died since the war started in March of 2003. So I think it would be appropriate, since we've been working hard this week, to have a moment of silence."

At this time, the House of Representatives rose for a moment of silence to remember our military personnel who have died or have been wounded in the war in Iraq.

At 4:25 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, Monday, April 19, 2004. (Representatives Bukoski, Ching, Finnegan, Fox, Halford, Herkes, Hiraki, Jernigan, Luke, Moses, Nakasone, Ontai, Pendleton, Stonebraker, Takamine and Thielen were excused.)

#### REPORT OF CONFERENCE COMMITTEE

In accordance with the motion made, the following Conference Committee Report, (Conf. Com. Rep. No. 11-04) was received prior to 6:00 p.m. this legislative day and the following action taken:

Representatives Chang and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2061, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 11-04) recommending that H.B. No. 2061, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11-04 and H.B. No. 2061, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was deferred for a period of 48 hours.

#### ADJOURNMENT

At 6:00 o'clock p.m. the House of Representatives adjourned until 12:00 o'clock noon Monday, April 19, 2004.

#### HOUSE COMMUNICATIONS

House Communication dated April 16, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bills have this day, passed Final Reading in the House of Representatives:

H.B. No. 1043, SD 1, CD 1  
H.B. No. 2743, HD 2, SD 1, CD 1  
H.B. No. 2796, HD 1, SD 2, CD 1  
S.B. No. 2525, HD 1, CD 1

House Communication dated April 16, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 13, 2004, and that the following bill has this day, passed Final Reading in the House of Representatives:

H.B. No. 267, HD 2, SD 2

House Communication dated April 16, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate and has agreed to the amendments, and that the following bill has this day, passed Final Reading in the House of Representatives:

H.B. No. 2608, HD 1, SD 1

## FIFTIETH DAY

Monday, April 19, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Dr. Dennis Chai, Youth Minister of St. Ann's Church, after which the Roll was called showing all members present with the exception of Representatives Chang, Hale, Hamakawa, Takai, Takamine, Takumi, Thielen and Wakai, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 174) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 174, informing the House that on April 16, 2004, the following bill was signed into law:

H.B. No. 2251, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E." (ACT 006).

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 600 through 680) were received and announced by the Clerk:

Sen. Com. No. 600, transmitting S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND INSTALL A TRAFFIC SIGNAL LIGHT AT THE INTERSECTION OF KAMEHAMEHA HIGHWAY AND KUALA STREET IN PEARL CITY TO ALLEVIATE TRAFFIC CONGESTION AND PROVIDE PROTECTION TO NEARBY RESIDENTS WHO FREQUENTLY CROSS THAT INTERSECTION," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 601, transmitting S.C.R. No. 11, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DESIGN AND ERECT AN ATTRACTIVE AND APPROPRIATE SIGNAGE FOR THE KOREAN VIETNAM VETERANS MEMORIAL ON THE GROUNDS OF THE STATE CAPITOL," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 602, transmitting S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 603, transmitting S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 604, transmitting S.C.R. No. 38, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF THE SENATE AND HOUSE FLOOR SESSION ON THE FIRST SESSION DAY OF THE WEEK," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 605, transmitting S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 606, transmitting S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA "PEARL CITY" INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 607, transmitting S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH A VIOLENCE PREVENTION UNIT THAT INCLUDES SEXUAL ASSAULT, TO PROVIDE SAFETY FOR VICTIMS OF SEXUAL ASSAULT, PROMOTE EFFECTIVE INTERVENTION, AND REDUCE THE INCIDENCE OF SEXUAL ASSAULT," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 608, transmitting S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FORM AN OVERSIGHT COMMITTEE OF THE DOMESTIC VIOLENCE PREVENTION SPECIAL FUND AND THE SPOUSE AND CHILD ABUSE SPECIAL ACCOUNTS WITH THE DEPARTMENT OF HUMAN SERVICES AND JUDICIARY," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 609, transmitting S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 610, transmitting S.C.R. No. 50, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION, WITHIN AVAILABLE RESOURCES, TO ENSURE FULL COMPLIANCE WITH THAT PORTION OF THE ADMINISTRATIVE RULES THAT CALLS FOR "APPROPRIATE INTERVENTION AND TREATMENT SERVICES" FOR STUDENTS EXCLUDED FROM SCHOOL DUE TO "POSSESSION OF A DANGEROUS

WEAPON, SWITCHBLADE KNIFE, INTOXICATING LIQUOR, OR ILLICIT DRUGS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 611, transmitting S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE "MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY" FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 612, transmitting S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 613, transmitting S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 614, transmitting S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE CHARTER SCHOOL ADMINISTRATIVE OFFICE THAT SURVEYS EACH INDIVIDUAL CHARTER SCHOOL IN THE STATE OF HAWAII TO DETERMINE ITS FUNCTION, LOCATION, ENROLLMENT, STAFF SIZE, OPERATING AND MAINTENANCE COSTS, PHYSICAL CONDITION, CURRENT STATUS, AND PROJECTED FUTURE NEEDS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 615, transmitting S.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED STATES MARINE MAMMAL PROTECTION ACT," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 616, transmitting S.C.R. No. 68, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING COOPERATIVE VENTURES WITH ORGANIZATIONS ON THE U.S. MAINLAND IN PROMOTING HAWAII AND ITS PRODUCTS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 617, transmitting S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF DISCRIMINATION AND HARASSMENT OF STUDENTS IN THE PUBLIC SCHOOLS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 618, transmitting S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 619, transmitting S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 620, transmitting S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 621, transmitting S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN AND UTILIZE THE SELF-SUFFICIENCY STANDARD AS A FRAMEWORK TO EVALUATE PROGRAMS AND DEVELOP PUBLIC POLICY," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 622, transmitting S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 623, transmitting S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 624, transmitting S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 625, transmitting S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 626, transmitting S.C.R. No. 91, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 627, transmitting S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 628, transmitting S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 629, transmitting S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 630, transmitting S.C.R. No. 97, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 631, transmitting S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHU CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 632, transmitting S.C.R. No. 101, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE EAST-WEST CENTER TO CONDUCT AN INVENTORY OF INTERNATIONAL ACTIVITIES IN HAWAII TO AID BUSINESS, GOVERNMENT, AND CIVIC ORGANIZATIONS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 633, transmitting S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INQUIRY INTO THE DELAYS IN PAYMENT TO DEVELOPMENTAL DISABILITY

PROVIDERS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 634, transmitting S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 635, transmitting S.C.R. No. 112, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, THE DEPARTMENT OF EDUCATION, AND THE COUNTIES TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 636, transmitting S.C.R. No. 114, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 637, transmitting S.C.R. No. 115, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 638, transmitting S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 EXECUTIVE SALARY COMMISSION," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 639, transmitting S.C.R. No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 JUDICIAL SALARY COMMISSION," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 640, transmitting S.C.R. No. 120, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE FEASIBILITY AND NECESSITY OF THE CREATION OF A MAUNA KEA SCIENCE RESERVE AUTHORITY," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 641, transmitting S.C.R. No. 123, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON EMPLOYEE OVERPAYMENT WITHIN THE UNIVERSITY OF HAWAII SYSTEM," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 642, transmitting S.C.R. No. 125, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 643, transmitting S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 644, transmitting S.C.R. No. 127, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DELAY THE IMPLEMENTATION OF THE ELIMINATION OF THE SOCIAL WORKER SERIES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 645, transmitting S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 646, transmitting S.C.R. No. 133, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 647, transmitting S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN AFFORDABLE HOUSING TASK FORCE," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 648, transmitting S.C.R. No. 136, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH THE ASIA-PACIFIC RISK MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 649, transmitting S.C.R. No. 146, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN THE PUNA DISTRICT OF THE ISLAND OF HAWAII BY EXPANDING ITS NETWORK OF DIALYSIS TREATMENT FACILITIES TO THE KEAAU FAMILY CENTER IN THE PUNA DISTRICT AND BY CONDUCTING A NEEDS ASSESSMENT THAT WILL DETERMINE THE COST AND REQUIREMENTS OF ESTABLISHING A DIALYSIS CENTER IN PUNA," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 650, transmitting S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS AND OF THE STEWARDSHIP OF THE MARINE NATURAL AREA RESERVES SYSTEM BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 651, transmitting S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 652, transmitting S.C.R. No. 153, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JUDICIARY WORK GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 653, transmitting S.C.R. No. 154, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE DIAMONDBACK CORRECTIONAL FACILITY," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 654, transmitting S.C.R. No. 156, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 655, transmitting S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 656, transmitting S.C.R. No. 159, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLORS OF THE UNIVERSITY OF HAWAII TO FORM TASK FORCES TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 657, transmitting S.C.R. No. 161, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 658, transmitting S.C.R. No. 162, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE NECESSITY FOR AND IMPACT OF IMPLEMENTING A NEW PROJECT APPROVAL PROCESS FOR THE MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE," which was adopted by the Senate on April 16, 2004.



Sen. Com. No. 659, transmitting S.C.R. No. 164, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 660, transmitting S.C.R. No. 167, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 661, transmitting S.C.R. No. 168, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 662, transmitting S.C.R. No. 171, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 663, transmitting S.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR ORDINANCES," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 664, transmitting S.C.R. No. 175, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 665, transmitting S.C.R. No. 180, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE "BIG BOX" RETAILERS AND WHOLESALERS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 666, transmitting S.C.R. No. 181, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOMMENDING THE LONG-TERM CARE VETERANS AFFAIRS STATE HOME IN HILO BE NAMED IN HONOR OF YUKIO OKUTSU," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 667, transmitting S.C.R. No. 183, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND AMERICAN INDUSTRIAL HYGIENE ASSOCIATION TO

CONVENE A MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING MOLDS," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 668, transmitting S.C.R. No. 185, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 669, transmitting S.C.R. No. 187, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RESEARCH THE DEVELOPMENT OF A SUSTAINABLE FLOOD PROJECT SPONSORSHIP PROGRAM TO PROMOTE FLOOD ABATEMENT IN LANDS FROM WAIHOLE TO LAIE," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 670, transmitting S.C.R. No. 190, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 671, transmitting S.C.R. No. 194, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGAL SERVICES CORPORATION TO REMOVE THE RESTRICTIONS ON ACCESS TO PUBLIC LEGAL SERVICES FOR CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR THE INCLUSION OF THE PROVISION OF LEGAL SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS UNDER THE COMPACT OF FREE ASSOCIATION, AND ANY SUBSEQUENTLY RENEGOTIATED COMPACT," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 672, transmitting S.C.R. No. 198, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 673, transmitting S.C.R. No. 199, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND LABOR AND INDUSTRIAL RELATIONS TO JOINTLY EXAMINE ISSUES RELATING TO PUBLIC ASSISTANCE INVOLVING INCENTIVES AND REQUIREMENTS TO WORK AND INCOME AND ASSET THRESHOLDS THAT MAY ACT AS DISINCENTIVES TO WORK," which was adopted by the Senate on April 16, 2004.



Sen. Com. No. 674, transmitting S.C.R. No. 203, entitled: "SENATE 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," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 675, transmitting S.C.R. No. 209, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE 'O KEALOHI STATE PARK," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 676, transmitting S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," which was adopted by the Senate on April 16, 2004.

Sen. Com. No. 677, informing the House that the Senate has reconsidered action in disagreeing to amendments proposed by the House, has moved to agree, and has passed on Final Reading the following Senate Bills:

S.B. No. 2294, SD 1, HD 1  
S.B. No. 2443, SD 1, HD 1  
S.B. No. 2844, SD 1, HD 1

Sen. Com. No. 678, informing the House that the Senate has reconsidered action in disagreeing to amendments proposed by the House, has moved to agree, and has passed on Final Reading the following Senate Bills:

S.B. No. 2577, SD 1, HD 2  
S.B. No. 3222, SD 2, HD 2

Sen. Com. No. 679, informing the House that the Senate has appointed conferees to the following House Bills:

H.B. No. 680, Kawamoto/Taniguchi/Espero, Co-  
HD 2, SD 1 Chairs; Trimble

H.B. No. 1560, Inouye/Kawamoto/Taniguchi, Co-  
HD 1, SD 1 Chairs; Espero, Hogue

H.B. No. 1590, Kawamoto/Taniguchi, Co-Chairs;  
HD 2, SD 2 Aduja, Whalen

H.B. No. 1634, English/Taniguchi, Co-Chairs; Kim,  
HD 1, SD 1 Kokubun, Hemmings

H.B. No. 1710, Sakamoto/Taniguchi, Co-Chairs;  
HD 2, SD 2 Hooser, Hogue

H.B. No. 1743, Fukunaga/Inouye, Co-Chairs; Ihara,  
HD 2, SD 2 Trimble

H.B. No. 1756, Ige/Taniguchi, Co-Chairs; Aduja,  
HD 2, SD 1 Fukunaga, Kokubun, Hemmings

H.B. No. 1765, Kawamoto/Hanabusa, Co-Chairs;  
HD 1, SD 1 Espero, Trimble

H.B. No. 1770, Kawamoto/Hanabusa, Co-Chairs;  
HD 1, SD 2 Espero, Whalen

H.B. No. 1793, Inouye/Taniguchi, Co-Chairs; Aduja,  
HD 2, SD 1 Kokubun, Whalen

H.B. No. 1839, Baker/Menor/Kokubun, Co-Chairs;  
HD 2, SD 2 Chun Oakland, Inouye, Hogue

H.B. No. 1848, Inouye/Taniguchi, Co-Chairs; Whalen  
HD 1, SD 1

H.B. No. 1856, Sakamoto/Taniguchi, Co-Chairs;  
HD 1, SD 1 Hooser, Kokubun, Whalen

H.B. No. 1859, Chun Oakland/Hanabusa, Co-Chairs;  
HD 2, SD 1 Fukunaga, Hooser, Hogue

H.B. No. 1860, Chun Oakland/Taniguchi, Co-Chairs;  
HD 1, SD 2 Fukunaga, Inouye, Kanno, Kawamoto,  
Kokubun, Hogue

H.B. No. 1885, Chun Oakland/Taniguchi, Co-Chairs;  
SD 1 Kokubun, Tsutsui, Whalen

H.B. No. 1893, Sakamoto/Taniguchi, Co-Chairs;  
HD 2, SD 1 Hooser, Hogue

H.B. No. 1904, Kawamoto/Taniguchi, Co-Chairs;  
HD 1, SD 2 Aduja, Slom

H.B. No. 1908, Kawamoto/Sakamoto/Taniguchi, Co-  
HD 2, SD 1 Chairs; Hogue

H.B. No. 1924, Sakamoto/Kanno/Taniguchi, Co-  
HD 1, SD 2 Chairs; Hooser, Kokubun

H.B. No. 1929, Sakamoto/Taniguchi, Co-Chairs;  
HD 1, SD 2 Hooser, Kokubun, Hogue

H.B. No. 1944, English/Taniguchi, Co-Chairs;  
HD 1, SD 1 Kokubun, Hemmings

H.B. No. 1987, Kawamoto/Hanabusa, Co-Chairs;  
HD 1, SD 1 Aduja, Whalen

H.B. No. 1991, Baker/Hanabusa, Co-Chairs; Chun  
HD 1, SD 1 Oakland, Hogue

H.B. No. 2009, HD 1, SD 1	Kokubun/Inouye, Co-Chairs; Taniguchi, Trimble	H.B. No. 2397, HD 1, SD 1	Taniguchi, Chair; Kim, Kokubun, Sakamoto, Trimble
H.B. No. 2013, SD 2	English/Menor, Co-Chairs; Hooser, Hemmings	H.B. No. 2458, HD 1, SD 2	Chun Oakland/Hanabusa, Co-Chairs; English, Fukunaga, Inouye, Hogue
H.B. No. 2020, HD 1, SD 2	Chun Oakland/Hanabusa, Co-Chairs; Fukunaga, Inouye, Trimble	H.B. No. 2459, HD 1, SD 2	Chun Oakland/Taniguchi, Co-Chairs; Hanabusa, Kokubun, Trimble
H.B. No. 2022, HD 2, SD 1	Chun Oakland/Taniguchi, Co-Chairs; Kokubun, Tsutsui, Trimble	H.B. No. 2472, HD 2, SD 1	Baker/Hanabusa, Co-Chairs; Chun Oakland, Hogue
H.B. No. 2023, HD 2, SD 2	Chun Oakland/Hanabusa, Co-Chairs; Fukunaga, Hooser, Trimble	H.B. No. 2511, SD 1	Taniguchi, Chair; Kokubun, Tsutsui
H.B. No. 2048, HD 1, SD 1	English/Menor, Co-Chairs; Hooser, Hemmings	H.B. No. 2523, HD 1, SD 1	Kawamoto/Taniguchi, Co-Chairs; Baker, Whalen
H.B. No. 2074, HD 1, SD 1	English/Fukunaga, Co-Chairs; Hooser, Ihara, Hemmings	H.B. No. 2547, HD 2, SD 2	Sakamoto/Taniguchi, Co-Chairs; Hooser, Kokubun, Slom
H.B. No. 2093, HD 1, SD 2	Baker/Menor, Co-Chairs; Chun Oakland, Espero, Slom	H.B. No. 2569, HD 1, SD 1	Fukunaga/Menor, Co-Chairs; Aduja, Slom
H.B. No. 2098, HD 1, SD 2	Baker/Hanabusa, Co-Chairs; Chun Oakland, Hogue	H.B. No. 2578, HD 1, SD 2	English/Kokubun, Co-Chairs; Hooser, Taniguchi, Hemmings
H.B. No. 2136, HD 1, SD 1	Kawamoto, Chair; Espero, Kim, Sakamoto, Slom	H.B. No. 2611, HD 2, SD 2	Fukunaga/Ige/Taniguchi, Co-Chairs; Aduja, Espero, Kokubun, Tsutsui, Hemmings
H.B. No. 2191, HD 1, SD 2	Fukunaga/Ige/Taniguchi, Co-Chairs; Aduja, Inouye, Kokubun, Tsutsui, Hogue	H.B. No. 2662, HD 1, SD 1	Kawamoto/Fukunaga/Taniguchi, Co- Chairs; Whalen
H.B. No. 2223, SD 1	Fukunaga/Menor, Co-Chairs; Ige, Trimble	H.B. No. 2703, HD 1, SD 2	Kawamoto/Inouye, Co-Chairs; Espero, Whalen
H.B. No. 2250, HD 2, SD 2	Kawamoto/Hanabusa/Taniguchi, Co- Chairs; Whalen	H.B. No. 2716, SD 1	Inouye/Taniguchi, Co-Chairs; Espero, Kokubun, Whalen
H.B. No. 2286, HD 1, SD 1	Sakamoto/Taniguchi, Co-Chairs; Hooser, Kokubun, Hogue	H.B. No. 2722, HD 1, SD 1	Inouye/Taniguchi, Co-Chairs; Espero, Kokubun, Trimble
H.B. No. 2290, HD 1, SD 2	Kawamoto/Hanabusa, Co-Chairs; Espero, Whalen	H.B. No. 2739, HD 1, SD 2	Ige/Taniguchi, Co-Chairs; Aduja, Fukunaga, Kokubun, Hemmings
H.B. No. 2322, HD 1, SD 2	Inouye/Taniguchi, Co-Chairs; Espero, Kanno, Whalen	H.B. No. 2741, HD 1, SD 1	Taniguchi, Chair; Kokubun, Tsutsui, Whalen
H.B. No. 2385, HD 1, SD 1	Chun Oakland/Hanabusa, Co-Chairs; Hooser, Trimble	H.B. No. 2748, SD 1	Taniguchi, Chair; Kokubun, Slom
H.B. No. 2396, HD 2, SD 2	Ige/Fukunaga/Taniguchi, Co-Chairs; Kokubun, Tsutsui, Hemmings	H.B. No. 2749, SD 1	Taniguchi, Chair; Kokubun, Trimble

H.B. No. 2759, HD 1, SD 1	Taniguchi, Chair; Kawamoto, Trimble	S.B. No. 2021, SD 1, HD 2	Kawamoto Chair; Aduja, Espero, Whalen
H.B. No. 2792, HD 1, SD 2	Inouye/Kawamoto/Hanabusa, Co- Chairs; Whalen	S.B. No. 2045, SD 2, HD 1	Kawamoto/Taniguchi, Co-Chairs; Kanno, Whalen
H.B. No. 2798, HD 1, SD 2	Baker/Menor, Co-Chairs; Chun Oakland, Espero, Hogue	S.B. No. 2063, SD 2, HD 2	Sakamoto/Taniguchi, Co-Chairs; Hooser, Kokubun, Hogue
H.B. No. 2814, HD 2, SD 1	Baker/Kokubun, Co-Chairs; English, Tsutsui, Hogue	S.B. No. 2077, SD 2, HD 1	Fukunaga/Kawamoto/Taniguchi/ Inouye, Co-Chairs; Kokubun, Trimble
H.B. No. 2815, SD 1	Sakamoto/Taniguchi, Co-Chairs; Hooser, Kokubun, Hogue	S.B. No. 2114, HD 1	Sakamoto/Taniguchi, Co-Chairs; Hooser, Kokubun, Tsutsui, Hogue
H.B. No. 2844, HD 1, SD 1	Baker/Chun Oakland/Taniguchi, Co- Chairs; Hooser, Tsutsui	S.B. No. 2131, SD 1, HD 1	Kawamoto, Chair; Aduja, Espero, Trimble
H.B. No. 2859, HD 2, SD 2	Inouye/Kim/Taniguchi, Co-Chairs; Kokubun, Tsutsui, Whalen	S.B. No. 2134, HD 1	English/Kokubun/Kawamoto, Co- Chairs; Taniguchi, Hemmings
H.B. No. 2883, HD 2, SD 2	Kawamoto/Menor, Co-Chairs; Aduja, Hogue	S.B. No. 2165, SD 1, HD 1	Chun Oakland/Baker/Taniguchi, Co- Chairs; Kim, Kokubun, Tsutsui, Trimble
H.B. No. 2911, HD 2, SD 1	Sakamoto/Taniguchi, Co-Chairs; Kokubun, Hogue	S.B. No. 2200, HD 1	Sakamoto/Hanabusa, Co-Chairs; Hooser, Hogue
H.B. No. 2956, HD 1, SD 2	Kawamoto/Taniguchi, Co-Chairs; Espero, Whalen	S.B. No. 2226, SD 1, HD 1	Chun Oakland/Taniguchi, Co-Chairs; Baker, Hooser, Inouye, Kokubun, Tsutsui, Hemmings
H.B. No. 2961, HD 2, SD 2	Fukunaga/Menor/Taniguchi, Co- Chairs; English, Kokubun, Tsutsui, Slom	S.B. No. 2246, SD 1, HD 1	Inouye, Chair; Aduja, Espero, Whalen
Sen. Com. No. 680, informing the House that the Senate has appointed conferees to the following Senate Bills:		S.B. No. 2280, SD 1, HD 1	Inouye/Taniguchi, Co-Chairs; Kokubun, Whalen
S.B. No. 14, SD 1, HD 2	Sakamoto/Kanno/Taniguchi, Co- Chairs; Hooser, Hogue	S.B. No. 2281, SD 1, HD 1	Ige/Fukunaga/Taniguchi, Co-Chairs; Aduja, Kokubun, Hemmings
S.B. No. 473, SD 1, HD 3	Kawamoto/Chun Oakland, Co-Chairs; Aduja, Whalen	S.B. No. 2302, SD 2, HD 1	Kim/Taniguchi, Co-Chairs; Espero, Slom
S.B. No. 643, SD 2, HD 3	Inouye/Hanabusa/Taniguchi, Co- Chairs; Chun Oakland, English	S.B. No. 2344, SD 1, HD 2	Kawamoto, Chair; Aduja, Espero, Whalen
S.B. No. 1000, SD 1, HD 1	Hanabusa, Chair; Chun Oakland, English, Hogue	S.B. No. 2364, SD 1, HD 1	Kawamoto/Taniguchi, Co-Chairs; Espero, Whalen
S.B. No. 1138, SD 1, HD 1	Hanabusa/Taniguchi, Co-Chairs; Chun Oakland, Kokubun, Hogue	S.B. No. 2380, SD 1, HD 1	Ige/Taniguchi, Co-Chairs; Fukunaga, Kokubun, Hemmings
S.B. No. 1615, HD 2	Inouye/Taniguchi, Co-Chairs; Kokubun, Whalen	S.B. No. 2385, SD 2, HD 1	Baker/Kokubun, Co-Chairs; Chun Oakland, Espero, Hogue
S.B. No. 2004, SD 1, HD 1	Kawamoto/Taniguchi, Co-Chairs; Menor, Whalen		

S.B. No. 2396, SD 1, HD 1	Kim/Taniguchi, Co-Chairs; Tsutsui, Slom	S.B. No. 2790, SD 1, HD 1	Sakamoto/Taniguchi, Co-Chairs; Chun Oakland, English, Hogue
S.B. No. 2399, SD 2, HD 1	Baker/Kokubun, Co-Chairs; Inouye, Taniguchi, Hogue	S.B. No. 2791, SD 1, HD 1	Sakamoto/Taniguchi, Co-Chairs; Chun Oakland, English, Hogue
S.B. No. 2405, SD 1, HD 1	English/Hanabusa, Co-Chairs; Kokubun, Hemmings	S.B. No. 2834, SD 2, HD 2	Hanabusa/Taniguchi, Co-Chairs; Chun Oakland, Kokubun, Slom
S.B. No. 2413, SD 1, HD 2	Inouye/Fukunaga/Taniguchi, Co- Chairs; Kokubun, Whalen	S.B. No. 2835, SD 1, HD 1	Hanabusa/Taniguchi, Co-Chairs; Chun Oakland, Kokubun, Hogue
S.B. No. 2438, SD 2, HD 2	Inouye/Taniguchi/Kokubun, Co- Chairs; Espero, Whalen	S.B. No. 2840, SD 2, HD 2	Hanabusa/Taniguchi, Co-Chairs; English, Kokubun, Hogue
S.B. No. 2538, SD 1, HD 1	Sakamoto/Taniguchi, Co-Chairs; Chun Oakland, Menor, Hemmings	S.B. No. 2861, SD 1, HD 2	Hanabusa, Chair; Chun Oakland, English, Hogue
S.B. No. 2558, SD 2, HD 2	Fukunaga/Ige/Taniguchi, Co-Chairs; Aduja, Espero, Kokubun, Tsutsui, Hogue	S.B. No. 2869, SD 2, HD 1	Inouye/Fukunaga/Taniguchi, Co- Chairs; Espero, Kanno, Kokubun, Trimble
S.B. No. 2586, SD 2, HD 2	Baker/Menor, Co-Chairs; Chun Oakland, Inouye, Hogue	S.B. No. 2929, SD 1, HD 1	Chun Oakland/Baker/Taniguchi, Co- Chairs; Inouye, Kim, Kokubun, Tsutsui, Hogue
S.B. No. 2605, HD 1	Chun Oakland/Taniguchi, Co-Chairs; Baker, Espero, Kawamoto, Kim, Kokubun, Trimble	S.B. No. 2930, SD 2, HD 1	Chun Oakland/Baker/Taniguchi, Co- Chairs; Kim, Kokubun, Tsutsui, Trimble
S.B. No. 2606, SD 1, HD 2	Fukunaga/Menor/Hanabusa, Co- Chairs; Kawamoto, Trimble	S.B. No. 2936, SD 2, HD 1	Chun Oakland/Taniguchi, Co-Chairs; Kokubun, Tsutsui, Trimble
S.B. No. 2607, SD 1, HD 2	Chun Oakland/Hanabusa, Co-Chairs; Fukunaga, Tsutsui, Trimble	S.B. No. 2976, SD 1, HD 1	Hanabusa/Taniguchi, Co-Chairs; Kokubun, Hogue
S.B. No. 2654, SD 2, HD 2	Chun Oakland/Baker/Taniguchi, Co- Chairs; Inouye, Kim, Kokubun, Tsutsui, Trimble	S.B. No. 2994, SD 1, HD 2	Hanabusa/Taniguchi, Co-Chairs; Chun Oakland, Kokubun, Hogue
S.B. No. 2671, SD 1, HD 1	Sakamoto/Taniguchi, Co-Chairs; Kokubun, Hogue	S.B. No. 2996, SD 2, HD 2	English, Chair; Kokubun, Taniguchi, Hemmings
S.B. No. 2690, SD 2, HD 2	Baker/Kokubun, Co-Chairs; Chun Oakland, Taniguchi, Tsutsui, Whalen	S.B. No. 3020, HD 1	Sakamoto/Kanno/Taniguchi, Co- Chairs; Hooser, Hogue
S.B. No. 2693, SD 1, HD 1	Inouye/Taniguchi, Co-Chairs; Aduja, Kokubun, Whalen	S.B. No. 3024, SD 2, HD 1	Ige/Fukunaga/Taniguchi, Co-Chairs; Hooser, Kokubun, Tsutsui, Hemmings
S.B. No. 2716, SD 1, HD 2	Sakamoto, Chair; Chun Oakland, Hooser, Whalen	S.B. No. 3041, SD 2, HD 2	Chun Oakland/Baker/Hanabusa, Co- Chairs; Fukunaga, Ige, Trimble
S.B. No. 2748, SD 1, HD 2	Hanabusa/Taniguchi, Co-Chairs; Chun Oakland, Hogue	S.B. No. 3044, HD 1	Inouye/Kawamoto/Hanabusa, Co- Chairs; Hooser, Trimble
S.B. No. 2782, SD 1, HD 1	Inouye/English, Co-Chairs; Aduja, Hemmings	S.B. No. 3051, SD 2, HD 1	Inouye/Taniguchi, Co-Chairs; Kokubun, Whalen

S.B. No. 3080, SD 2, HD 2	Kawamoto/Kim/Taniguchi, Co-Chairs; Hemmings	13	Jointly to the Committee on Labor and Public Employment and the Committee on Public Safety and Military Affairs
S.B. No. 3086, HD 1	Sakamoto/Taniguchi, Co-Chairs; Kanno, Hemmings	18	Jointly to the Committee on International Affairs and the Committee on Judiciary
S.B. No. 3104, SD 2, HD 1	Hanabusa/Taniguchi, Co-Chairs; English, Kokubun, Hogue	19	Committee on Education
S.B. No. 3129, SD 1, HD 1	Inouye/Taniguchi, Co-Chairs; Aduja, Kokubun, Whalen	22	Committee on International Affairs, then to the Committee on Judiciary
S.B. No. 3135, SD 1, HD 1	Baker/Taniguchi, Co-Chairs; Chun Oakland, Hemmings	26, SD 1	Jointly to the Committee on Tourism and Culture and the Committee on Higher Education
S.B. No. 3153, SD 2, HD 2	English/Inouye, Co-Chairs; Baker, Kokubun, Taniguchi, Hemmings	38, SD 1	Committee on Legislative Management
S.B. No. 3182, HD 1	Taniguchi, Chair; Kim, Kokubun, Trimble	39, SD 1	Committee on Human Services and Housing, then to the Committee on Finance
S.B. No. 3207, SD 2, HD 2	English/Kokubun, Co-Chairs; Taniguchi, Trimble	40	Jointly to the Committee on Health and the Committee on Consumer Protection and Commerce
		43, SD 1	Jointly to the Committee on Human Services and Housing and the Committee on Health and the Committee on Judiciary, then to the Committee on Finance

#### INTRODUCTION

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

Representative Caldwell introduced Third grade students from Noelani Elementary School; their teachers, Mrs. Carole Chee, Mrs. Carolyn Ching, and Mrs. Naomi Takamori; skills trainers, Ms. Kelli Frye and Ms. Rosemary Koga; and parents, Mrs. Fuchigami, Mrs. Yamaguchi, Mrs. Takeuchi, Mrs. Shimoda, Mrs. Brandes, and Mr. DeLeon.

At 12:10 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 1:31 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:

4	Jointly to the Committee on Human Services and Housing and the Committee on Judiciary	44	Jointly to the Committee on Human Services and Housing and the Committee on Health and the Committee on Judiciary, then to the Committee on Finance
10, SD 1	Committee on Transportation	46	Committee on Education
11, SD 1	Committee on Public Safety and Military Affairs	48	Committee on Higher Education, then to the Committee on Finance
		49	Committee on Health
		50, SD 1	Committee on Education
		51	Committee on Public Safety and Military Affairs
		52	Committee on Public Safety and Military Affairs
		54	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance
		60, SD 1	Committee on Education
		61, SD 1	Committee on Education, then to the Committee on Finance
		62, SD 1	Committee on Education, then to the Committee on Finance
		63, SD 1	Jointly to the Committee on Tourism and Culture and the Committee on Water, Land Use and Hawaiian Affairs
		64, SD 1	Committee on Water, Land Use and Hawaiian Affairs

67	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Labor and Public Employment	106, SD 1	Jointly to the Committee on Human Services and Housing and the Committee on Health
68, SD 1	Committee on Economic Development and Business Concerns	107, SD 1	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture
71, SD 1	Committee on Education	112, SD 1	Jointly to the Committee on Legislative Management and the Committee on Consumer Protection and Commerce
72, SD 1	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance	114	Committee on Higher Education
75	Jointly to the Committee on Health and the Committee on Human Services and Housing	115	Committee on Higher Education, then to the Committee on Finance
76, SD 1	Committee on Health, then to the Committee on Finance	118, SD 1	Committee on Labor and Public Employment
77, SD 1	Committee on Health	119, SD 1	Committee on Labor and Public Employment
79, SD 1	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance	120, SD 1	Committee on Higher Education, then to the Committee on Finance
81, SD 1	Committee on Human Services and Housing	123	Committee on Higher Education, then to the Committee on Finance
82, SD 1	Jointly to the Committee on Human Services and Housing and the Committee on Public Safety and Military Affairs and the Committee on Judiciary	125	Committee on Consumer Protection and Commerce
85	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Agriculture	126	Committee on Public Safety and Military Affairs
86	Committee on Education	127, SD 1	Committee on Labor and Public Employment
87, SD 1	Committee on Transportation	129, SD 1	Jointly to the Committee on International Affairs and the Committee on Judiciary
88	Jointly to the Committee on Transportation and the Committee on Higher Education	131, SD 1	Jointly to the Committee on Education and the Committee on Higher Education
90, SD 1	Jointly to the Committee on Health and the Committee on Education	133	Committee on Education
91	Jointly to the Committee on Education and the Committee on Public Safety and Military Affairs	135, SD 1	Committee on Human Services and Housing
92, SD 1	Committee on Higher Education	136	Committee on Higher Education, then to the Committee on Finance
95, SD 1	Jointly to the Committee on Health and the Committee on Consumer Protection and Commerce	144	Committee on Labor and Public Employment
96	Committee on Judiciary	146, SD 1	Committee on Health
97	Committee on Public Safety and Military Affairs	147, SD 1	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
99	Committee on Water, Land Use and Hawaiian Affairs	149	Jointly to the Committee on Transportation and the Committee on Consumer Protection and Commerce
101, SD 1	Jointly to the Committee on Economic Development and Business Concerns and the Committee on International Affairs	153	Committee on Judiciary
102	Committee on Labor and Public Employment	154	Committee on Public Safety and Military Affairs, then to the Committee on Finance
		156, SD 1	Committee on Higher Education



157, SD 1	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
159, SD 2	Committee on Higher Education, then to the Committee on Finance
161, SD 1	Committee on Energy and Environmental Protection
162, SD 1	Committee on Higher Education, then to the Committee on Finance
164	Jointly to the Committee on Education and the Committee on International Affairs
166	Committee on Energy and Environmental Protection, then to the Committee on Finance
167	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Consumer Protection and Commerce
168, SD 1	Committee on Water, Land Use and Hawaiian Affairs
169	Committee on Energy and Environmental Protection
171	Committee on Economic Development and Business Concerns
174, SD 1	Committee on Energy and Environmental Protection
175, SD 1	Committee on Energy and Environmental Protection
180, SD 1	Committee on Energy and Environmental Protection
181, SD 1	Committee on Public Safety and Military Affairs
183, SD 1	Committee on Health, then to the Committee on Finance
185, SD 1	Committee on Energy and Environmental Protection
187, SD 1	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
189	Committee on Human Services and Housing
190, SD 1	Committee on Water, Land Use and Hawaiian Affairs
194	Committee on Judiciary
198	Committee on Education
199	Jointly to the Committee on Human Services and Housing and the Committee on Labor and Public Employment
203	Committee on Public Safety and Military Affairs
209, SD 1	Committee on Water, Land Use and Hawaiian Affairs
212	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs

### COMMITTEE REASSIGNMENTS

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

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
469, HD 1	Committee on Labor and Public Employment, then to the Committee on Judiciary
1318, SD 1, HD 2	Committee on Consumer Protection and Commerce, then to the Committee on Judiciary, then to the Committee on Finance
2440, SD 1, HD 1	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Human Services and Housing, then to the Committee on Judiciary, then to the Committee on Finance
3068, SD 2, HD 2	Committee on Finance

<u>S.C.R. No.</u>	<u>Re-referred to:</u>
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105	Committee on Health, then to the Committee on Finance
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### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Arakaki, Bukoski, Chang, Ching, Halford, Kahikina, Marumoto, Ontai, Saiki, Stonebraker, Takai, and Thielen were excused.)

### UNFINISHED BUSINESS

#### Conf. Com. Rep. No. 10-04 and H.B. No. 1294, SD 1, CD 1:

On motion by Representative Luke, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1294, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Final Reading by a vote of 42 ayes and with Representatives Bukoski, Ching, Halford, Marumoto, Ontai, Saiki, Stonebraker, Takai and Thielen being excused.

At 1:32 o'clock p.m., the Chair noted that H.B. No. 1294, SD 1, CD 1, passed Final Reading.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1378-04) recommending that H.R. No. 157, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1379-04) recommending that S.C.R. No. 9, SD 1, as amended in HD 1, be adopted.

Representative Luke moved that the reports of the Committee be adopted and that H.R. No. 157, HD 1; and S.C.R. No. 9, SD 1, HD 1; be adopted, seconded by Representative Lee.

Representative Sonson rose, stating:

"Point of information. This is a resolution, and I wonder if I understand the voting process correctly. As I understand it, if we were in favor of this resolution, we would be voting yes. But if we do not agree with this resolution, we have to stand up and say no?"

The Chair responded, stating:

"Yes, because it is a voice vote."

Representative Sonson: "All right, a no vote means that the Member has to stand up and actually say no. Thank you very much.

"Speaker, if I may, I'd like to speak in opposition of the bill."

Speaker Say: "Please proceed. The resolutions, house resolution and senate concurrent resolution."

Representative Sonson spoke in opposition to the measures, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I disagree or I stand in strong opposition to these resolutions for the following reasons. Actually, before I go to my reasons Speaker, I'd like to explain basically what's going on here. This is a land exchange pursuant to Section 171-50 of the Hawaii Revised Statutes. This portion of the statute allows the State to exchange lands with a private entity. In these particular resolutions, the Maui Land and Pine is the private entity. There's 226 acres of public land, trust land in Maui that the State in principle, has agreed with Maui Land and Pine, in principle, to exchange for three pieces of property, three pieces, three lots, in Waipahu. And those three lots Mr. Speaker are in District 35, in my district and I'm very familiar with them. They are by the mill side. The value of the 226 acres of State land is proposed to be a little bit lower than the three pieces of land in Waipahu. However, this is where I believe that the process has gone wrong.

"The land that we're exchanging, the 226 acres with Maui Land and Pine is actually next to a Maui land project. The Maui project has been submitted to the County for approval, and according to the resolutions, 60 acres of our 226 acres would be included in their project 2 development. Maui Land and Pine came to Committee and said, 'Yeah, we're building a residential, commercial, and golf course. That is this project 2 plans, this massive plan for Maui Land and Pine. And they testified that once the project is approved, each acre would cost approximately \$1 million. And after the development, approximately \$3 million. This is the testimony by the representative of Maui Land and Pine in our Committee.

"And then, questions were asked regarding how our land or the 60 acres was appraised and how it was valued. And how the total 226 acres was actually valued to be comparable in price to the land in Waipahu. When 60 acres, according to the resolutions, is going to be used in the development land, the question arises, shouldn't those 60 acres be valuable? Well according to the appraiser, they took the entire 226 acres of State land and divided it in two parcels. One, strictly ag land. It's \$1,800 per acre. They took about 50 acres, Mr. Speaker, and said, we'll value these at \$23,000 each. So approximately the total evaluation of the State land comes about \$1.5 million

"Well, Mr. Speaker, frankly, it's sort of puzzled me in how they came up with 50 acres and valuing it at \$23,000 per acre. So I asked this Maui Land and Pine representative, where exactly is this 60 acres located? And they said well, it's in our project which is located above the main road in Maui. And

they even presented us with a map. And if the project is going to be above this main highway, then 60 acres is obviously located there.

"And upon further inspection of it Mr. Speaker, below this highway, there's also a 35-acre piece of land that also can be developed, or they call 'with development potential'. So if you take the 60 acres that they were originally said they were going to include in their plan, plus about 35 acres, to me, Mr. Speaker, that adds up to about 95 acres, or 85 acres at least. If those lands had development potential, shouldn't they also have a price of about \$23,000 per acre? They could not answer that question. Instead, they just said, 'Well, we'll just refer you to the appraiser.' Then Mr. Speaker ..."

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

Representative Sonson continued, stating:

"Thank you very much, Mr. Speaker. Well the appraiser then was called. And then it was explained to me that in actuality, all the 32.9 acres on the land above the highway are considered to be \$23,000 per acre. And 17 acres below the highway, which is not even included in the 60 acres, that they were going to use for their project 2 development for golf courses and residential and commercial property was not even included in there. So it added to more confusion.

"And then I asked again how did they come up with \$23,000. Even if you were taking 50 acres, instead of 60 acres or 85 acres, then how did you get \$23,000 per acre? Well, they said they went to look at comparables. They showed 4 comparables, Mr. Speaker, in other parts of Maui. Nothing close to where this land is actually situated. And those lands that they are looking at as comparables, they use it as approximate prices and how they would actually price the land that we're exchanging to them. The comparables ranged from \$23,000 per acre to about \$95,000 per acre. So what the appraiser actually did in summary, and I'm simplifying it Mr. Speaker, I know the process is a lot more complicated. But as the appraiser went on, all he did was actually take the lowest price and use that as a base price for the State land at \$23,000 an acre. And again, only 50 acres were considered by the appraiser at the price of \$23,000.

"To me, Mr. Speaker, that doesn't speak well of us approving such an exchange where we believe, well I certainly believe, that there is development potential to at least 85 acres. They should at least, at minimum, pay \$23,000 an acre for those 85 acres of land with development potential. Now again, the \$1,800 per acre for agricultural lands seems to me, also very low in price.

"But to go on Mr. Speaker, they are promising this land exchange to be good for the State because it's going to generate revenue for the State for our public land trust. Well, they, Mr. Speaker, are talking about the possibility of making about \$100,000 in lease rents from the land in Waipahu. That land in Waipahu, Mr. Speaker, is empty lots. Most of the people that buy there are usually companies that would put in their factories or their warehouses. They are owned by the people who would buy the land. The land that we're buying is in addition to three lots that were already, or that will be owned by the State.

"If you remember Mr. Speaker, this Legislature approved last year an exchange with the Boy Scouts, for three lots in

Waipahu, and in exchange for that, we gave up camp sites. Camp sites near the beach that belonged to the State."

Representative Jernigan rose to a point of order, stating:

"Mr. Speaker, point of order. I believe the current speaker rose on a point of information and now he's speaking in opposition."

The Chair responded, stating:

"No. He never rose in opposition. He's personally clarifying what he was going to vote on for the House Resolution and Senate Concurrent Resolution, which I clarified for him."

Representative Sonson continued, stating:

"Thank you very much, Mr. Speaker. I am now actually speaking in opposition to this measure. The public land that we exchanged with the Boy Scouts were exchanged for three lots in this same area, Mr. Speaker. So my question was, if we're really going to make a lot of money out of these as promised, what has happened to those three lots that we got last year? So far Speaker, the answer is nothing. Nothing. Zero."

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

Representative Sonson continued, stating:

"Thank you, Representative. And Mr. Speaker, I know that we need to disapprove this by two-thirds of the vote. And some Members might be thinking that the deal is a done deal, but actually it is only an agreement in principle. The land that's in Waipahu does not belong to Maui Land and Pine, Mr. Speaker. They didn't even buy it yet. When are they going to buy it? Well, they'll buy it if we approve it. But if we disapprove it, they're not going to buy it. And that is why there is really no deal yet. There is no deal. There is only a proposed deal.

"Now Mr. Speaker, the honorable Chair of Water and Land Use is going to stand up and say that this deal includes a provision that's not written here in our resolutions. But the part of the deal is supposedly this. That Maui Land and Pine has agreed, that some time in the future, when the County of Maui approves of this project 2 development plan, and the value of the land that we exchange to them, this 226 acres will increase or will be enhanced because of this project plan submitted and approved by the County of Maui. That Maui Land and Pine supposedly promised that they will have the property reassessed, reappraised, and then enhanced value of the property will be submitted back to the State. Mr. Speaker, if it was part of the bill, or the measures, of the resolutions, I would tend to agree with it. I would tend to say that's probably a fairly good deal, Mr. Speaker. But unfortunately, it's not part of the resolutions. It is part of the Committee Report. But as I understand it, the Committee Report is not something that we've relied on. What gets acted upon is either the bill or the resolution. That is my understanding, Mr. Speaker.

"So if I have misunderstood that, then thank God we probably will have a good deal. But if I am correct in this, that the Committee Report has no force at law, then good God, I think we're going to be making a big mistake by acting on this, by approving this.

"So Members and Mr. Speaker, I urge all of you to vote no. Please stand up and vote no. There are too many questions unanswered. I don't know why we need to hurry on this. If it is our goal to enhance the public trust fund, we certainly are not going to enhance that goal by approving something we don't

really know what the value. When we are concerned and we're not clear of which the value of the land we're exchanging and the value of the proceeds that may come as a result. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support.

"Thank you, Mr. Speaker. First, I'd like to commend the Representative from Waipahu in being so diligent in fulfilling his responsibility and his tenacity in pursuing what he thinks is right.

"Some brief points for clarification. As the Representative from Waipahu indicated, this exchange is based on two factors. First, that we're exchanging \$1.5 million in value of State lands for \$1.6 million in commercial property. The other is the \$6,000 per annual lease of that State property through a projected revenue stream of anywhere from \$98,000 to \$132,000. And on the day, when this measure was heard by the Joint Committees on Water, Land Use and Hawaiian Affairs, and Agriculture, that was a basis on which we had no second thoughts about disapproving it until questions were asked, which caused us to look more carefully. And upon realizing that the \$23,000 per acre value of the developable lands, we could subsequently translate into well over \$1 million, perhaps much more that we realized that we needed to compensate and make this a more equitable exchange, whereupon your Committee did suggest to both DLNR and to Maui Land and Pine that restrictions be imposed on that section. And the industry response was not favorable. They were not agreeable to do that.

"And therefore, your Committee did prepare a resolution to disapprove. And on that note, an agreement came forward to do as is called for in the resolutions. And so that arrangement is contained in the current resolutions, where it does state that the appraisal without the restrictions would be compared with the appraisal with the restrictions removed. Now that language that one will see in the resolutions is taken directly from HRS 171-63 which explains the process by which restrictions are removed. And so it is understood that at the time that the restrictions are to be removed at some subsequent date. Then the appraisal will be conducted on the value of the land as it is classified at that time. Currently it is classified as agriculture.

"Maui Land and Pine has been in progress, has had a petition to reclassify this land to urban resort. In Committee we learned that that reclassification approval should come as early as this summer. And so clearly, at the time that the restrictions are removed, it would be appraised as urban resort. At which time, the State will be able to recover the difference in value, which is part of the great concern.

"The other concerns had to do with the diminishing of the lands in the public land trust. And that is a valid concern. But we also need to look at increasing the value of the land. And as Chair, I take that responsibility very seriously because as we deliberated disapproving this exchange, we were faced also, with not being able to realize the increased value that the State might earn. And so if that would happen, our conscience would not be very clear. And so that's primarily the basis on which we proceeded. That again, that the language in the resolution does provide for that agreement. That the State will realize their increased value at the time that the restrictions are removed and the appraisal done on the reclassification of the lands. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support. And just want to make a few extra points in support of the Chairman.

"Mr. Speaker, I can see the great concern that we'd have in passing such a reso because we do want to make sure we're protecting the public's interest in making sure this thing works from a financial perspective. And I think the Chairman of Water, Land Use has gone beyond the call in that regard and spent a lot of additional time looking at this.

"As I've learned, you need a reso on land exchanges to disapprove, usually. And such a resolution was in fact prepared which would have disapproved this exchange. So you may ask, why do we have such a reso as this? It's highly unusual. And the reason is because of the language that would impose covenants and restrictions on this exchange to make sure that the public is in fact protected.

"And by voting no on this resolution, and in fact it did die because there's no reso to disapprove, that in fact means that we would have the exchange go forward without any restrictions. And I would support these restrictions as the Chairman of Water, Land Use has explained because it's going to address the issue of increased value sometime in the future. And that issue as has been explained is that right now based on appraisals which are 'snap shots' of value today. The income stream makes sense. It's actually we get a little bit more money in the exchange, 'we' meaning the State, from this exchange. And if you go on just the value, current value of zoned today, it's a fair exchange. In fact, we get a little bit more in terms of value.

"But as we all know, the lands around Kapalua, which are beautiful and could be rezoned from ag into resort could have dramatic increases in value. And we have seen that already along that whole coastline. So what the Chairman of Water, Land has done is put language, and it's actually in the resolutions, that addresses this issue.

"And I would like to just share two parts of two paragraphs. In the 'Be it resolved' paragraph, it says, that the restriction on the *mauka* parcels, and that's what we've heard talked about today, prohibiting residential dwellings which restrictions may be incorporated into the exchange deed. What that means is they would be placing on this exchange deed or this conveyance, covenants running with the land, prohibiting any other kind of development than agriculture use.

"So the next 'Be it resolved' says that should Maui Land and Pineapple decide to remove the use restrictions on the Maui lands, the Board of Land and Natural Resources may amend or waive the conditions restricting the use the land only if Maui Land and Pine pays to the State the difference between the fair market value of the land based on its restricted use and the fair market value of the land with the restrictive conditions amended or waived. In other words, any jump in price, should it be \$50,000 or \$1 million, would accrue to the Board of Land Natural Resources into the State of Hawaii. I think this is an ingenious way of dealing with this issue of trying to get something, recapture it, any increased value down the road in an exchange. And therefore I would urge our colleagues to support it. And also I don't want to vote this down and then have no restrictions and the exchange still go forward. And we the State, lose in that event. Thank you very much, Mr. Speaker."

The Chair then stated:

"Members, we have had a lot of discussion. Is there anyone else who would like to record their no vote at this period in time?"

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

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

At 1:56 o'clock p.m., Representative Abinsay requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:00 o'clock p.m.

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

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

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

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

The House of Representatives reconvened at 2:01 o'clock p.m.

Representative Hale 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."

Representative Kanoho rose to respond, stating:

"Thank you, Mr. Speaker. Very quickly, I just wanted to clarify. I appreciate that Members ..."

Representative Fox rose to a point of order, stating:

"Point of order, Mr. Speaker. This is in the middle of the vote. It's not possible for him to get up and speak."

The Chair responded, stating:

"No. This is a voice vote so I'm allowing him at this point to rise for his second time. Representative Kanoho, please proceed."

Representative Kanoho continued, stating:

"Thank you, Mr. Speaker. Members should realize that a no vote on this resolution at this time would mean that there would

be no chance for the State to recover the increased value when the restrictions are subsequently removed.

"And two quick points too. The exchange deed will contain the arrangements that we've made reference to. And the resolutions do require DLNR to subsequently, at the time that the landowner comes in and makes a request for the restrictions to be removed, for the Legislature, both the Speaker of the House and the Senate President to be informed of that desire to initiate that change. And subsequently, their appraised value and the contemplated increased value that the State would receive. Thank you."

The Chair then stated:

"This is a voice vote so the Chair has allowed you to voice your no votes at this point in time. Is there anyone else?"

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 reports of the Committee were adopted and H.R. No. 157, HD 1, entitled: "HOUSE 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 adopted, with Representatives Arakaki, Blundell, Evans, Hale, Kahikina, Kaho'ohalahala, Meyer, Mindo, Ontai, Shimabukuro, Sonson and Waters voting no and with Representatives Bukoski, Halford, Hiraki, Saiki, Stonebraker, Takai and Thielen being excused; and

S.C.R. No. 9, SD 1, HD 1, entitled: "SENATE 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 adopted, with Representatives Arakaki, Blundell, Evans, Hale, Kahikina, Kaho'ohalahala, Meyer, Mindo, Ontai, Shimabukuro, Sonson and Waters voting no and with Representatives Bukoski, Halford, Hiraki, Saiki, Stonebraker, Takai and Thielen being excused.

**Conf. Com. Rep. No. 11-04 and H.B. No. 2061, HD 2, SD 1, CD 1:**

On motion by Representative Luke, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2061, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Final Reading by a vote of 43 ayes to 1 no, with Representative Souki voting no and with Representatives Bukoski, Halford, Hiraki, Saiki, Stonebraker, Takai and Thielen being excused.

At 2:04 o'clock p.m., the Chair noted that H.B. No. 2061, HD 2, SD 1, CD 1, passed Final Reading.

#### ADJOURNMENT

At 2:04 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 Wednesday, April 21, 2004. (Representatives Bukoski, Halford, Hiraki, Saiki, Stonebraker, Takai and Thielen were excused.)

#### HOUSE COMMUNICATION

House Communication dated April 19, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate Bills:

14, SD 1, HD 2	M. Oshiro/Takamine, Co-Chrs; Nakasone, Blundell
53, SD 1, HD 1	Takamine, Chr.; Kaho'ohalahala, Bukoski
214, SD 3, HD 2	M. Oshiro/Takai/Takamine, Co-Chrs.; Moses
469, HD 1	M. Oshiro/Hamakawa, Co-Chrs.; Nakasone, Mindo, Pendleton
473, SD 1, HD 3	Kahikina/Arakaki/Hamakawa/Shimabukuro, Co-Chrs.; Jernigan
643, SD 2, HD 3	Kanoho/Schatz/Karamatsu, Co-Chrs.; Kaho'ohalahala, Jernigan
762, SD 1, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Blundell
779, SD 2, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Blundell
1000, SD 1, HD 1	Kahikina/Hamakawa, Co-Chrs.; Shimabukuro, Stonebraker
1138, SD 1, HD 1	Ito/Hamakawa/Nishimoto, Co-Chrs.; Pendleton
1238, SD 2, HD 2	Arakaki/B. Oshiro/Nishimoto, Co-Chrs.; Marumoto
1318, SD 1, HD 2	Hiraki/Hamakawa/Takamine, Co-Chrs.; Meyer
1362, SD 3, HD 2	Arakaki/B. Oshiro, Co-Chrs.; Ito, Finnegan
1549, SD 1, HD 1	Hiraki, Chr.; Herkes, Sonson, Thielen
1556, SD 2, HD 2	Kanoho/Takamine, Co-Chrs.; Kaho'ohalahala, Jernigan
1615, HD 2	Kanoho/Takamine, Co-Chrs.; Kaho'ohalahala, Meyer
2004, SD 1, HD 1	Ito/Takamine, Co-Chrs.; Mindo, Blundell

2021, SD 1, HD 2	Souki/Hamakawa, Co-Chrs.; Caldwell, Blundell	2280, SD 1, HD 1	Kanoho/Takamine, Co-Chrs.; Kaho'ohalahala, Bukoski
2033, SD 1, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone	2281, SD 1, HD 1	Schatz/Takamine, Co-Chrs.; Wakai, Marumoto
2045, SD 2, HD 1	Ito/Takamine, Co-Chrs.; Mindo, Moses	2302, SD 2, HD 1	Chang/Mindo, Co-Chrs.; Magaoy, Moses
2056, SD 1, HD 2	Takumi/Magaoy/B. Oshiro, Co-Chrs.; Ching	2344, SD 1, HD 2	Souki/Ito/Takamine, Co-Chrs.; Jernigan
2063, SD 2, HD 2	Takumi/Takamine, Co-Chrs.; Evans, Ching	2349, SD 2, HD 1	Kahikina/Takamine, Co-Chrs.; Shimabukuro, Finnegan
2067, SD 1, HD 1	Takai/Takamine, Co-Chrs.; Kawakami, Tamayo, Leong	2355, SD 2, HD 2	M. Oshiro/Nakasone, Co-Chrs.; Mindo, Pendleton
2073, SD 2, HD 2	Takai/M. Oshiro/Takamine, Co-Chrs.; Leong	2358, SD 2, HD 1	Hiraki/B. Oshiro, Co-Chrs.; Herkes, Marumoto
2077, SD 2, HD 1	Wakai, Chr.; Nishimoto, Karamatsu, Moses	2364, SD 1, HD 1	Ito/Takamine, Co-Chrs.; Mindo, Pendleton
2114, HD 1	Takai/Takamine, Co-Chrs.; Nishimoto, Ontai	2377, SD 1, HD 1	Schatz/B. Oshiro, Co-Chrs.; Hamakawa, Thielen
2131, SD 1, HD 1	Ito/Takamine, Co-Chrs.; Mindo, Moses	2380, SD 1, HD 1	Chang/Karamatsu, Co-Chrs.; Wakai, Bukoski
2134, HD 1	Morita/Takamine, Co-Chrs.; Waters, Thielen	2385, SD 2, HD 1	Kawakami, Chr.; Nishimoto, Shimabukuro, Bukoski
2165, SD 1, HD 1	Kahikina/Arakaki/Kawakami, Co-Chrs.; Stonebraker	2396, SD 1, HD 1	Chang/Takamine, Co-Chrs.; Karamatsu, Ontai
2175, SD 1, HD 1	Takai/Takamine, Co-Chrs.; Tamayo, Kawakami, Ontai	2399, SD 2, HD 1	Kawakami, Chr.; Nishimoto, Shimabukuro, Jernigan
2200, HD 1	Takumi/B. Oshiro, Co-Chrs.; Kawakami, Leong	2404, SD 2, HD 1	Chang/Magaoy/Takamine, Co-Chrs.; Leong
2210, SD 2, HD 1	Hiraki/Takamine, Co-Chrs.; Herkes, Marumoto	2405, SD 1, HD 1	Morita/B. Oshiro, Co-Chrs.; Herkes
2226, SD 1, HD 1	Kahikina/Takamine, Co-Chrs.; Shimabukuro, Ching	2413, SD 1, HD 2	Abinsay/Schatz/Takamine, Co-Chrs.; Halford
2246, SD 1, HD 1	Abinsay/Kanoho, Co-Chrs.; Sonson, Jernigan	2424, SD 2, HD 2	M. Oshiro/Takumi/Takamine, Co-Chrs.; Pendleton
2264, SD 1, HD 1	Takai/Takamine, Co-Chrs.; Tamayo, Blundell	2425, SD 1, HD 1	Takumi/Takamine, Co-Chrs.; Evans, Kawakami, Ontai
2269, SD 2, HD 1	Schatz/Takamine, Co-Chrs.; Wakai, Meyer	2438, SD 2, HD 2	Kanoho/Takamine, Co-Chrs.; Shimabukuro, Meyer



2440, SD 1, HD 1	Kanoho/Kahikina/Hamakawa/Kawakami, Co-Chrs.; Stonebraker	2605, HD 1	Kahikina/Arakaki/Takamine, Co-Chrs.; Stonebraker
2447, SD 1, HD 1	Hamakawa, Chr.; B. Oshiro, Caldwell, Thielen	2606, SD 1, HD 2	Schatz/B. Oshiro, Co-Chrs.; Caldwell, Blundell
2474, SD 3, HD 2	Morita/Hiraki, Co-Chrs.; Herkes, Thielen	2607, SD 1, HD 2	Kahikina/Hamakawa, Co-Chrs.; Shimabukuro, Stonebraker
2478, SD 2, HD 1	Takumi/Nakasone, Co-Chrs.; Kawakami, Bukoski	2608, SD 1, HD 1	Arakaki/Kahikina/Kawakami, Co-Chrs.; Meyer
2538, SD 1, HD 1	Takumi/Nishimoto, Co-Chrs.; Evans, Leong	2654, SD 2, HD 2	Kahikina/Arakaki/Kawakami, Co-Chrs.; Shimabukuro, Ching
2541, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Moses	2671, SD 1, HD 1	Takumi/Shimabukuro, Co-Chrs.; Arakaki, Leong
2542, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Moses	2686, SD 2, HD 2	Arakaki/Schatz/Kawakami, Co-Chrs.; Finnegan
2543, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Meyer	2690, SD 2, HD 2	Arakaki/Shimabukuro, Co-Chrs.; Nishimoto, Bukoski
2544, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Bukoski	2693, SD 1, HD 1	Kanoho/Magaoay, Co-Chrs.; Kaho`ohalahala, Bukoski
2545, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Jernigan	2716, SD 1, HD 2	Takai/Magaoay, Co-Chrs.; Tamayo, Halford
2546, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Jernigan	2718, SD 1, HD 1	Magaoay/Takamine, Co-Chrs.; Kawakami, Halford
2547, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Jernigan	2748, SD 1, HD 2	Hamakawa/Takamine, Co-Chrs.; B. Oshiro, Pendleton
2549, SD 1, HD 1	Takamine, Chr.; Kawakami, Magaoay, Moses	2779, SD 2, HD 1	Kanoho/Arakaki/Hiraki, Co-Chrs.; Ching
2550, HD 1	Takamine, Chr.; Kawakami, Magaoay, Moses	2782, SD 1, HD 1	Kanoho/Morita/Kaho`ohalahala, Co-Chrs.; Thielen
2551, HD 1	Takamine, Chr.; Kawakami, Magaoay, Meyer	2790, SD 1, HD 1	Takumi/Nakasone, Co-Chrs.; Kaho`ohalahala, Bukoski
2556, HD 1	Takamine, Chr.; Kawakami, Magaoay, Jernigan	2791, SD 1, HD 1	Takumi/Nakasone, Co-Chrs.; Kaho`ohalahala, Blundell
2558, SD 2, HD 2	Schatz/Chang/Takamine, Co-Chrs.; Wakai, Marumoto	2834, SD 2, HD 2	Hamakawa/Takamine, Co-Chrs.; Marumoto
2586, SD 2, HD 2	Arakaki/Hiraki, Co-Chrs.; Herkes, Ching	2835, SD 1, HD 1	Hamakawa/Takamine, Co-Chrs.; Caldwell, Sonson, Pendleton
2595, SD 2, HD 2	Arakaki/Takamine, Co-Chrs.; Nishimoto, Finnegan	2839, SD 2, HD 2	Hiraki/B. Oshiro/Kawakami, Co-Chrs.; Caldwell, Stonebraker

2840, SD 2, HD 2	Hamakawa/Takamine, Co-Chrs.; Nakasone, Pendleton	2936, SD 2, HD 1	Kahikina/Arakaki/Kawakami, Co-Chrs.; Moses
2861, SD 1, HD 2	Hamakawa/Waters, Co-Chrs.; B. Oshiro, Sonson, Thielen	2941, HD 1	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Pendleton
2869, SD 2, HD 1	Schatz/Kanoho/Karamatsu, Co-Chrs.; Moses	2948, SD 2, HD 1	Arakaki/Nishimoto, Co-Chrs.; Shimabukuro, Finnegan
2873, SD 1, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Blundell	2968, SD 1, HD 1	Kahikina/Morita/B. Oshiro, Co-Chrs.; Bukoski
2878, SD 2, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Blundell	2976, SD 1, HD 1	Ito/Takamine, Co-Chrs.; Mindo, Pendleton
2879, SD 2, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Blundell	2990, HD 1	Takamine, Chr.; Kawakami, Nakasone, Jernigan
2882, SD 1, HD 1	Hiraki, Chr.; Herkes, Kanoho, Thielen	2994, SD 1, HD 2	Hamakawa/Takamine, Co-Chrs.; Ito, Marumoto
2887, SD 2, HD 2	Hiraki/Takamine, Co-Chrs.; Herkes, Marumoto	2995, SD 2, HD 1	Hamakawa/Takamine, Co-Chrs.; Ito, Marumoto
2895, SD 1, HD 1	M. Oshiro/Hiraki, Co-Chrs.; Herkes, Stonebraker	2996, SD 2, HD 2	Morita/Takamine, Co-Chrs.; Waters, Bukoski
2897, SD 2, HD 2	Arakaki/Hiraki, Co-Chrs.; Herkes, Ching	3002, HD 1	Schatz/Takumi/Wakai, Co-Chrs.; Leong
2899, SD 2, HD 1	Arakaki/Hiraki, Co-Chrs.; Nishimoto, Herkes, Ching	3018, SD 2, HD 1	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Jernigan
2906, SD 1, HD 2	Hiraki/Takamine, Co-Chrs.; Wakai, Stonebraker	3019, SD 1, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Blundell
2908, SD 1, HD 1	Schatz/Hiraki, Co-Chrs.; Herkes, Ontai	3020, HD 1	Takumi/Kawakami, Co-Chrs.; Evans, Ontai
2909, SD 1, HD 1	Schatz/Hiraki/Takamine, Co-Chrs.; Leong	3024, SD 2, HD 1	Schatz/Takamine, Co-Chrs.; Wakai, Ontai
2919, SD 1, HD 1	Ito/M. Oshiro/Mindo, Co-Chrs.; Moses	3041, SD 2, HD 2	Arakaki/Hamakawa, Co-Chrs.; Nishimoto, Finnegan
2926, SD 1, HD 2	Kahikina/Shimabukuro, Co-Chrs.; Nishimoto, Ching	3044, HD 1	Kanoho/B. Oshiro, Co-Chrs.; Hamakawa, Thielen
2928, HD 2	Kahikina/Shimabukuro, Co-Chrs.; Nishimoto, Ching	3049, SD 2, HD 2	Hiraki/Takamine, Co-Chrs.; Magaoay, Stonebraker
2929, SD 1, HD 1	Kahikina/Arakaki/Kawakami, Co-Chrs.; Finnegan	3051, SD 2, HD 1	Kanoho/Abinsay/Takamine, Co-Chrs.; Thielen
2930, SD 2, HD 1	Kahikina/Arakaki/Kawakami, Co-Chrs.; Finnegan	3052, SD 2, HD 2	Kanoho/Abinsay/Takamine, Co-Chrs.; Nakasone, Thielen

3062, SD 1, HD 2	Kanoho/Takamine, Co-Chrs.; Mindó, Bukoski	3193, SD 2, HD 2	Morita/Hiraki/Takamine, Co-Chrs.; Marumoto
3068, SD 2, HD 2	Takamine, Chr.; Kawakami, Nakasone, Meyer	3204, HD 1	Hiraki, Chr.; Kanoho, Sonson, Stonebraker
3080, SD 2, HD 2	Souki/Takamine, Co-Chrs.; Caldwell, Blundell	3207, SD 2, HD 2	Morita/Waters, Co-Chrs.; Kaho`ohalahala, Bukoski
3085, SD 2, HD 2	Arakaki/Hiraki, Co-Chrs.; Herkes, Ching	3230, SD 2, HD 1	Kahikina/Takumi/Kawakami, Co-Chrs.; Shimabukuro, Leong
3086, HD 1	Takumi/Karamatsu, Co-Chrs.; Mindó, Magaoay, Ontai	<p>House Communication dated April 19, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:</p>	
3092, SD 1, HD 1	Morita/Waters, Co-Chrs.; Kaho`ohalahala, Bukoski		
3104, SD 2, HD 1	B. Oshiro/Takamine, Co-Chrs.; Hamakawa, Pendleton	H.B. No. 189, HD 2, SD 2	Added Representative Lee as a member.
3106, SD 1, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Blundell	H.B. No. 1004, HD 1, SD 1	Added Representative Pendleton as a member.
3113, SD 1, HD 1	Hamakawa, Chr.; B. Oshiro, Caldwell, Marumoto	H.B. No. 1259, HD 1, SD 1	Added Representative Thielen as a member.
3129, SD 1, HD 1	Kanoho/Magaoay, Co-Chrs.; Kaho`ohalahala, Meyer	H.B. No. 1261, HD 2, SD 1	Added Representative Moses as a member.
3135, SD 1, HD 1	Kawakami, Chr.; Karamatsu, Mindó, Moses	H.B. No. 1335, HD 3, SD 2	Added Representative Leong as a member.
3148, SD 2, HD 3	Takumi/Kanoho/Kawakami, Co-Chrs.; Kaho`ohalahala, Ontai	H.B. No. 1374, HD 2, SD 2	Added Representative Blundell as a member.
3153, SD 2, HD 2	Abinsay/Takamine, Co-Chrs.; Sonson, Jernigan	H.B. No. 1560, HD 1, SD 1	Added Representative Jernigan as a member.
3156, SD 1, HD 1	Takamine, Chr.; Kawakami, Nishimoto, Meyer	H.B. No. 1590, HD 2, SD 2	Added Representative Pendleton as a member.
3170, SD 2, HD 2	Morita/Waters, Co-Chrs.; Kaho`ohalahala, Thielen	H.B. No. 1634, HD 1, SD 1	Added Representative Meyer as a member.
3175, SD 2, HD 2	M. Oshiro/Takamine, Co-Chrs.; Nakasone, Moses	H.B. No. 1774, HD 2, SD 2	Added Representative Bukoski as a member.
3179, HD 1	Takamine, Chr.; Kaho`ohalahala, Shimabukuro	H.B. No. 2022, HD 2, SD 1	Discharged Representative Nishimoto as a member.
3182, HD 1	Takamine, Chr.; Kawakami, Nakasone, Bukoski	H.B. No. 2136, HD 1, SD 1	Added Representative Shimabukuro as a member.
3190, SD 1, HD 1	Souki/Hiraki, Co-Chrs.; Herkes, Blundell		Discharged Representative Hamakawa as Second Co-Chair.
			Discharged Representative Herkes as a member.
			Added Representative Herkes as Second Co-Chair.
			Added Representative Magaoay as a member.

H.B. No. 2814, HD 2, SD 1	Added Representative Kaho'ohalahala as a member.
H.B. No. 2815, SD 1	Added Representative Kaho'ohalahala as a member.
H.B. No. 2883, HD 2, SD 2	Discharged Representative Hiraki as Second Co-Chair.  Added Representative Herkes as Second Co-Chair.
S.B. No. 2302, SD 2, HD 1	Added Representative Abinsay as a member.

House Communication dated April 19, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bills have this day passed Final Reading in the House of Representatives:

H.B. No. 1294, SD 1, CD 1  
H.B. No. 2061, HD 2, SD 1, CD 1

## FIFTY-FIRST DAY

Wednesday, April 21, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Chaplain Alan Urasaki of the Federal Detention Center, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Ito, Karamatsu, Meyer, Pendleton, Saiki, Stonebraker, and Takai who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 175 through 178) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 175, informing the House that on April 19, 2004, the following bill was signed into law:

S.B. No. 3172, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL." (ACT 007)

Gov. Msg. No. 176, informing the House that on April 19, 2004, the following bill was signed into law:

S.B. No. 2902, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING." (ACT 008)

Gov. Msg. No. 177, informing the House that on April 19, 2004, the following bill was signed into law:

S.B. No. 2394, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY." (ACT 009)

Gov. Msg. No. 178, informing the House that on April 19, 2004, the following bill was signed into law:

S.B. No. 2278, 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." (ACT 010)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 681 through 688) were received and announced by the Clerk:

Sen. Com. No. 681, informing the House that the Senate has reconsidered its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that on April 19, 2004, said bill passed Final Reading:

S.B. 2395, RELATING TO INFORMATION  
SD 2, HD 1 PRACTICES.

Sen. Com. No. 682, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bill:

S.B. 473, Adds Senator Hanabusa as a Co-Chair.  
SD 1, HD 3

Sen. Com. No. 683, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bill:

S.B. 3052, Inouye/Taniguchi, Co-Chairs; Espero, Kim,  
SD 2, HD 2 Kokubun, Tsutsui, Whalen.

Sen. Com. No. 684, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. 189, Baker/Hanabusa, Co-Chairs; Chun Oakland,  
HD 2, SD 2 Inouye

H.B. 403, Kanno/Taniguchi, Co-Chairs; Kokubun,  
HD 1, SD 1 Whalen

H.B. 537, Hanabusa, Chair; Chun Oakland, Fukunaga  
HD 1, SD 1

H.B. 1004, Hanabusa, Chair; English, Hogue  
HD 1, SD 1

H.B. 1259, Menor, Chair; Baker, Whalen  
HD 1, SD 1

H.B. 1261, Hanabusa, Chair; Chun Oakland, English,  
HD 2, SD 1 Hogue

H.B. 1335, Hanabusa/Sakamoto/Taniguchi, Co-Chairs;  
HD 3, SD 2 English, Kokubun, Hogue

H.B. 1374, Kanno/Taniguchi, Co-Chairs; Kokubun,  
HD 2, SD 2 Whalen

H.B. 1774, Kanno/Taniguchi, Co-Chairs; Kawamoto,  
HD 2, SD 2 Kokubun, Whalen

H.B. 1778, Kanno/Taniguchi, Co-Chairs; Kawamoto,  
HD 2, SD 2 Kokubun

H.B. 1792, Kanno/Taniguchi, Co-Chairs; Kokubun,  
HD 2, SD 1 Whalen

H.B. 1840, Baker/English, Co-Chairs; Hooser, Hogue  
HD 1, SD 1

H.B. 1980, Hanabusa, Chair; Chun Oakland, Hogue  
HD 1, SD 1

H.B. 2005, HD 1, SD 1	Menor/Baker, Co-Chairs; Chun Oakland, Espero, Slom	S.B. 1238, SD 2, HD 2	Baker/Kokubun/Hanabusa, Co-Chairs; Chun Oakland, Hogue
H.B. 2025, HD 3, SD 2	Kanno/Hanabusa/Taniguchi, Co-Chairs; Chun Oakland, Hogue	S.B. 1318, SD 1, HD 2	Menor, Chair; Baker, Espero, Whalen
H.B. 2092, HD 2, SD 2	Baker/Menor, Co-Chairs; Chun Oakland, Inouye, Slom	S.B. 1549, SD 1, HD 1	Menor, Chair; Espero, Whalen
H.B. 2143, HD 2, SD 1	Menor, Chair; Espero, Whalen	S.B. 2033, SD 1, HD 2	Kanno/Kawamoto/Taniguchi, Co-Chairs; Kokubun
H.B. 2170, HD 1, SD 1	Baker/Kokubun, Co-Chairs; Chun Oakland, Taniguchi, Hogue	S.B. 2056, SD 1, HD 2	Sakamoto/Baker/Hanabusa, Co-Chairs; Hogue
H.B. 2254, SD 1	Hanabusa, Chair; Kawamoto, Hogue	S.B. 2073, SD 2, HD 2	Kanno/Sakamoto/Taniguchi, Co-Chairs; Espero, Kokubun, Slom
H.B. 2292, HD 1, SD 1	Hanabusa/Taniguchi, Co-Chairs; Fukunaga, Kokubun, Trimble	S.B. 2355, SD 2, HD 2	Kanno/Taniguchi, Co-Chairs; Kokubun, Slom
H.B. 2297, HD 1, SD 2	Hanabusa/Taniguchi, Co-Chairs; Fukunaga, Kokubun, Hogue	S.B. 2447, SD 1, HD 1	Hanabusa, Chair; Chun Oakland, English, Hogue
H.B. 2301, HD 1, SD 1	Hanabusa/Taniguchi, Co-Chairs; English, Kokubun, Hogue	S.B. 2541, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2320, HD 1, SD 1	Hanabusa, Chair; Chun Oakland, Hogue	S.B. 2542, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2408, HD 2, SD 1	Menor, Chair; Espero, Ige, Whalen	S.B. 2543, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2411, HD 1, SD 1	Menor, Chair; Espero, Whalen	S.B. 2544, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2667, HD 2, SD 1	Sakamoto/Hanabusa/Kanno/Taniguchi, Co- Chairs; Hogue	S.B. 2545, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2740, HD 1, SD 1	Kanno, Chair; Espero, Inouye, Kawamoto, Taniguchi	S.B. 2546, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2773, HD 1, SD 1	Menor, Chair; Espero, Whalen	S.B. 2547, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2774, HD 1, SD 1	Menor, Chair; Espero, Slom	S.B. 2549, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
H.B. 2871, HD 2, SD 1	Kanno/Sakamoto, Co-Chairs; Espero, Kokubun, Taniguchi, Slom	S.B. 2550, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
Sen. Com. No. 685, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:		S.B. 2551, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
S.B. 214, SD 3, HD 2	Kanno/Sakamoto/Taniguchi, Co-Chairs; Espero, Kokubun, Slom	S.B. 2556, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Hemmings
S.B. 762, SD 1, HD 2	Kanno/Taniguchi, Co-Chairs; Kokubun, Slom	S.B. 2718, SD 1, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Hemmings
S.B. 779, SD 2, HD 2	Kanno/Taniguchi, Co-Chairs; Espero, Kokubun, Whalen	S.B. 2873, SD 1, HD 2	Kanno/Taniguchi, Co-Chairs; Espero, Kokubun, Slom



S.B. 2878, SD 2, HD 2	Kanno/Taniguchi, Co-Chairs; Espero, Slom	S.B. 2704, HD 1	Menor/Hanabusa, Co-Chairs; Espero, Whalen
S.B. 2879, SD 2, HD 2	Kanno/Kokubun, Co-Chairs; Espero, Inouye, Slom	S.B. 2887, SD 2, HD 2	Menor/Taniguchi, Co-Chairs; Baker, Kokubun, Whalen
S.B. 2882, SD 1, HD 1	Menor, Chair; Baker, Ige, Whalen	S.B. 2895, SD 1, HD 1	Kanno/Menor/Kokubun, Co-Chairs; Slom
S.B. 2908, SD 1, HD 1	Menor, Chair; Baker, Espero, Whalen	S.B. 2906, SD 1, HD 2	Menor/Taniguchi, Co-Chairs; Baker, Kim, Kokubun, Whalen
S.B. 2941, HD 1	Kanno/Taniguchi, Co-Chairs; Kokubun, Slom	S.B. 2909, SD 1, HD 1	Menor, Chair; Espero, Whalen
S.B. 2951, SD 1, HD 1	Menor, Chair; Baker, Hogue	S.B. 2926, SD 1, HD 2	Menor/Taniguchi, Co-Chairs; Baker, Kim, Trimble
S.B. 3018, SD 2, HD 1	Kanno/Taniguchi, Co-Chairs; Espero, Inouye, Slom	S.B. 2928, HD 2	Menor/Taniguchi, Co-Chairs; Baker, Kim, Whalen
S.B. 3019, SD 1, HD 2	Kanno/Taniguchi, Co-Chairs; Kawamoto	S.B. 3062, SD 1, HD 2	Menor/Kawamoto/Taniguchi, Co-Chairs; Baker, Ige, Whalen
S.B. 3085, SD 2, HD 2	Baker/Menor, Co-Chairs; Chun Oakland, Hogue	S.B. 3113, SD 1, HD 1	Hanabusa, Chair; English, Hogue
S.B. 3106, SD 1, HD 2	Kanno/Kawamoto/Taniguchi, Co-Chairs; Kokubun, Slom	Sen. Com. No. 687, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:	
S.B. 3148, SD 2, HD 3	Sakamoto/Hanabusa/Taniguchi, Co-Chairs; Kokubun, Hogue	S.B. 3170, SD 2, HD 2	Adds Senator Trimble as a member.
S.B. 3170, SD 2, HD 2	Fukunaga/Menor/Taniguchi, Co-Chairs; English, Espero	H.B. 2320, HD 1, SD 1	Adds Senator Fukunaga as a member.
S.B. 3175, SD 2, HD 2	Kanno/Kawamoto/Taniguchi, Co-Chairs; Espero, Sakamoto, Slom	Sen. Com. No. 688, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:	
S.B. 3190, SD 1, HD 1	Menor, Chair; Espero, Whalen	H.B. 1780, HD 1, SD 1	Kanno/Taniguchi/Sakamoto, Co-Chairs; Kokubun, Trimble
S.B. 3204, HD 1	Menor, Chair; Baker, Whalen	H.B. 1786, HD 1, SD 2	Kanno/Taniguchi, Co-Chairs; Kokubun, Whalen
Sen. Com. No. 686, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:		H.B. 2137, HD 1, SD 1	Menor/Ige/Taniguchi, Co-Chairs; Sakamoto, Slom
S.B. 2210, SD 2, HD 1	Menor/Taniguchi, Co-Chairs; Espero, Kim, Kokubun, Sakamoto, Whalen	H.B. 2363, HD 1, SD 2	Menor/Hanabusa, Co-Chairs; Espero, Whalen
S.B. 2358, SD 2, HD 1	Menor/Hanabusa, Co-Chairs; Sakamoto, Whalen	H.B. 2786, HD 1, SD 2	Menor/Hanabusa, Co-Chairs; Espero, Slom
S.B. 2424, SD 2, HD 2	Kanno/Sakamoto/Taniguchi, Co-Chairs; Hooser, Hogue	<b>INTRODUCTIONS</b>	
S.B. 2528, SD 1, HD 1	Menor/Taniguchi, Co-Chairs; Baker, Kim, Kokubun, Whalen	The following introductions were made to the members of the House:	
S.B. 2595, SD 2, HD 2	Menor/Taniguchi, Co-Chairs; Espero, Kokubun, Hogue	Representative Caldwell introduced members of the Hispanic Moot Court Team from the University of Hawaii William C. Richardson School of Law:	

Ms. Kirsha Durante,  
 Ms. Nicole Wipp,  
 Ms. Kathy Smith,  
 Ms. Erin Atkinson, and  
 Ms. Sarah Southerland, who also interned in his office.

They were accompanied by their coaches, Ms. Elizabeth Robinson, an attorney with Alston, Hunt, Floyd and Ing, and Ms. Collette Honda from the law firm of Burke, Sakai, McPheeters, Bordner, Iwanaga & Estes.

Representative Kahikina introduced on behalf of Representative Shimabukuro and himself, the students from the Ma'ili C-Base Adult High School Program accompanied by their teacher, Ms. Jeanne Collison.

### ORDER OF THE DAY

#### COMMITTEE REASSIGNMENTS

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

#### S.B. Nos.

#### Re-referred to:

2541, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2542, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2543, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2544, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2545, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2546, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2547, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2549, SD 1, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2550, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2551, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance
2556, HD 1	Committee on Labor and Public Employment, then to the Committee on Finance

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

#### S.C.R. Nos.

#### Re-referred to:

26, SD 1	Committee on Tourism and Culture
40	Committee on Health
88	Committee on Transportation
101, SD 1	Committee on International Affairs
93	Committee on Finance
149	Committee on Transportation
164	Committee on International Affairs
167	Committee on Water, Land Use and Hawaiian Affairs
199	Committee on Human Services and Housing

At 12:14 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 12:17 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Luke, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House bill. (Representatives Hiraki, Karamatsu, Pendleton, Saiki, Stonebraker and Takai were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative Luke moved that the House reconsider its action previously taken in disagreeing to amendments proposed by the Senate and gave notice of intent to agree to such amendments for the following House bill, seconded by Representative Lee, and carried: (Representatives Hiraki, Karamatsu, Pendleton, Saiki, Stonebraker and Takai were excused.)

H.B. No. 1743, HD 2 (SD 2)

#### ADOPTION

Representative Luke moved that the House agree to the amendments proposed by the Senate and to agree to such amendments for H.C.R. 50, HD 1 (SD 1), seconded by Representative Lee, and carried. (Representatives Hiraki, Karamatsu, Saiki, Stonebraker, and Takai being excused.)

H.C.R. No. 50, HD 1, SD 1:

Representative Luke moved that the House agree to the amendments proposed by the Senate to H.C.R. 50, HD 1 and that H.C.R. 50, HD 1, SD 1 be adopted, seconded by Representative Lee.

At 12:20 o'clock p.m., Representative Halford requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:29 o'clock p.m.

The Chair then stated:

"Prior to the recess, we were on the discussion of House Concurrent Resolution Number 50, House Draft 1, Senate Draft 1. And Representative Halford, has your question been answered for your inquiry?"

Representative Halford responded, stating:

"No, Mr. Speaker. However, I'm content."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 50, HD 1, and H.C.R. No. 50, HD 1, SD 1, entitled: HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was adopted in its final form, with Representatives Hiraki, Karamatsu, Saiki, Stonebraker, and Takai being excused.

#### ANNOUNCEMENTS

Representative Chang: "Mr. Speaker, I'd like to request a waiver of the 48-hour notice for the purpose of a public hearing for the Committee on Tourism and Culture on Friday, April 23, in room 325 at 9:10 on SCR 26, SD 1. The title is, 'Requesting the Department of Business, Economic Development, and Tourism, the State Film Office, the University Of Hawaii, Other State Agencies, and Other Interested Parties to Work Together to Establish an Annual International Animation Film Festival.' Thank you."

Representative Kanoho: "Thank you, Mr. Speaker. I'd also like to request a waiver of the 48-hour hearing notification for the purpose of hearing a resolution," and the Chair "so ordered."

Representative Kanoho: "Thank you, Mr. Speaker. Senate Concurrent Resolution 212, 'Requesting the Federal Government to Conduct a Thorough Evaluation of the Condition of the 187-Acre Property Situated in Waikane.' This resolution will be scheduled following the Water, Land Use 1:30 agenda tomorrow at 2 o'clock. Thank you."

Representative Ontai: "Thank you, Mr. Speaker. I would like to make a one and a half hour notification to the Native Hawaiian Caucus. A reminder about today's briefing. The Members may be interested, especially you, Mr. Speaker. This is a briefing about Native Hawaiian organizations. We recently had two of them approved for Hawaii allowing for Super 8(a) status in the small business development. So this might be of interest to many Members, maybe even of the Economic Development Committee. Thank you, Mr. Speaker. It's in room 423 at 2 p.m."

Representative Arakaki: "Thank you, Mr. Speaker. I would also like to request a waiver of the requirement for 48-hour advanced notice for hearing," and the Chair "so ordered."

Representative Arakaki: "This is for the purpose of adding three resolutions to our existing agenda for tomorrow at 10:00 in room 437. And the three resolutions are: SCR 40, 'Requesting Hawaii's Congressional Delegation to Urge the Federal Communications Commission to Investigate and Examine Adverse Health Effects of Cellular and Radio Antenna Towers.' Also SCR 56, 'Urging the President and Congress to Repeal the Ban Against the Government Negotiating Price Reductions of Prescription Drugs.' And finally SCR 27, 'Urging Support for Federal Legislation Authorizing the Importation of Prescription Drugs.' Thank you, Mr. Speaker."

Representative Thielen: "Thank you, Mr. Speaker. I just wanted to remind Members that Friday is our fifth annual Hemp Aloha Shirt Friday. And if you don't have a hemp shirt, just wear a natural fiber shirt. And that's in honor of Earth Day, Mr. Speaker."

Representative M. Oshiro: "Mr. Speaker, I request a waiver of the 24-hour prior notice requirement for Conference Committee for measures to be discussed in Conference," and the Chair "so ordered."

"Mr. Speaker, I need to apologize to the Members, but working with my Senate counterparts on these various measures, we experienced some difficulty and perhaps some of it is attributed to the late assignment of conferees by the Senate. But in any case, Mr. Speaker, on Thursday, tomorrow, April 22, at 9 o'clock a.m. in conference room 225, the following Senate Bills have been scheduled:

SB No. 762, SD 1, HD 2, Relating to the EUTF.

SB No. 779, SD 2, HD 2, Relating to the Employees' Retirement System.

SB No. 2355, SD 2, HD 2, Relating to Public Employee Health Benefits.

SB No. 2541, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items for Public Employees.

SB No. 2542, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items for Public Employees.

SB No. 2543, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items for Public Employees.

SB No. 2544, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items for Public Employees.

SB No. 2545, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items for Public Employees.

SB No. 2546, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items for Public Employees.

SB No. 2547, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items for Public Employees.

SB No. 2549, SD 1, HD 1, Making an Appropriation for Collective Bargaining Cost Items.

SB No. 2550, HD 1, Making an Appropriation for Collective Bargaining Cost Items.

SB No. 2551, HD 1, Making an Appropriation for Collective Bargaining Cost Items.

SB No. 2556, HD 1, Relating to State Officers and Employees Excluded from Collective Bargaining and Making Appropriation and Other Adjustments.

SB No. 2718, SD 1, HD 2, Relating to the Compensation of Officials in the Legislative Service Agencies.

SB No. 2424, SD 2, HD 2, Relating to New Century Conversion Charter Schools.

SB No. 2873, SD 1, HD 2, Relating to the Employees' Retirement System.

SB No. 2878, SD 2, HD 2, Relating to the Federal Tax Limit on Compensation Applicable to the Employees' Retirement System.

SB No. 2879, SD 2, HD 2, Relating to Federal Tax Qualifications of Employees' Retirement System.

SB No. 2941, HD 1, Making an Emergency Appropriation for the State Workers' Compensation Program.

SB No. 3018, SD 2, HD 1, Relating to Pension and Retirement Systems.

SB No. 3019, SD 1, HD 2, Relating to Health Benefits.

"In addition, Mr. Speaker, I ask for a waiver of the 24-hour notice on the same agenda for HB No. 1786, HD 1, SD 2, 'Relating to Exempt Employees.'

"Again, Mr. Speaker, I apologize for the long list, but I will be available if any Member would be interested in going over these measures with me. Thank you."

Speaker Say: "Representative Marcus Oshiro, is it possible to get a list for the Minority Leader? So he could disseminate it to his caucus."

Representative M. Oshiro: "I'll give them a list. Thank you."

### 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 12:00 o'clock noon tomorrow, Thursday, April 22, 2004. (Representatives Hiraki, Karamatsu, Saiki, Stonebraker, and Takai were excused.)

### HOUSE COMMUNICATION

House Communication dated April 20, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has appointed as Conferees on the part of the House for the consideration of amendments proposed by the Senate to the following measure:

H.B. 1103, Hiraki/Nakasone, Co-Chairs;  
HD 2, SD 1 Herkes, Marumoto

House Communication dated April 20, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has made the following changes to the conferees on the following measure:

S.B. 2474, Discharged Representatives Morita/Hiraki as  
SD 3, HD 2 Co-Chairs.  
Discharged Representatives Herkes, Thielen as  
members.

House Communication dated April 20, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has made the following changes to the conferees on the following measures:

H.B. 1839, Discharged Representative Hiraki as Second  
HD 2, SD 2 Co-Chair.  
Added Representative Herkes as Second Co-Chair.

H.B. 1987, Discharged Representative Hiraki as Second  
HD 1, SD 1 Co-Chair.  
Added Representative Herkes as Second Co-Chair.

H.B. 2005, Discharged Representative Hiraki as Second  
HD 1, SD 1 Co-Chair.  
Added Representative Herkes as Second Co-Chair.

H.B. 2048, Added Representative Chang as a member.  
HD 1, SD 1

H.B. 2049, Added Representative Chang as a member.  
HD 1, SD 2

H.B. 2092, Discharged Representative Hiraki as Second  
HD 2, SD 2 Co-Chair.  
Added Representative Herkes as Second Co-Chair.

H.B. 2098, Discharged Representative Hiraki as Second  
HD 1, SD 2 Co-Chair.  
Added Representative Herkes as Second Co-Chair.

H.B. 2136, Discharged Representative Nakasone as First  
HD 1, SD 1 Co-Chair.  
Discharged Representative Magaoay as a member.  
Added Representative Magaoay as First Co-Chair.  
Added Representative Nakasone as a member.

H.B. 2408, Discharged Representative Hiraki as Third Co-Chair.  
HD 2, SD 1 Added Representative Herkes as Third Co-Chair.

S.B. 2779, Discharged Representative Hiraki as Third Co-Chair.  
SD 2, HD 1 Added Representative Herkes as Third Co-Chair.

House Communication dated April 21, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has made the following changes to the conferees on the following measures:

H.B. 1856, Added Representative Takamine as Second Co-Chair.  
HD 1, SD 1

S.B. 2405, Discharged Representative B. Oshiro as Second  
SD 1, HD 1 Co-Chair.  
Added Representative Hamakawa as Second  
Co-Chair.

House Communication dated April 21, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 15, 2004 to H.B. 1743, HD 2, SD 2.

House Communication dated April 21, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

S.B. 2541, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2542, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2543, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2544, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2545, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2546, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2547, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2549, Added Representative M. Oshiro as First Co-  
SD 1, HD 1 Chair

S.B. 2550, Added Representative M. Oshiro as First Co-  
HD 1 Chair

S.B. 2551, Added Representative M. Oshiro as First Co-  
HD 1 Chair

S.B. 2556, Added Representative M. Oshiro as First Co-  
HD 1 Chair

S.B. 3052, Discharged Representative Nakasone as a  
SD 2, HD 2 Member.  
Added Representative Waters as a Member.

S.B. 2718, Added Representative M. Oshiro as Second Co-  
SD 1, HD 1 Chair

House Communication dated April 21, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 15, 2004 to H.C.R. No. 50, HD 1, SD 1 and was adopted in final form.

## FIFTY-SECOND DAY

Thursday, April 22, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Roy M. Takumi, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Ching, Finnegan, and Takamine who were excused.

On motion by Representative Lee, seconded by Representative Meyer and carried, reading of the Journal was dispensed with and the Journals of the Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Fifth, and Thirty-Sixth Days were approved, with Representative Takamine being excused.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 179 through 183) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 179, informing the House that on April 22, 2004, the following bill was signed into law:

H.B. No. 2418, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES." (ACT 011)

Gov. Msg. No. 180, informing the House that on April 22, 2004, the following bill was signed into law:

H.B. No. 2417, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING." (ACT 012)

Gov. Msg. No. 181, informing the House that on April 22, 2004, the following bill was signed into law:

H.B. No. 2423, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION." (ACT 013)

Gov. Msg. No. 182, informing the House that on April 22, 2004, the following bill was signed into law:

H.B. No. 1737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS." (ACT 014)

Gov. Msg. No. 183, informing the House that on April 22, 2004, the following bill was signed into law:

H.B. No. 2139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 015)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 689 through 693) were received and announced by the Clerk:

Sen. Com. No. 689, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

S.B. 1491 Discharges Senator Fukunaga as a Co-Chair .  
SD 1, HD 1

H.B. 2749, Add Senator Fukunaga as a member.  
SD 1

Sen. Com. No. 690, informing the House that the Senate has made changes on the part of the Senate to the following bills:

S.B. 459, Discharged Senator Kawamoto as Co-Chair  
SD 1,  
HD 1, CD 1

S.B. 2131 Added Senator Taniguchi as a member.  
SD 1, HD 1

S.B. 2595, Discharged Senator Espero as a member.  
SD 2, HD 2 Added Senator Baker as a member.

H.B. 2883, Added Senator Taniguchi as a member.  
HD 2, SD 2

Sen. Com. No. 691, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bill:

H.B. 2674, Hanabusa/Menor, Co-Chairs; Chun Oakland,  
HD 1, SD 1 Espero, Slom.

Sen. Com. No. 692, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. 53, Baker/Kokubun, Co-Chairs; English,  
SD 1, HD 1 Taniguchi, Tsutsui, Hogue

S.B. 2839, Menor/Hanabusa/Taniguchi, Co-Chairs;  
SD 2, HD 2 Baker, Kokubun, Whalen

S.B. 2948, Baker/Kokubun, Co-Chairs; Kanno, Hogue  
SD 2, HD 1

S.B. 3049, Menor/Taniguchi, Co-Chairs; Baker,  
SD 2, HD 2 Kokubun, Whalen

S.B. 3156, Baker/Kokubun, Co-Chairs; Hooser,  
SD 1, HD 1 Taniguchi, Tsutsui, Hogue

Sen. Com. No. 693, informing the House that Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolution:

S.C.R. 9, SENATE CONCURRENT RESOLUTION  
SD 1, HD 1 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.

## INTRODUCTION

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



Representative Finnegan, on behalf of Representative Wakai and herself, introduced Fourth grade students from Aliamanu Elementary School, and their teachers, Mrs. Johnson, Mr. Fukumoto, Mrs. Sato and Mrs. Miyashiro.

### ORDER OF THE DAY

#### COMMITTEE REASSIGNMENTS

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

#### S.B.

#### No. Re-referred to:

2718, Committee on Legislative Management, then to the  
SD 1, Committee on Labor and Public Employment, then  
HD 1 to the Committee on Finance

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

#### S.C.R.

#### Nos. Re-referred to:

18 Committee on International Affairs  
22 Committee on Judiciary  
27 Committee on Health  
37 Committee on Health, then to the Committee on Finance  
48 Committee on Finance  
56 Committee on Health  
61, Committee on Finance  
SD 1  
62, Committee on Finance  
SD 1  
115 Committee on Finance  
123 Committee on Finance  
129, Committee on International Affairs  
SD 1  
136 Committee on Higher Education  
159, Committee on Finance  
SD 2

#### CONFERENCE COMMITTEE REPORTS

Representative Morita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1840, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 12-04) recommending that H.B. No. 1840, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12-04 and H.B. No. 1840, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," was deferred for a period of 48 hours.

At 12:15 o'clock p.m., Representative Lee requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended to consider a certain bill on Final reading on the basis of a modified consent calendar. (Representatives Hale, Kanoho, Sonson, Stonebraker, 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. 1743, HD 2 (SD 2), seconded by Representative Lee.

Representative Marumoto rose, stating:

"Mr. Speaker, I'm in opposition to this measure."

The Chair responded, stating:

"This is the motion to agree, or would you like to address it on the ..."

Representative Marumoto responded, stating:

"I would like to address the motion to agree to the Senate version.

"It is most noble to protect the birds and fish; however, a little light should be allowable. The Senate version of House Bill 1743 will prohibit artificial light that are directly positioned toward or directly illuminate the ocean unless such light is required for public safety or safe ocean navigation.

"Apparently lights on the water, and from quoting from the bill, "Can cause the death of hatching sea turtles, fledglings shearwaters, nocturnal flying seabirds and migratory birds. The lights can adversely affect the behavior of fish and harm corals that naturally spawn during a full moon by causing them to spawn artificially during the dark phase of the moon cycle." End quote.

"The reporting Committee finds, and I quote again, "That a prohibition against those artificial lights that pose a hazard to nocturnally active wildlife is imperative to protect those animals from serious harm."

"If the situation is so serious, perhaps we should prohibit inland lights, as well as lights along the coast.

"Hotels are exempted from this prohibition, thank heavens. But no one else is. That means homeowners on the coast will be breaking the law come July 1st if they shine the light toward the beach and it is not for public safety or ocean navigation.

"We should provide homeowners with exemptions similar to the one given hotels. Hotel condos will be able to illuminate a limited area of no more than 30 feet into ocean water.

"There are not that many homes that have spotlights trained on the water. In fact, most homeowners turn off the lights when they go to bed unless they are motion activated for security. So I believe that this law is for the birds. I say, let there be light. Please vote no. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1743, HD 2 (SD 2), with Representative Takamine being excused.

The Chair addressed the Clerk who announced that the record of vote form for the aforementioned bill had been received.

#### **H.B. No. 1743, HD 2, SD 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1743, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Morita, Kanoho, B. Oshiro and Bukoski). Noes, none. Excused, none.

Representative Saiki moved that H.B. No. 1743, HD 2, SD 2, pass Final Reading, seconded by Representative Lee.

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"As we come to the end of our session this year, I am honored and extremely proud as a former educator to have had one of my former students spearhead the passage of this bill. This is a shining example of how one person can make a difference.

"The purpose of this bill is to protect our native Hawaiian bird species and marine life from adverse artificial lights that disorient birds and hatchling turtles and result in their demise, and also stunts the growth of coral.

"When Mr. Wayne Dang approached me with his idea, I was not aware of the significance of what he wanted to accomplish.

"As any good student would do, Wayne researched his proposal, we introduced this bill, and the success of its passage today is due to his hard work and tenacity in organizing support for his idea.

"A diverse array of people committed to protecting our native Hawaiian bird species and marine life spoke passionately in favor of this bill.

"In support of this measure, we received testimony from individual citizens, fishermen, the Hawaii Audubon Society, the U.S. Fish & Wildlife Service, the Oahu Wildlife Branch of the State Division of Forestry and Wildlife, the Sierra Club, the Mokulua Fishing Club which, since 1959, is comprised of residents of the Lanikai Community, the Hawaii Conservation Alliance and Kahea, the Hawaiian Environmental Alliance.

"I thank the House and Senate conferees for working towards agreement on this bill and urge all of my colleagues to support its passage."

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, with all due respect to the Representative from Kahala who sarcastically implies that this bill is for the birds, yes this bill is for the birds and fishes and turtles and coral and dark skies too so we can see the stars better.

"Mr. Speaker, I would like to quote E.B. White who said, "I am pessimistic about the human race because it is too ingenious for its own good. Our approach to nature is to beat it into submission. We would stand a better chance of survival if we accommodated ourselves to this planet and viewed it appreciatively instead of skeptically and dictatorially."

"Just because someone has the ability to shine a floodlight out towards the shoreline and into the ocean at night does not mean he has a right to disrupt the environment that is not even on his property. The phenomenon that this bill attempts to address is light trespass or light pollution. Light pollution, especially as used in this measure, means lumination from an artificial light source that needlessly spills onto adjacent areas from poorly shielded and improperly installed outdoor lighting fixtures, and which may cause disruption to both land and marine ecosystems and impair nighttime visual performance."

"This bill does not only address the impact of light pollution on the environment but also brings awareness to electricity and energy that is being wasted when lighting is unnecessary or does not effectively perform the task it is suppose to do.

"Furthermore, Mr. Speaker, I would like to share with this body a story about the genesis of this legislation by the insertion of a newspaper article of the major proponent of this measure.

#### **"Angler Turned Concern Into Legislation**

By: Gordon Y.K. Pang, Advertiser Capitol Bureau

Wayne Dang crammed into a State Capitol meeting room last year with other anglers to successfully fight a measure that would have severely limited where they fish. The episode got Dang thinking that instead of fighting legislation he felt was bad, why not push for changes that would be good?

"I'm not going to sit back and grumble about things," Dang said. "If I want something done, I'm going to go out there and go do it, and try to make a difference." Thus began the seemingly improbable rise of House Bill 1743, the so-called "light pollution bill."

Dang persuaded Rep. Ken Ito, D-48th (Kane'ohe), his former electronics teacher at Kalani High School, to introduce the bill which essentially prohibits artificial light from shining into the ocean unless authorized and required for public safety or ocean navigation.

House conference committee members yesterday agreed to changes in the bill made by the Senate, and it is now expected to be approved by the Legislature, then sent to Gov. Linda Lingle for her signature. "It's been a lot of work, but it's been worth it," Dang said.

Dang, 44, a Kahala resident who works as a message service supervisor with the state Department of Accounting and General Services, is no stranger to the Capitol. He has lent his fisherman's expertise to the Department of Land and Natural

Resources on catch-related issues. But the light pollution bill is the first time he's been involved in the legislative process.

Dang has fished with a pole along the Honolulu coastline since his father took him as a child. He said he knows from experience that fish and other marine life shy away from areas that are lit at night. Dang said he has also witnessed disoriented birds blinded by lights fly into objects. "You kind of notice these things when you're fishing," he said. "You throw your line out, you're waiting for a bite, you kind of notice what your environment's like."

But it wasn't until Dang thought about pushing for the light pollution bill that he began gathering data on the Internet. He discovered that there was scientific evidence to support his points and other jurisdictions have started to enact light pollution legislation.

A friend of Dang's who is familiar with the environmental community contacted groups ranging from the Hawai'i Audubon Society to Kahea, the Hawaiian-Environmental Alliance. The groups testified that floodlights from the shoreline shining into the ocean negatively affect a variety of wildlife.

Lights can confuse turtle hatchlings, who sometimes end up inland instead of heading back into the ocean. They also can disorient birds, scare off sea life and hamper the growth of coral.

Dang recruited fellow fishing enthusiasts, including Brian Kimata, whose Brian's Fishing Supply is a hub for those with an affinity for hooks, lines and sinkers.

The bill met opposition. The city Department of Planning and Permitting called it unnecessary since existing laws allow the state to protect marine resources. The Hawai'i Hotel and Lodging Association, as well as the pro-development Land Use Research Foundation also opposed the bill.

Sen. Fred Hemmings, R-25th (Kailua, Waimanalo, Hawai'i Kai), who voted against the bill, said he worries the legislation will be hard to enforce and will not be enforced equally. "It's a laudable effort, but it creates more problems than it solves," he said.

But Rep. Hermina Morita, D-14th (Kapa'a, Hanalei), who chairs the House Committee on Energy and Environmental Protection, said she believes the concerns raised by hoteliers have been addressed with an exemption for hotels and hotel-condominiums if their outdoor lighting is under water or directed downward and illuminates out no more than 30 feet from the shoreline.

Morita said floodlights from shoreline homes always irritated her, but she never thought about introducing a bill herself. "Here was a fisherman that came forward who actually was seeing the effects of light pollution on fish in fishing areas," she said. "We're really grateful to him for bringing this bill forward."

Ito said he is proud of how his former student approached him with the bill and shepherded it through the process. "He made a difference," Ito said. "And hopefully now it will become law and he can get the credit for it."

Dang is shy about accepting accolades. "The truth is, I didn't expect it to go this far," he said. "But I guess people recognize it as being a good bill."

*Honolulu Advertiser  
Wednesday, April 21, 2004,*

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him, 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 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 H.B. No. 1743, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," passed Final Reading by a vote of 40 ayes to 10 noes, with Representatives Blundell, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Ontai, and Stonebraker voting no and with Representative Takamine being excused.

At 12:27 o'clock p.m., the Chair noted that H.B. No. 1743, HD 2, SD 2, passed Final Reading.

## ANNOUNCEMENTS

Representative Hale: "Mr. Speaker, thank you. I would just like to request for the Committee on International Affairs, it's on the agenda but it's for 11 o'clock, so I would like to ask a waiver please for the 24-hour notice," and the Chair "so ordered."

Representative Hale: "It's on the back page of your Order of the Day. SCR 18, SCR 101, SCR 129, and SCR 164. Thank you."

Representative Morita: "Mr. Speaker, may I have a waiver of the 48-hour hearing notice requirement to consider SCR 185, SD 1. This measure will be heard tomorrow morning at 9 o'clock in room 339. The title is, 'Urging Immediate Development and Implementation of Alternative Rules Under the Federal Environmental Protection Agency's Safe Drinking Water Act's Lead and Copper Rule.' Thank you."

Representative Evans: "Thank you, Mr. Speaker. May I ask for a waiver of the 48-hour notice for two Senate Concurrent Resolutions," and the Chair "so ordered."

"Thank you. SCR No. 131, SD 1, 'Urging the Development of and Support for Robotics Education In Hawaii.' And the other is SCR No. 133, 'Requesting that the Board of Education Review and Revise Policies to Enlarge and Expand Regular Opportunities in Each District for Members of the Communities to Give their Ideas and Support of Important Issues Impacting Educational Advancement.' And it will be in hearing room 312 at 1 p.m. tomorrow."

Representative Kawakami: "Mr. Speaker. I would like to request a waiver of the 48-hour hearing notice to hear the following. SCR No. 115, 'Requesting a Management and Financial Audit of the Harold L. Lyon Arboretum.'

"And decision making only on the following. SCR No 37, 'Requesting the Auditor to Assess the Social and the Financial Effects Requiring Health Insurers to Offer Coverage for Cognitive Rehabilitation.' And SCR No. 157, 'To Hold the Department of Land and Natural Resources for its Decisions to Include or Eliminate Qualified Candidates From the List Sent to the Governor for Appointment to the Island Burial Councils.' Thank you, Mr. Speaker.

"I'm sorry, Mr. Speaker. I forgot that we're going to hear these measures tomorrow, Friday at 3 o'clock p.m., in the

Finance Committee Room, 308. And the final two SCRs are only for decision making. Thank you."

### ADJOURNMENT

At 12:30 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, April 23, 2004. (Representative Takamine was excused.)

### HOUSE COMMUNICATION

House Communication dated April 22, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 13, 2004 and passed H.B. No. 1743, HD 2, SD 2, on Final Reading.

House Communication dated April 22, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

S.B. 2968, Discharged Representative Kahikina as Lead  
SD 1, HD 1 Co-Chair.  
Added Representative Kanoho as Lead Co-Chair.

S.B. 3156, Discharged Representative Meyer as a  
SD 1, HD 1 member.  
Added Representative Bukoski as a member.

House Communication dated April 22, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Linda Lingle, Governor State of Hawaii, informing her of action regarding H.B. 2789, HD 1, SD 1:

"HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

April 22, 2004

The Honorable Linda Lingle  
Governor of the State of Hawaii  
Executive Chambers  
State Capitol  
Honolulu, Hawaii 96813

RE: House Bill No. 2789, H.D. 1, S.D. 1  
'Relating to Sexual Assault'  
Proposed Constitutional Amendment

Dear Governor Lingle:

Please be advised that on this date, the Conference Managers on the part of the House of Representatives, have agreed to the amendments proposed by the Senate to the above-referenced measure.

On April 2, 2004 I was informed by the Clerk of the Senate that said measure passed Third Reading. In addition on April 6, 2004, I was further informed that a copy of said measure containing the question to be placed on the ballot was duly transmitted to you.

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the House Bill No. 2789, H.D. 1, S.D. 1 to be considered for Final Reading by the Hawaii House of Representatives.

A copy of the measure is attached for your convenience and review.

Respectfully,

/s/Patricia Mau-Shimizu

PATRICIA MAU SHIMIZU  
Clerk of the House

Enclosure

cc: Paul T. Kawaguchi  
Clerk of the Senate

Dwayne D. Yoshina  
Chief Election Office"

## FIFTY-THIRD DAY

Friday, April 23, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Pastor James Reid of the Friendship Bible Church, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Ching, Halford, Meyer, Ontai, M. Oshiro, Takamine, and Thielen, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 184) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 184, transmitting a report, pursuant to S.C.R. No. 12, Regarding Requesting the Establishment of a Task Force on Graduated Parenting.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 694 through 697) were received and announced by the Clerk:

Sen. Com. No. 694, informing the House that the Senate has made changes on the part of the Senate to the following bill:

H.B. 2667, Discharged Senator Kanno as a Co-Chair.  
HD 2, SD 1

Sen. Com. No. 695, informing the House that the Senate has appointed conferees on the part of the Senate for consideration of amendments proposed by the Senate to the following House bills:

H.B. 1820, Menor, Chair; Espero, Whalen.  
HD 1, SD 1

H.B. 2840, Fukunaga/Inouye/Ige/Taniguchi, Co-Chairs;  
HD 1, SD 3 Kokubun, Sakamoto, Slom

Sen. Com. No. 696, informing the House that the Senate has appointed conferees on the part of the Senate for consideration of amendments proposed by the House to the following Senate bill:

S.B. 3193, Menor/Taniguchi, Co-Chairs; Espero,  
SD 2, HD 2 Whalen.

Sen. Com. No. 697, informing the House that Senate has reconsidered its action taken on April 15, 2004 in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that on April 22, 2004, said bills passed Final Reading:

S.B. 1362, RELATING TO MENTAL HEALTH  
SD 3, HD 2

S.B. 2897, RELATING TO THE DENTAL  
SD 2, HD 2 EXAMINATION

## INTRODUCTIONS

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

Representative Moses introduced Fourth grade students from Barbers Point Elementary School accompanied by their teacher, Mr. Lowell Tsuchiyama; and parent chaperones, Mrs. Liu and Mrs. Taitague.

Representative Saiki introduced on behalf of Representative Caldwell and Speaker Say, Fifth grade students from Hokuani Elementary School, accompanied by their teachers: Ms. Laurie Dela Cruz and Mr. Sean Maskell; and parent chaperones: Mrs. Terry Yonamine and Mrs. Darlene Umeda.

## ORDER OF THE DAY

At 12:14 o'clock p.m., Representative Lee requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m. with the Vice Speaker presiding.

## UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, please note that House Resolution Number 117, House Draft 1 was re-referred solely to the Committees on Health and Legislative Management per Committee Referral Sheet Number 50 that was placed on your desk last Tuesday, April 13. The Committee on Finance waived its referral to this measure and therefore it is appropriate for the House to consider action for adoption."

## SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken on H.R. No. 117, HD 1. (Representatives Bukoski, Halford, Hiraki, Jernigan, Takai and Tamayo were excused.)

RECONSIDERATION OF  
ACTION TAKEN

Representative Saiki moved that the House reconsider its action taken pursuant to the recommendation contained in Standing Committee Report No. 1081-04, in referring H.R. No. 117, HD 1, to the Committee on Finance, seconded by Representative Lee, and carried. (Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo were excused.)

## ADOPTION

Representative Saiki moved that H.R. No. 117, HD 1, be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. Madame Speaker, I rise to speak in strong support of this resolution.

"Thank you. Madame Speaker, actually it brings tears to my eyes. I just spoke to my eldest son on the phone just a while ago before I came to session. And every time I speak to him, I think how lucky I am to be able to speak to him. That he is a throat cancer survivor. And Madame Speaker, he never smoked as I've told the Members here, but he was around a lot of smokers and inhaled a lot of secondhand smoke. It was a time when we weren't as cautious about making our schools and our public areas smoke free.

"I think Madame Speaker, when the children come down to the Capitol, they now will have two floors of this building where they can go and inhale and be smoke free. I hope ultimately, the whole building will be smoke free. But I would like to say that this measure, this resolution, I would like to call it out there for my son, David Thielen. And I am so thankful he is still with us. Thank you."

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

"Thank you, Madame Speaker. I rise in favor of the resolution.

"Unfortunately, my story is not quite as good as Representative Thielen's, I lost my wife to lung cancer and for smoking. And I'm in strong favor of this resolution. And I don't think it goes far enough. I think it should include the whole building. And I hope that at some point, that we can come back and include the whole building in a similar type of resolution. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. In strong support.

"Thank you. Besides the Representative from Kailua's son and the Representative from Maui's wife, I think we'd like to dedicate this measure to the many children, the thousands of children who come and visit the Capitol this year and to those who will be visiting us next year. I think with this measure, we can promise them that they'll be visiting a smoke free environment.

"And Madame Speaker, I think as Legislators and as policymakers, it's important for us not only to make policy but also to set good examples and to be good role models and to get the message out that smoking is not a good habit, it's not good for your health. And in fact, it increases healthcare cost. So as your Health Chair, I really want to thank everyone, all the Members for supporting this measure. And Madame Speaker, if I can also have my comments referred to on the SCR 17 found on page 3 as well. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. In support.

"I'm just wondering when I look at this resolution, I didn't see it in any of my Committees but I understand, why now, why are we not including the Second floor? Is the Senate scot-free from this? We're only affecting House Members, we're not affecting the Senate. And I don't know why we're doing that. And I also just wonder, are we sure that we're taking care of all the collective bargaining issues that might arise out of this. The problems we had at schools with the designated smoking areas. And we passed more laws to try to correct that. And I'm all for

making it all smoke free but again, why aren't we addressing the Second floor? Thank you."

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

"Madame Speaker, thank you very much. I might be one of the few, but I wish to speak against this.

"I do not smoke. However, I'm a member of Club Bob's where a lot of people smoke in there. I think we're infringing on their rights, as far as members of that particular club over there.

"Furthermore, trying to get a little more serious on this here, yes, tobacco smoking is bad and can contribute to lung cancer, emphysema, and other bronchial conditions. But so can eating fatty food, McDonalds, Burger King. More people die from heart attacks and any other illness by a great preponderance, Madame Speaker.

"So in some respect, it's an overreaction. Every time, somebody buys a pack of cigarettes, it states there that it may be hazardous to your health. And I think those people who visit those that smoke, understand that it's hazardous to their health. And if they don't wish to get secondhand smoke, they should not go there. I think it's a choice that they should certainly make.

"So Madame Speaker and Members, I believe this is kind of an overreaction in a way to just limit this to only to the Third and Fourth floor. And as the Representative from Kapolei stated, if you're going to do this, do it for the whole building. Why just do it for the Third and Fourth floor? You're going to have a very sad man in that corner over there. He's going be grumpy the whole day, Madame Speaker. Thank you very much."

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

"Thank you. I'm rising in support with some reservations. And I would ask that the words of the Representative from Kahului be put in the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Meyer continued, stating:

"I guess my reservations are we have a lot of employees in this building that smoke. And also it comes to mind, with the Fourth floor, I remember a colleague of ours who, as a Caucus, we wanted to get him up to the Fourth floor because he liked to smoke and there's balconies there. And that way he could smoke outside and wouldn't go all through the air conditioning system. I think the practice in this building is you see lobbyists and staff who smoke on the lanais which is certainly preferable to smoking in their totally enclosed offices. So I think it's a lofty idea but as far as I know, tobacco is still a legal substance, and I think this will create some hardships for many hard working people in this building. Thank you."

The motion was put to vote by the Chair and carried, and H.R. No. 117, HD 1, entitled: "HOUSE RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING THE THIRD AND FOURTH FLOORS OF THE STATE CAPITOL SMOKE-FREE," was adopted, with Representative Souki voting no and with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong, Tamayo excused



## STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1494-04), recommending that S.C.R. No. 37, be referred 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.C.R. No. 37, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COGNITIVE REHABILITATION," was referred to the Committee on Finance with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1495-04), recommending that S.C.R. No. 76, 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.C.R. No. 76, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was referred to the Committee on Finance with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1496-04), recommending that S.C.R. No. 72, 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.C.R. No. 72, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS," was referred to the Committee on Finance with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1497-04), recommending that S.C.R. No. 79, SD 1, 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.C.R. No. 79, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was referred to the Committee on Finance with Representatives

Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1498-04), recommending that S.C.R. No. 39, SD 1, 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.C.R. No. 39, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," was referred to the Committee on Finance with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 1499-04), recommending that S.C.R. No. 54, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted and that S.C.R. No. 54, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Madame Speaker, with reservations on SCR 1499, with a short explanation.

"Thank you, Madame Speaker. The Department of Human Services' Director Lillian Koller promised last year to have this expedited way of application for pregnant women and children. And she's delivered on that promise. And now we're asking of an audit when I feel that we don't have enough information to actually do an audit. I'll support it for now, but with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE "MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY" FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES," was referred to the Committee on Finance with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1500-04), recommending that S.C.R. No. 157, 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.C.R. No. 157, SD 1, entitled: "SENATE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was referred to the Committee on Finance with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1501-04), recommending that S.C.R. No. 187, 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.C.R. No. 187, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RESEARCH THE DEVELOPMENT OF A SUSTAINABLE FLOOD PROJECT SPONSORSHIP PROGRAM TO PROMOTE FLOOD ABATEMENT IN LANDS FROM WAIHAOLE TO LAIE," was referred to the Committee on Finance with Representatives Bukoski, Ching, Halford, Hiraki, Jernigan, Leong and Tamayo being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1502-04) recommending that S.C.R. No. 75, be adopted.

Representative Saiki moved that the report of the Committee be adopted and that S.C.R. No. 75, 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:

"Mr. Speaker, there is no doubt that the efforts of the family caregiver in Hawaii contribute greatly to the economy of this State, and that the family caregiver in Hawaii is often unrecognized.

"During this Session, colleagues in the community and I have tried to raise the level of awareness in the Legislature of the value of the contributions of our family caregivers. You may remember several caregiver groups introduced in the gallery.

"The resolution before you is only a start. In the sessions to come, I hope we will be able to fairly compensate family caregivers for the work they are doing. We will need the help of everyone in this body to do so."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was adopted, with Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1503-04) recommending that S.C.R. No. 17, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted and that S.C.R. No. 17, HD 1, be adopted, seconded by Representative Lee.

At this time, the Chair stated:

"Representative Arakaki, we have your comments from House Resolution 117 reflected for Stand. Com. Report 1503."

Representative Arakaki rose to respond, stating:

"Thank you, Madame Speaker. If I could just do a quick clarification because there were some concerns raised about the whole building on the first resolution. And actually this concurrent resolution, does cover the whole building but it would be dependent on the Senate agreeing to it. Thank you, Madame Speaker."

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

"I stand with reservations. I believe we addressed this last year. On 1503, Senate Concurrent Resolution Number 17, House Draft 1, Smoke-free State Capitol. I believe we addressed this last year and I spoke on it. And I want reiterate, the way it sounds as if we don't want any smoking at all in the State Capitol building. And I have some concerns about where people who smoke will go to smoke. And I'm familiar with the piece of legislation that's going through trying to remove smoking from public school campuses where before they used to smoke in designated areas. Now, we're looking at saying there can be no smoking anywhere on the campus inside and outside. But one of the amendments that's going through is trying to accommodate smokers, in fact making sure they have breaks so they can go out and smoke off school campuses. So I just think it's something we need to address because these people still will smoke and where are they going to go and smoke?"

"The other thing that's in that other bill is encouraging people into cessation programs, which I find interesting. So if we're going to tell people they can't smoke in this building, then what are there options? And I think we should look at that. Thank you."

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

Representative Hale's written remarks are as follows:

"I voted for SCR 17 designating the Capitol as a smoke free building. It not only teaches our children and sets an example, but it reminds the people who do smoke what a bad habit it is. It is very detrimental to their health and costly to society. Anything we can do to discourage them from this habit is worth the discomfort to them."

Representative Sonson 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.C.R. No. 17, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING ALL AREAS OF THE STATE CAPITOL SMOKE-FREE," was adopted, with Representative Sonson voting no and with Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1504-04) recommending that S.C.R. No. 64, SD 1, 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 S.C.R. No. 64, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED STATES MARINE MAMMAL PROTECTION ACT," was adopted, with Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo being excused.

### CONFERENCE COMMITTEE REPORTS

Representatives Kanoho and Magaoay, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1793, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 13-04) recommending that H.B. No. 1793, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13-04 and H.B. No. 1793, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," was deferred for a period of 48 hours.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3135, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 14-04) recommending that S.B. No. 3135, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14-04 and S.B. No. 3135, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," was deferred for a period of 48 hours.

### SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House Bills. (Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo were excused.)

### RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to amendments proposed by the Senate and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative Lee, and carried: (Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo were excused.)

H.B. 1560, HD 1 (SD 1)  
H.B. 2048, HD 1 (SD 1)  
H.B. 2292, HD 1 (SD 1)  
H.B. 2385, HD 1 (SD 1)  
H.B. 2789, HD 1 (SD 1)  
H.B. 2798, HD 1 (SD 2)  
H.B. 2859, HD 2 (SD 2)

### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 207 and 208) were read by the Clerk and the following action taken:

H.R. No. 207, entitled: "HOUSE RESOLUTION HONORING AND CONGRATULATING EZRA R. KANOHO, RECIPIENT OF THE 2004 NATIVE HAWAIIAN CHAMBER OF COMMERCE'S 'O'O AWARD," was jointly offered by Representatives Kahikina, Ontai, Kaho'ohalahala, Bukoski, Morita, Kawakami, Shimabukuro and Waters.

Representative Kahikina moved that H.R. No. 207 be adopted, seconded by Representative Ontai.

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

"Thank you. Madame Speaker, I stand in support.

"Madame Speaker, I want to give this floor presentation right now because I won't be able to make tonight's celebration. But the Island of Kauai is celebrating right now. The *kupunas* are smiling, nodding with approval. 'You have done well. We are pleased,' they are saying. Four island sons, Reuben, Paul, Solomon, and Ezra join their mother Pauline, and all of us in celebrating the fulfillment of a commitment and yet another new beginning.

"Ezra Kanoho, Native Hawaiian son, a *kupuna*. Born in Lihue. Graduate of Kamehameha Schools. The Hawaiian Telephone Company profited over a span of nearly 40 years while he was employed there.

"We have benefited from his contributions to the Mayor's Task Force on Substance Abuse. The Board of Directors of Junior Achievement and the United Way on Kauai, as well as on the Board of Directors of Alu Like Incorporated. There are so many examples of his skills in leadership and direction from his time as president of the American Society of Safety Engineers, as a member of the Kauai Chamber of Commerce, and as a member of the Rotary Club of Kauai. With a total of 18 years of service to the People of Hawaii in the Legislature, he has been a key decision maker in Committees such as Finance, Water, Land Use, and Hawaii Affairs, Judiciary, Consumer Protection and Commerce, and Energy and Environmental Protection. He has also been a senior member, a *tutu kane*, in the Legislative Hawaiian Caucus.

"He is a *kupuna*, someone that touched this Hawaiian son years ago. Maybe he doesn't even remember in the early 80s when I came to visit him. And I noticed the Hawaiian name on the door. And this *kupuna* welcomed me into his office. And it is now that I have the opportunity to share that it was at that time that I realized that I wanted to be something like him. And I realized that dream.

"So this evening the Native Hawaiian Chamber of Commerce will be honoring Ezra Kanoho with this esteemed 'O'o Award. Madame Speaker, the Native Hawaiian Caucus and all of our colleagues and the people of Hawaii is pleased to join with me in a warm expression in gratitude and congratulations to our *kupuna*, Ezra Kanoho. God bless you."

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

"I'm very much in favor of this resolution and I would like to applaud Representative Kanoho for always being a gentleman and a scholar, a true professional, a respected senior Member of

our Body. And I wish him great congratulations and many more years of continued success and representation for people of Kauai. Thank you."

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

"Thank you, Madame Speaker. I'm rising in strong support of the resolution.

"I remember when I was first elected and Representative Kanoho was always a welcoming Representative. He is not only dignified and gracious, but he's a very thoughtful Hawaiian man. He epitomizes the aloha spirit. And he is heads above many other people that they could have given this award to. So I congratulate him. He deserves it very much."

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

"Thank you, Madame Speaker. I rise in strong support of this resolution.

"And I too want to add my thanks to Representative Kanoho, who has been a very fine example for Kauai in leadership. And like the other Representatives, he has represented Kauai well with dignity, civility; a true gentleman. And as other speakers has said, with aloha. And especially in these days, in difficult times within politics, he brings to this Body civility; an example of civility that we all should follow. We may not agree on some issues but always, he shows each Member here a lot of respect in different views and it's something that we can all learn from. So my brother from Kauai, much aloha. I'm sorry I can't be with you tonight. I'm returning home to Kauai. But *aloha pumehana*."

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

"Thank you, Madame Speaker. I also would like to extend my heartfelt thanks to Ezra Kanoho. Congratulate him. He's a great Kamehameha. And I was happy to meet him when I was at Kamehameha. But a true man of spirit, love, and warmth, and that's Ezra Kanoho. And congratulations, Ezra. I also will not be at the occasion tonight. I have to return to Kauai, but Ezra, good luck. Aloha. Thank you."

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

"Madame Chair, I would be remiss if I didn't congratulate my young friend here for all of his years of sacrifice and good work to the State of Hawaii. I remember the Representative when he first came to the Finance Committee. I believe I was the Finance Chair then. And even then I was impressed with him and the way he handled himself in a gentlemanly fashion. I always thought this Representative epitomized what Hawaii is all about. Very gentle, but also very firm. Good luck to you. Thank you very much."

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

*"A'e. E ku ilana ike ia manawa ae kokua o Ezra Kanoho. E ka palapala e kokua mai i ka 'olelo nei ho'owaina a me ka po'o o Kaua'i e loko i ka puke o keia ha. E hopu maika'i o Ezra i ke hana noeau maika'i. E kokua i ka po'o ku nei. E mau nei e pomaika'i i ka po'e e ha'aha'a kana au no ka mea. E imi'ola ko i ke ia pu mei o hopu maika'i aloha."*

Representative Kanoho rose to respond, stating:

"Thank you, Madame Speaker. I'm rising in strong opposition.

"First want to say thank you so very much for the honor and for the recognition. I'm deeply touched and very grateful. Thank you."

The motion was put to vote by the Chair and carried, and H.R. No. 207 was adopted, with Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo being excused.

H.R. No. 208, entitled: "HOUSE RESOLUTION HONORING AND CONGRATULATING ANDY POEPOE, RECIPIENT OF THE 2004 NATIVE HAWAIIAN CHAMBER OF COMMERCE'S 'O'O AWARD," was jointly offered by Representatives Kahikina, Ontai, Kaho'ohalahala, Kanoho, Bukoski, Morita, Kawakami, Shimabukuro and Waters.

Representative Kahikina moved that H.R. No. 208 be adopted, seconded by Representative Ontai.

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

"Madame Speaker, I will be there tonight to represent the Body and the Hawaiian Caucus to honor our esteemed colleague, as well as Mr. Andy Poepeo. Representative Bukoski should be there with me tonight also.

"Mr. Poepeo has been a servant for Hawaii working not only in private business but also I understand he was also in the Legislature for a while. Lately, he's been the Director of the Small Business Association. And one of the things that he's been recognized for, which will come out a little bit later, was the topic of our Hawaiian Caucus meeting the other day, and that's the advent of this Native Hawaiian organization and what it means to Native Hawaiian people. With all due respect, Madame Speaker, I want to say that I heartily support this resolution and ask my colleagues to support too. Thank you, Madame Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 208 was adopted, with Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo being excused.

## ANNOUNCEMENTS

Representative Takamine: "Thank you, Madame Speaker. Madame Speaker, I request waiver of the 48-hour notice requirement for the purpose of hearing SCR No. 123, 'Requesting the Legislative Reference Bureau to Conduct a Study on Employee Overpayment Within the University of Hawaii System,' and the Chair "so ordered."

Representative Takamine: "Thank you, very much. Madame Speaker, this will be added to the 3 o'clock agenda for the Finance Committee this afternoon in conference room 308.

"In addition, I request, for decision making only purposes, waiver of the 48-hour notice requirement regarding SCR No. 79, 'Requesting the Hawaii State Council on Developmental Disabilities to Convene a Task Force to Identify Issues and Solutions Regarding Individuals with Developmental Disabilities and their Choice of Residential Setting,' and the Chair "so ordered."

Representative Takamine: "Thank you very much. This will also be added to the same agenda this afternoon in room 308. Thank you."

Representative Evans: "Thank you, Madame Speaker. I'd like to announce to the Higher Education and Education Committees that our 1:00 hearing, when we adjourn, to meet in room 312 to hear two Senate concurrent resolutions."

Representative Fox: "Point of order. The names of those resolutions."

Vice Speaker Luke: "It's stated on page A. She's just announcing that the 1:00 agenda will follow right after session."

Representative Nishimoto: "Thank you. A quick announcement, Madame Speaker. This year, I'm coordinating the Hawaii Foodbank donations drive, taking over from the able hands of the Representative from Waianae. And I want to thank everyone who has participated so far, and remind everyone that there's one week of donations and sales left to go. So please keep it coming with the food."

"And next week Monday, we're having a bake sale from 11:00 to 1:00 in room 437. So if people bake something this weekend, you can bring it by my office on Monday by 10:00 and they will be for sale. Thank you."

Vice Speaker Luke: "Sounds a little suspicious."

Representative Caldwell: "Madame Speaker, I have two announcements to make, both of them concern birthdays. The first one, Madame Speaker, tomorrow, Saturday is a birthday of someone named Marcus. It's not Marcus Aurelius, although I would think that the name Marcus Aurelius would fit this Marcus, because that Marcus Aurelius was a great orator, a great statesman, and a fighter. And tomorrow is the birthday of Marcus Oshiro."

"Also on Sunday, following Marcus, is the birthday of probably the most *kolohe* Member of this Body, and that's Speaker Emeritus Joe Souki from Maui. And I'd like to give them a round of applause for their birthdays."

#### ADJOURNMENT

At 1:25 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, April 26, 2004. (Representatives Bukoski, Halford, Hiraki, Jernigan and Tamayo were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 23, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has made the following changes to the conferees on the following measure:

S.B. 3156, Added Representative Arakaki as Second Co-SD 1, HD 1 Chair.

House Communication dated April 23, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has made the following changes to the conferees on the following measure:

S.B. 3156, Added Representative Hamakawa as Third Co-SD 1, HD 1 Chair.

House Communication dated April 23, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 15, 2004 to the following House Bills:

H.B. 1560, HD 1, SD 1  
H.B. 2048, HD 1, SD 1  
H.B. 2292, HD 1, SD 1  
H.B. 2385, HD 1, SD 1  
H.B. 2798, HD 1, SD 2  
H.B. 2859, HD 2, SD 2

House Communication dated April 23, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 2, 2004 to the following House Bill:

H.B. 2789, HD 1, SD 1

## FIFTY-FOURTH DAY

Monday, April 26, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Cynthia Thielen, after which the Roll was called showing all members present with the exception of Representatives Chang, Hale, Hamakawa, Hiraki, Karamatsu, Meyer, M. Oshiro, Stonebraker and Takamine who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 185 and 187) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 185, informing the House that on April 23, 2004, the following bill was signed into law:

H.B. No. 2378, entitled: "A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS." (ACT 016)

Gov. Msg. No. 186, informing the House that on April 23, 2004, the following bill was signed into law:

H.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO BAIL JUMPING." (ACT 017)

Gov. Msg. No. 187, informing the House that on April 23, 2004, the following bill was signed into law:

H.B. No. 2689, entitled: "A BILL FOR AN ACT RELATING TO STALKING." (ACT 018)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 698 through 711) were received and announced by the Clerk:

Sen. Com. No. 698, transmitting H.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 699, transmitting H.B. No. 2294, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 700, transmitting H.B. No. 2354, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 701, transmitting H.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 702, transmitting H.B. No. 2446, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 703, transmitting H.B. No. 2466, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 704, transmitting H.B. No. 1919, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 705, transmitting H.B. No. 2295, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 706, transmitting H.B. No. 2296, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS," which passed Third Reading in the Senate on April 23, 2004.

Sen. Com. No. 707, informing the House that the Senate has made changes to the Senate Conferee assignments for the following bill:

S.B. 1318, Added Senator Taniguchi as a Co-Chair.  
SD 1, HD 2

Sen. Com. No. 708, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. 1824, Menor, Chair; Espero, Sakamoto, Trimble  
SD 1

H.B. 2140, Menor, Chair; Baker, Hogue  
HD 1, SD 1

H.B. 2147, Menor, Chair; Baker, Whalen  
HD 1, SD 1

H.B. 2421, Menor, Chair; Baker, Whalen  
SD 1

Sen. Com. No. 709, informing the House that the Senate has appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following Senate Bill:

S.B. 2264, Sakamoto/Ige/Taniguchi, Co-Chair; Hooser,  
SD 1, HD 1 Kokubun, Hogue

Sen. Com. No. 710, informing the House that the Senate has on April 22, 2004, reconsidered its action taken on March 30, 2004 in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that on April 23, 2004, said bill passed Final Reading:

S.B. 2009, RELATING TO CONDOMINIUM  
SD 1, HD 1 PROPERTY REGIMES.



Sen. Com. No. 711 informing the House that the Senate has on April 22, 2004, reconsidered its action taken on April 19, 2004 in disagreeing to the amendments proposed by the House to the following Senate Concurrent Resolution and has moved to agree to the amendments, and that on April 23, 2004, said resolution was adopted in final form:

S.C.R. 30, "ENDORISING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA."

### INTRODUCTIONS

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

Representative Chang introduced the Fifth grade students of Hilo Union Elementary School; their parents; and their teachers, Mrs. Lorna Hewitt and Mrs. Sato.

Representative Luke introduced Senator Lorraine Inouye.

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

The House of Representatives reconvened at 12:38 o'clock p.m.

### ORDER OF THE DAY

#### COMMITTEE REASSIGNMENTS

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

S.B.  
No.

#### Re-referred to:

3156, Committee on Finance, then to the Committee on SD 1, Health, then to the Committee on Judiciary HD 1

### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended to consider certain bills on Final Reading on the basis of a modified consent calendar. (Representatives Stonebraker, Takamine and Wakai were excused.)

### UNFINISHED BUSINESS

**Conf. Com. Rep. No. 12-04 and H.B. No. 1840, HD 1, SD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1840, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

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

"I spoke in opposition to this measure previous times when it's been on this Floor. It's about fugitive dust. The bill has gone through Conference Committee. It's gone through the Senate, and gone through Conference Committee. And now the fugitive dust does not necessarily have to be airborne. Nor does this bill exempt farming activities, which I think might pose a burden on farming activities or farming processing facilities. So, I'm still in opposition and hope the membership feels the same way. Thank you."

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

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

"Mr. Speaker, I'm rising with support.

"Just for the edification of the Members of this Body. Agricultural activities are already regulated under the Air Pollution Chapter within the Department of Health. And so we're not adding any new regulation for agriculture. They're already regulated. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1840, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," passed Final Reading by a vote of 35 ayes to 14 noes, with Representatives Abinsay, Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Thielen voting no, and with Representatives Stonebraker and Takamine being excused.

**Conf. Com. Rep. No. 13-04 and H.B. No. 1793, HD 2, SD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1793, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

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

"I rise in strong support for this measure, and urge my colleagues to vote likewise. The legislation before us pertains to directing the Board of Land and Natural Resources (BLNR) and other appropriate state agencies to enter into negotiations for the exchange of public lands for private lands in Central Oahu owned by the George Galbraith Trust. Nestled between the Koolau and Waianae mountain ranges, the plains of Central Oahu epitomize the beautiful and panoramic open-space resources of distinguished historic landmarks such as Kolekole Pass, Lihue, Pu'ukalena, Kumakali'i and Oahu's highest peak, Mount Ka'ala, and serve as the visual gateway to the North Shore. These lands are essential and valuable to the State of Hawaii for they are vital links to our past, present, and future.

"The past. Included on these lands are Kukaniloko and Poamoho Village. Kukaniloko was one of two sites set aside for the birth of royalty in ancient Hawaii, assuring the privileges and purity of their lineage as ali'i and leaders, with petroglyphs and shapen stones foretelling the "mana" of the

site. The Hawaiians used the sun, moon, planets, and stars in relationship to features of the landscape of Kukaniloko to mark time and place. Kukaniloko was the first ancient site on Oahu to be officially recognized, preserved, and protected under the stewardship of the Daughters of Hawaii in 1925, and was placed on the National Register of Historic Places in 1973 and on the Hawaii Register of Historic Places in 1994.

"Poamoho Village, established in the 1930s, is a community of current and retired Del Monte pineapple plantation workers and families, with some residents living at the Village for over five decades. This humble village is one of the few living examples of a simple and rustic lifestyle reminiscent of rural Hawaii. The 60 homes in the village proper have maintained their unique plantation character and architecture, and have the qualities to be considered for placement on the Hawaii Registry of Historic Places.

"The present. To continue the support of independent agricultural framers on former plantation lands in the Central and North shore areas of Oahu, a reliable and inexpensive source of water must be available. This measure would provide that water source with the acquisition of Lake Wilson, which is partly owned by the Galbraith Estate. Lake Wilson currently provides water for these downstream agricultural operations, up to 9.5 billion gallons per year. The Waialua Sugar Company currently leases portions of the Lake Wilson reservoir from the Galbraith Estate and has the water rights to the outflow of the Lake, but their short-term, month-to-tenancy of the water source is in doubt ever since they halted sugar production in 1994. By capitalizing on the water rights of Lake Wilson, we can ensure the availability of this valuable commodity to our hard working farming community.

"Moreover, through the efforts of citizens and government agencies, Lake Wilson has been cleared of the overgrowth of the invasive plant *Salvinia Molesta*, facilitating the resurgence of a fresh water fishery and sport fishing industry. The Wahiawa Town Master Plan (1994), Findings and Recommendations of the Wahiawa Reservoir Task Force (1995), "Report on a Request to Establish a Task Force to Study the Feasibility of Establishing a Freshwater Fishery at the Wahiawa Reservoir, Oahu (2003)," and the City and County of Honolulu envision freshwater fishing in Lake Wilson and the Wahiawa Freshwater State Recreation Area with facilities for picnicking, hiking, and boating.

"The future. Approximately 2,200 acres, that are essential to maintaining the beauty, lifestyle, heritage, and economy of Central Oahu, are owned by the Galbraith Estate, which plans to dissolve its property holdings in 2007. The Galbraith property possess significant geographical and land assets that are of scenic, historical, spiritual, archeological, cultural, and agricultural value to the State of Hawaii. With passage of this measure we can help preserve the significant attributes of these lands, ensuring that our children will have an area to rear and harvest their crops, enjoy unique recreational activities, visit places where their ancestors once lived and worshiped, and to enjoy the virtues of a country lifestyle.

"In summary, passage of HB 1793, HD2, SD1, CD1, will help preserve our rich past, economically invigorate the present, and grants a viable future for the State of Hawaii. For these reasons I ask this body for their kind consideration and favorable support."

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

"I'm standing in support and request that the inserted comments of the Chair of Labor be inserted into the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Sonson continued, stating:

"And Mr. Speaker, I think that this will serve the State's people in preserving agricultural land. If they want to really take a look at these valuable lands that are now owned by the Galbraith Trust. And according to the report, it seems that they cannot find anything valuable to offer to Galbraith. I would say that they should look in Waipahu. I think we own six valuable lots at the Mill Town Center after the land exchange that we've done with Maui Land and Pine and also with the Boy Scouts of America.

"Those six industrial lots are available. There's no one in them yet. And I believe that if they are looking for valuable land, and it's true that those lands are valuable, we should be able to exchange them with this open and huge agricultural land in the Waialua or Wahiawa area. Thank you very much."

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 in support of HB 1793. The residents of the Galbraith Trust land have been living on this land for a long time and have develop a for love for the *aina*.

"The Galbraith land is in an ideal location for the State to provide public housing. There is no pressing need for the current owners of the land.

"So it is in the public interest to enter into a land exchange with the George Galbraith Trust lands north of Wahiawa, Oahu.

"These lands include land identified by tax map key numbers (01) 7-1-01 and (01) 6-5-02, as bounded, respectively, by Schofield Barracks and Wahiawa Reservoir (Lake Wilson) to the south, Kaukonahua Gulch to the east, and Poamoho Gulch to the north. State highways 80, 803, and 99 pass through Galbraith lands.

"Since the residents living on the land have been living there for a long time and have a certain affinity for this land and since this land is ideal for public housing or rentals for the State, therefore the State ought to purchase this land.

"Such a purchase will go far in satisfying the needs of the State, the current landlord and the residents who are currently living on the land.

"I urge the members to pass HB 1793. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1793, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," passed Final Reading by a vote of 49 ayes, and with Representatives Stonebraker and Takamine being excused.

**Conf. Com. Rep. No. 14-04 and S.B. No. 3135, SD 1, HD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3135, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

"I rise with reservations on this measure. Very briefly, I do believe that St. Francis Healthcare System deserves this level of support. They do very important work. My reservation is simply that they have argued in the past that they are a completely private entity and therefore should be allowed to determine their own policy with respect to emergency contraception. And I think that we have a respectful disagreement, but it seems a little inconsistent to consider yourself a totally private and autonomous entity and at the same time ask for this level of legislative support. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support on this measure."

"St. Francis does unusually charitable acts of the entire State of Hawaii. They're a hospital that is in their own category. They do a lot of things for the community that other hospitals are not willing to do. And I think that they have been known to have an excellent reputation. And I think they're a great asset to the State of Hawaii. And I feel that they are well-deserving of this Special Purpose Revenue Bond. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in strong support."

"St. Francis serves a very vital and necessary need and purpose serving the residents of Leeward Coast. I think that we can all agree that they're very deserving of this SPRB."

"The concern that was raised previously by one of my colleagues, we give SPRBs to many different private organizations, for example Damien High School. And I don't understand why we would hold St. Francis to a different standard than these other groups. And we don't ask them or tell them how they should run their businesses. Thank you."

At 12:46 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 12:52 o'clock p.m.

At 12:52 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 12:53 o'clock p.m.

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

Representative Mindo's remarks are as follows:

"Mr. Speaker I rise in support of SB 3135 CD1 that authorizes the issuance of special purpose revenue bonds to assist St. Francis Healthcare System of Hawaii and its affiliates in financing equipment purchases and the construction and improvement of health care facilities."

"St. Francis Healthcare System of Hawaii provides vital medical services to the public so the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and welfare."

"The revenue bonds would be used to assist St. Francis Healthcare System of Hawaii, a Hawaii nonprofit corporation, and one or more of its nonprofit affiliates, to finance the construction, improvement, and equipment of health care facilities."

"Since St. Francis Healthcare System of Hawaii does qualify for revenue bonds as a public medical nonprofit and since they provide a valuable service to the community, I urge my colleague to support SB 3135 CD1. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I stand in strong support of that Senate Bill 3135. And I know how much the National Kidney Foundation has done and what the hospital has done for the dialysis patients. So I stand in great support of what they are doing. Thank you."

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

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

"Mr. Speaker, with reservations."

"I just wanted to say that, St. Francis-West treated me when I was in my accident, as well as my grandmother. They're one of the few hospitals on that side of the island."

"However, I feel strongly that emergency contraceptives should be made available to all victims of rape and sexual assault. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure and with great difficulty because I know of good service that St. Francis does provide. And my family from Lanai has gone to St. Francis for medical treatment."

"But again, we have to remember that this is a secular institution. And like some of my other colleagues, their position on emergency contraceptives for sexual assault victims is very hard to tolerate because, especially women in this situation should be given all options available to her. And besides, there is a Catholic health directive that supports emergency contraception for sexual assault victims. So unfortunately, the only message that I can send to St. Francis, with regard to my dissatisfaction on this issue, is a no vote. Thank you."

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

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

"Mr. Speaker, in very strong support."

"St. Francis provides a dialysis for Maui, Molokai and Lanai, and is one of the premiere hospitals in renal care.

"Now I understand some of the concerns of some of my colleagues relative to emergency contraceptives. However, here in especially Downtown, Honolulu, within a square mile, you have over five hospitals. It won't be very difficult to get whatever help you need within this particular area. And I feel very strongly that one's religion and one's faith needs to be kept sacred and kept within the confines of this area and should not be intruded upon. Thank you very much."

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

"Mr. Speaker, I rise in strong support. I would like to incorporate the words of all the previous legislators who spoke in support of this measure," and the Chair "so ordered." (By reference only.)

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

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

"Thank you, Mr. Speaker. In strong support.

"Thank you, Mr. Speaker. I guess today we speak in division, and it's okay in America. But it's disheartening, it saddens my heart, that we would take such an issue because when we look at the whole purpose of the special purpose revenue bond, it's to give opportunities out there to stimulate our economy. And it just so happens that St. Francis Healthcare System may have disagreed with some of our issues, especially with the emergency contraceptives. But think about all the people that will have life because of this SPRB. And now we're discussing about taking life away as the issue of why we are not giving the special purpose revenue bond to save lives. That's what saddens my heart. That we're supporting issues to take lives away and not supporting a SPRB that will help people to keep their life. I urge all Members to support this."

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

"Thank you, Mr. Speaker. I would like to ask for a ruling on a possible conflict of interest. I'm a baptized Catholic," and the Chair ruled "no conflict."

Representative Ching continued, stating:

"Thank you. To me, there's a number of points but I'll make it just two. I feel that our State has, in a long tradition of respect for religious diversity, and as we would not ask an Orthodox Jew to eat a cheeseburger or shrimp, we would not ask Seventh-Day Adventist to eat meat. To ask a Catholic to go against their belief on emergency contraceptives. I believe that is crossing the line.

"A number of the benefits that the State receives is because of the Catholic tradition of universality and of charity, the priority for charity. And so part of what we receive in benefits is because of the Catholic tenets or their belief. And so to go against their beliefs, I feel is disrespectful of their religion."

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

"Mr. Speaker, I stand in opposition.

"In this Session, we've taken some very strong positions on victim's rights and because of this I am in opposition to this measure. And I'll put written remarks in the Journal," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I stand in strong opposition to this measure.

"Mr. Speaker, in recent days, this House has passed some strong victim's rights measures, and that is exactly what this is about. I cannot support this measure because the recipient of the SPRBs in question has shown total disregard for the rights of victims of one of our most violent crimes -- rape.

"It is especially distressing to me that this vote comes on the day after one million women marched in Washington, D.C. A large portion of their message was: women must have access to needed health care; and they have a right to decide what happens to their bodies.

"Mr. Speaker, the institution in question has presented itself to the community as a secular provider of health care. Those who come to them for help have a right to expect the appropriate standard of care for their needs. No one is asking for any infringement of religious rights -- only that accommodation be made for victims of the heinous crime of rape.

"As a secular body, the institution in question has a responsibility to provide the accepted standard of care to those who seek it. That not being the case, I cannot in good conscience support their cause."

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

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

"Thank you, Mr. Speaker. In strong support.

"And I am not a Catholic. Mr. Speaker, the people laying out there on Farrington Highway bleeding because of an accident had no choice. The person who suffers a heart attack and is rushed to St. Francis because he happens to live on that side of the island had no choice. A young girl who is pregnant had a choice.

"I am pro-choice. She just should have made the choice earlier. If she goes to the hospital, St. Francis, what I understand, she will be told where she can go close by, on this island, where she can get the help that she needs. But to say that St. Francis has to give it, I don't believe in that, Mr. Speaker.

"There are choices to be made in life. But again, the person suffering an illness that is going to cause him death if they don't get to that hospital and get treated, they have no choice. Thank you, Mr. Speaker."

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

"In support. But I would like to counter that statement. The girl who gets raped does not have a choice."

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

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 this measure. St. Francis Healthcare Systems is an important part of our State's health care network. It provides health care services informed by Catholic moral and ethical principals, important for those who seek such services informed by that tradition. St. Francis is also an important provider of health care services in underserved areas, such as the Leeward Coast of Oahu and the Neighbor Islands. These special purpose revenue bonds will help St. Francis in financing facilities and equipment purchases that will improve their ability to deliver health care to the people of Hawaii.

"Unfortunately, I see some of my colleagues have decided to take what should be a non-controversial question and drag the politics of abortion into it. They are saying we should deny St. Francis these revenue bonds because they disapprove of its position on emergency contraception. St. Francis, as part of its moral and ethical beliefs, does not provide reproductive health services, ranging from contraception to abortion. Other hospitals in Hawaii do provide these services. One would think that we could permit our hospitals to follow their own beliefs on these issues.

"Live and let live is not enough for some. In order to gain advantage in the heated debate over issues like abortion, they have sought to classify reproductive health care, including abortion, as non-controversial, basic medical care that all hospitals should be required to provide. The hospitals that stand in the way of this effort are Catholic hospitals. The issue of emergency contraception for rape victims has been chosen as the thin end of the wedge to begin a political effort to legislate reproductive health care into Catholic hospitals.

"The effort in Hawaii has so far been unsuccessful, in large part due to the Governor's courageous veto of S.B. 658, S.D. 1, H.D. 3. The Governor correctly recognized that attempting to force a religious hospital to provide services it is religiously opposed to is not consistent with our State's obligation to protect and respect religious liberty. I wish more of my colleagues would recognize this.

"So, unable to force St. Francis into accepting emergency contraceptives through direct legislation, these individuals are attempting to do so through the backdoor by denying St. Francis access to a benefit that is available to every other hospital system in the State. And that is how we find ourselves in a situation that the First Amendment was designed to avoid, where we treat a religiously-affiliated institution differently from similar institutions because we don't like its doctrines and how it interprets them. SPRBs are available to every hospital. But those in opposition to this bill want to deny them to St. Francis explicitly because they do not agree with its religious doctrines and its actions on them. To me, this is a denial of religious liberty, and it is wrong.

"St. Francis deserves equal access to SPRBs with every other hospital, with their request being judged on its own merits and not on whether or not we approve of their religious doctrines and their application of them. I believe St. Francis's request for SPRBs has merit, and for that reason I strongly support this legislation.

"Thank you, Mr. Speaker."

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

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

"Mr. Speaker, in opposition and may I please adopt the words of the Majority Floor Leader that are soon to be written. Thank you," and the Chair "so ordered." (By reference only.)

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

Representative Morita rose in opposition to 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, as I previously stated it is very difficult to rise and speak against an institution that has done many good things for our communities, however, this is the only opportunity to publicly show my dissatisfaction of St. Francis' position on emergency contraceptives (EC) for sexual assault victims.

"For the past two years St. Francis has actively lobbied against providing emergency contraceptives for rape victims in an emergency room setting. Last year Senate Bill 658 resulted in a Governor's veto. This year House Bill 189 is tied up in conference committee because of St. Francis' insistence for a religious exemption.

"Many would agree and support that healthcare institutions that limit their services to members of their own faith, such as the Christian Science sanatoriums, should be allowed to use religious briefs as a framework for providing services. However, once a religious affiliated organization, such as a clinic or hospital, move into a secular purpose, that is providing medical care or social services to the general public and accept public funding, that organization should no longer be shielded from general application of the law.

"There are three key reasons why the status quo in Hawaii is not good enough when it comes to emergency care for rape victims,

"First, the prescribed rape treatment is a protocol, not a law or even a rule or regulation. This protocol is a recommended practice, not a mandate. The protocol can be ignored, withdrawn or weakened in any situation or at any point.

"Second, although existing rape protocols has been a positive step forward in improving the care of sexual assault survivors, it stops short of requiring hospitals to provide EC onsite. Hospitals may give the patient a prescription to be filled elsewhere or refer her to another provider. However, sending a traumatized rape victim to a pharmacy or yet another health facility should not be an acceptable practice, especially when it concerns dispensing a time-sensitive medication such as EC. A traumatized patient's emergency health care needs should all be met in the emergency room.

"Third, according to a 2002 Healthy Mothers, Healthy Babies survey 90% of Hawaii's hospital emergency rooms do not provide EC onsite to rape victims. For rape victims who chose

not to report the rape to the police or call a rape crisis center but instead goes directly to an emergency room, there is a possibility that all treatment options may not be disclosed. This will increase the chance of an unintended pregnancy and the victim having to face an agonizing decision of what to do next should a pregnancy result from the rape. A law is needed to ensure a rape victim has all health care options disclosed to her to make an informed decision based on her own personal beliefs.

"But most importantly, the Ethical and Religious Directives for Catholic Health Care Services make an exception for rape victims, stating that "a female who has been raped should be able to defend herself against a potential conception from the sexual assault." An article in the September-October 2002 Health Progress, the journal of the Catholic Health Association of the United States, written by the Association's Senior Director of Ethics, explains this exception. The article states that "Catholic teaching allows for the administration of emergency contraception within certain moral limits. Measures taken to prevent conception in such cases fall outside the general prohibition against contraception because the assailant's act is a violation of justice, and any semen within the woman's body is considered a continuation of the unjust aggression against which she may licitly defend herself."

"The article continues to say that studies calling EC an "abortifacient" do not have definitive evidence to support their theories and that it is actually "highly unlikely" that EC destroys or interferes with the implantation of a fertilized egg (a pre-existing pregnancy).

"At the heart of this matter are the ethical underpinnings of health care delivery, which is the patient's right to make his or her own decision. In 1982 the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research found, "... judgement about which choice will best serve well-being properly belongs to the patient, a physician is obliged to mention all alternative treatments, including those he or she does not provide or favor, so long as they are supported by respectable medical opinion."

"The decision to use EC should be the sole decision of the rape victim, based on her own religious or ethical beliefs and after all medical options have been disclosed to make an informed decision. A rape victim should not be told to get emergency services somewhere else. That is not compassionate care."

Representative Kanoho rose in support of the measure and asked that the remarks of Representatives Souki and Kahikina 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. 3135, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," passed Final Reading by a vote of 36 ayes to 13 noes, with Representatives Caldwell, Evans, Hamakawa, Hiraki, Lee, Luke, Marumoto, Morita, B. Oshiro, Saiki, Takumi, Thielen and Waters voting no, and with Representatives Stonebraker and Takamine being excused.

At 1:04 o'clock p.m., the Chair noted that H.B. Nos. 1840, HD 1, SD 1, CD 1; and 1793, HD 2, SD 1, CD 1; and S.B. No. 3135, SD 1, HD 1, CD 1 passed Final Reading.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1505-04) recommending that S.C.R. No. 169, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 169, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1506-04) recommending that S.C.R. No. 175, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 175, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1507-04) recommending that S.C.R. No. 185, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 185, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1508-04) recommending that S.C.R. No. 180, SD 1, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 180, SD 1, HD 1, be adopted, seconded by Representative Lee.

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

"I'm standing in opposition to SCR No. 180, SD 1, HD 1 for two reasons.

"The first is that it's micromanaging the PUC. The PUC already has the authority to look at or to study certain things that concerns the grid.

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"And two, the reason why I really oppose this is that, even if it's not micromanaging on our part, it is also too restrictive as to what they're actually supposed to study. But the question that should be studied really, Mr. Speaker, is what does it cost to get on the grid? Because that's the real issue here. If we're going to allow, I guess producers of electricity to hook onto the grid, we have to understand what the cost is because essentially we are going to subsidize these people. We, the taxpayers or actually the people who are the consumers of electricity, will eventually have to pay for that.

"So for those two reasons, I would oppose this resolution. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 180, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION THE PUBLIC UTILITIES COMMISSION IS REQUESTED TO EXPLORE HOW TO IMPLEMENT THE CONCEPT OF INTRA-GOVERNMENTAL WHEELING TO FACILITATE GOVERNMENT WHEELING OF ELECTRICITY," was adopted, with Representative Sonson voting no, and with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi 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. 1509-04) recommending that S.C.R. No. 106, SD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 106, SD 1, be adopted, seconded by Representative Lee.

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 this resolution. The problems this resolution details are quite serious and are currently being addressed. When providers are not promptly reimbursed for services provided, they and the community they serve are hurt. The Departments of Human Services and Health and Affiliated Computer Services, Inc are working hard at correcting this problem, as the resolution already acknowledges.

"So I ask, what does an inquiry accomplish? Does it alert the departments to the problem? No, they are already aware of it. Does it propose a solution? No, it just encourages the departments to find one, which they are already doing. Does it contribute anything at all? Not really.

"What it does do is add to the Departments' burden as they address these problems by requiring them to submit several reports to the Legislature, an initial 'findings and recommendations' report and then quarterly progress reports after that.

"It is reasonable that, in exercising our oversight capacity, we will want to make sure this problem is addressed. However, one report, or perhaps even inquiries by the appropriate Committee Chairs, should suffice for that. The Departments are aware of the problem and are taking action to solve it. Testimonies from both sides of this issue acknowledge the significant amount that has been accomplished since this issue first arose. I trust that all that can be done is being done and this resolution will detract time away from finding a solution. For that reason, I oppose this resolution.

"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.C.R. No. 106, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INQUIRY INTO THE DELAYS IN PAYMENT TO DEVELOPMENTAL DISABILITY PROVIDERS," was adopted, with Representative Finnegan voting no, and with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1510-04) recommending that S.C.R. No. 18, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1511-04) recommending that S.C.R. No. 164, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 164, be adopted, 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 in support of SCR 164 that requests the Department of Education to establish a student exchange program between Hawaii public schools students and students in the provinces in the Republic of the Philippines, which have state-province relationships.

"I support these educational and cultural exchanges as these Hawaii-Philippines student exchange programs will provide Hawaii school's students with the opportunity to learn firsthand the diverse cultures of other countries of the world and vice versa.

"I would like to encourage these educational school student exchanges to foster and maintain good relationships and cultural understanding between foreign countries and the State of Hawaii.

"World peace and stability and foreign relations is based upon mutual understanding and true friendship at the person to person level. The establishment of student exchange programs between Hawaii and the provinces in the Republic of the Philippines would provide a more concrete and viable connection between the State and those provinces than a mere paper relationship.

"During my recent visit to the Philippines, I met with and talked to many ranking Philippines government officials and there is a real interest on the part of many Governors of the provinces in the Republic of the Philippines to developing such student exchange program to enhance State-Province relationships, especially in the Ilocos Region.



"For these reasons I urge my colleagues to support SCR 164. 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.C.R. No. 164, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1512-04) recommending that S.C.R. No. 101, SD 1, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 101, SD 1, HD 1, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In strong support.

"Thank you, Mr. Speaker. I take this opportunity to educate all of us on this resolution that seeks and requests the United States Congress to provide for compensation of awards to the fullest extent as determined by the Marshall Island's Nuclear Claims Tribunal. Mr. Speaker and colleagues, there were over 67 nuclear tests that were performed in the South Pacific, and basically contaminated all of the Pacific Islands. And so, Mr. Speaker, this is just another injustice that we as Americans have allowed our American government to go and *niele* around the world.

"I want to leave you with a song that was written by people of my friends from the Bikini Islands, and goes:

Do you care, do you care,  
For the world you got?  
All the killings ought to stop.  
We want peace.

No more bombs, no more bombs,  
Gee that is death.  
Stop this madness now.  
Because we want peace.

Nuclear freeze.  
The world would be free.  
We're freeing the world,  
With nuclear freeze.

"These are the lyrics from our brothers and sisters from those islands."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 101, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROVIDE FOR THE COMPENSATION OF AWARDS, TO THE FULLEST EXTENT, AS DETERMINED BY THE MARSHALL ISLANDS NUCLEAR CLAIMS TRIBUNAL," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1513-04) recommending that S.C.R. No. 129, SD 1, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 129, SD 1, HD 1, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition.

"We just heard on the previous measure, which I agree on the resolution, we want peace and we care about the people. And even on previous measures that we just debated on this Floor, we care about people. And yet here, we want to create a relationship with a socialist regime. And even in the resolution, it says it's a socialist regime. And yet we don't care about what's happening to the millions of people in that socialist regime.

"I just met with a doctor this morning who's very interested in this and has written eleven books on the subject basically. And he gave me some information. Mai Chi Tho. This is not him. This is then Minister of Interior who disclosed in 1988 that the regime detained 500,000 members of the Republic, military, and civilian, as well in concentration camps, where they did hard labor, work, while undergoing brainwashing sessions in remote jungle and mountainside areas from three to seventeen years. Amnesty International reported that some 15% of the inmates lost their lives there.

"Stalinist measures were applied on one hand to oppress the people. And on the other hand to deprive them of their properties, houses, rice fields, church properties, schools, hospitals, enterprises.

"In September '03, this is not just 1988, here's 2003. September 2003, the United Buddhist Church, and I want to point out that we just passed a resolution, 1510, on the United Buddhist Church of Vietnam asking for some human rights understanding of the Buddhist in Vietnam. And here, on 1513, we ask for nothing of the same.

"In September '03, the United Buddhist Church met in a temple in Dien Bien, central Vietnam, to fill vacancies in its leadership. The police were sent in to surround the temple. When partisan participants went out, the two top leaders were arrested and were immediately taken to their pagodas and have been under house arrest. They still are. Twenty-two other priests were taken away. The crowd was forcibly dispersed. This aroused strong reaction from international communities.

"On November 19, '03, the U.S. House of Representatives passed Resolution No. 427, strongly condemning it. On November 20, all 626 members of the European Parliament did the same. Radio France International, on April 18, '04, reported that some 15,000 mountain yards from four directions came in Bien Nen Thoth by foot or on tractors to celebrate Easter. The communist government sent in military units of police using guns, gas, and other equipment to stop their advance. Fighting occurred. There was a massacre. The government used bulldozers to move bodies off. Just like that scene on TV in Tienanmen Square in China in 1989. Some 400 people were killed.

"The Communist Party of Vietnam has not missed any occasion to collect wealth by all means. They live in a police state. They conducted a very large network of agencies involved in trafficking in persons from the central level to rural

areas throughout the country. A report by an Internet agency from Vietnam recently said, as of today, 72,000 women were sold in Taiwan, including a number of teenage virgin girls just in March '03, they hired a Taiwanese to auction on the Internet, three Vietnamese teenage girls through eBay, with photos and descriptions of the products. That's how they're listed. Method of shipping and prices. Of course the product will be sent from Vietnam via Taiwan. They were involved in the human trafficking that has been going on as a big and prosperous business for a long time without any check.

"However, the U.S. House of Representatives in 2001, stipulated this issue in Human Rights Act to Vietnam. The Socialist Republic of Vietnam must make substantial improvements on this matter and prosecute those involved as a condition for economic assistance."

Representative Lee rose to a point of order, stating:

"Speaker, point of order. Is the present speaker referring to SCR Number 129, SD 1?"

The Chair responded, stating:

"Yes, he is."

Representative Moses continued, stating:

"The bill was passed, 410 to 1."

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

Representative Moses continued, stating:

"Thank you, Mr. Speaker. So it was passed by the U.S. House of Representatives 410 to 1, and it's now awaiting decision by the U.S. Senate. So even our own government has realized there should be some human rights concessions by Vietnam."

"Now I am not opposed to instituting economic relations with Vietnam. Maybe it will help. Maybe it will help the people of Vietnam prosper themselves. Unfortunately, they are not allowed to be engaged in this. Most of the enterprises in Vietnam, if not all, are owned by the central communist government, not by the people. All that I'm asking, and I've asked on previous resolutions that have come to this Body, is insert into the resolution that, hey, we'll have this sister-State relationship with you. We'll do all kinds of things with you. All that we ask in return, is you at least state that you will make some human rights improvements. That's all. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support of this resolution."

"We have previously passed out a resolution asking for the sister-State relationship with Thua Thien-Hue. The City and County of Honolulu has had a sister-City relationship with Hue since 2000. Our Committee considered two resolutions the other day. One was this resolution, SCR No. 18, which supports the courageous leadership of the Unified Buddhist Church of Vietnam and asked for the urgent need for religious freedom and related human rights, in the Socialist Republic of Vietnam. I think we are fully aware that this is a communist country."

"At the same time, we took a resolution that was asking for the same consideration in the People's Republic of China,

which is also a communist country. And we do have sister-State relationships and sister-City relationships with China even though it does violate human rights and even though it is a communist country. I think we cannot ignore the fact that some countries prefer a different system than the American system. And we have to live in this world together."

"So the reason that we passed this out again was that having passed SCR No. 18, asking for support of the Buddhist Church's efforts for religious freedom, one way to accomplish that is to have a people-to-people relationship as envisioned by President Eisenhower, when he established the people-to-people program and the sister-state, sister-city programs. And his comment was that sometimes people can accomplish things that government cannot. This just gives us one more tool to try to convince the people in Vietnam that our way of life with religious freedom and rights for everybody is the proper way. But we can't just do it by condemning them. We have to learn to work with them. And so this is why we're proposing this again."

"Up till now, this resolution has never gone through the Senate. We're hoping that because we have SCR No. 18, for which the Senate Chairman of this Committee voted that he will see that this may be another tool by which we can convince the world to respect human rights and religious freedom. So I urge my colleagues to give us a chance. It is also supported by the American Ambassador to Vietnam. Because I have a letter on file which I couldn't bring because I couldn't get here in time not being able to get the plane. But the American Ambassador to Vietnam has urged us to pass a sister-State relationship with this province as a way to enable the American government to go in and work with the Vietnamese people. So therefore I urge all of you to let's give this resolution another chance to pass and become a reality. Thank you."

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

"Thank you, Mr. Speaker. In strong support of this measure, which is amended by the International Affairs Committee."

"Just real briefly, I don't think we can expect to promote peace by slamming the door. I don't think we can expect to resolve injustice without shining the light upon the darkness. And the people may be living in darkness. I just want to make note that many of the communist countries have fallen because they've had a taste of what democracy was like. They've had a taste of what a free economy looks like. And it eventually was the people who determined to rise up against the socialist form of government. But if we allow them to continue in isolation, how do we resolve the problem? I don't think there's any better method than with the State of Aloha extending a hand, opening the doors, and showing the people what true aloha is. That is the way it can be accomplished. So I want to urge everyone to support this resolution."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the resolution. I would also like the words of the speaker from Kapolei be entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Meyer continued, stating:

"I see that this resolution as it came over from the Senate, it had to do with the People's Republic of China. And even that resolution, at least they acknowledged that there were problems in that country. And as part of their resolution, they asked the Premier of China to restore human rights to the Republic's

citizens and crack down on illegal drug trafficking. We've sort of 'sugar coated' everything in our resolution and act as if everything's 'hunky-dory' there, which it is not. And I think we all should take that into consideration. Thank you."

At 1:21 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 1:21 o'clock p.m.

At this time, the Chair stated:

"Members, at this time, may I beg for your indulgence. Conference meetings should be starting at 1:00 for all of you, but because the Chair has been very open as far as having this lively debate on all issues, at this time, with your indulgence, would you just submit your written comments, for or against, on all of these Senate concurrent resolutions."

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.C.R. No. 129, SD 1, HD 1, entitled: "SENATE 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 Meyer, Moses and Ontai voting no, and with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1514-04) recommending that S.C.R. No. 81, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 81, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN AND UTILIZE THE SELF-SUFFICIENCY STANDARD AS A FRAMEWORK TO EVALUATE PROGRAMS AND DEVELOP PUBLIC POLICY," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1515-04) recommending that S.C.R. No. 135, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 135, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN AFFORDABLE HOUSING TASK FORCE," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1516-04) recommending that S.C.R. No. 189, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 189, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALI'I MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR NEEDY CHILDREN OF HAWAIIAN ANCESTRY," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1517-04) recommending that S.C.R. No. 37, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 37, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COGNITIVE REHABILITATION," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1518-04) recommending that S.C.R. No. 79, SD 1, HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 79, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1519-04) recommending that S.C.R. No. 115, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 115, be adopted, seconded by Representative Lee.

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

Representative Caldwell's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this resolution.

"Mr. Speaker, my constituents in Manoa Valley strongly support the Harold L. Lyon Arboretum, its mission, and the partnership that has been forged between the Arboretum and the University of Hawaii.

"Recently, however, I have been hearing from many constituents and Arboretum volunteers that the mission and even the very existence of the Arboretum is in jeopardy.

"Staff and volunteer morale is at a low ebb, and differences between scientific staff and the current University management have created a dysfunctional workplace. Recent commercial project proposals, scaling back of staffing and educational programs and other internal measures may be in contravention

of the stated mission and purpose for which the Arboretum was founded.

"I have been meeting with members of the Arboretum staff to discuss the ongoing situation. In addition, I have received correspondence from the administration of the University of Hawaii regarding the issues raised.

"After serious discussions and consideration, both Senator Taniguchi and I are requesting a legislative audit of the Arboretum.

"Mr. Speaker, the deed which transferred trusteeship of the premises of the Harold L. Lyon Arboretum from the Hawaii Sugar Planter's Association to the Board of Regents of the University of Hawaii clearly states that the premises shall, at all times, be used solely as an arboretum or botanical garden.

"Similarly, under the terms of Dr. Lyon's will, the net proceeds of his estate shall be paid in perpetuity to the University of Hawaii Board of Regents "solely for the maintenance, further development and improvement of the arboretum."

"Both of these grants contain the caveat, however, that if the Arboretum or the income are used for purposes other than as stated, the land shall revert to the Hawaii Sugar Planter's Association and the income shall be paid to the board of Directors of the University of Minnesota.

"Mr. Speaker, the Arboretum is in trouble and its very existence is in jeopardy. The University administration needs our assistance, and we must act as quickly as possible to correct the internal problems.

"I feel strongly that this issue must be resolved quickly, as I do not want to risk jeopardizing either the Harold Lyon endowment, or the land upon which the Arboretum is located."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 115, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1520-04) recommending that S.C.R. No. 149, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 149, be adopted, seconded by Representative Lee.

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. An interisland ferry system capable of transporting vehicles, passengers and commercial goods will give Hawaii a tremendous boost. Residents, visitors and businesses alike will benefit. Families separated on different islands will be able to reunite with much greater frequency. The increased competition for traveler's dollars will provide incentive to keep costs reasonable.

"This venture will also use clean and efficient technology. Expanded, cost-efficient shipping capabilities will give

businesses increased access to new markets for their products. Expanded markets will increase the number of jobs available, and that will be welcome on all of the islands, but particularly so on the Neighbor Islands.

"We need to support this enterprise. We owe it to the people of this State to give aid to this exciting new venture. At last, all of our islands within easy reach at an affordable price."

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 in support of SCR 149 that requests support for Hawaii Superferry, Inc. and expeditious administrative processing of necessary permits to commence ferry service.

"Because the cost of air travel between the Hawaiian islands has risen sharply lately, I support Hawaii Superferry, Inc. efforts to establish fast, low cost interisland roll-on/roll-off passenger and freight ferry service within the Hawaiian islands in 2006.

"Hawaii Superferry, Inc fast ferry vessels would provide an alternative mode of transportation for many purposes including the transportation for medical evacuation, provision of food, water, shelter, and other civil defense support in times of natural disasters and disruptions in other transportation systems. It will help reduce the reliance of residents on a single mode of transportation.

"Hawaii Superferry, Inc interisland vehicle and passenger ferries will help stimulate the Hawaii economy through the creation of approximately 1,000 jobs.

"Hawaii Superferry, Inc ferry service will increase the annual state gross domestic product by up to \$1 billion and lower the cost of living for residents.

"For these reasons I urge my colleagues to support SCR 149. 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.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1521-04) recommending that S.C.R. No. 199, 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 S.C.R. No. 199, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII WORK FORCE DEVELOPMENT COUNCIL, THE UNIVERSITY OF HAWAII, AND VSA ARTS OF HAWAII-PACIFIC TO JOINTLY CONVENE A TASK FORCE TO EXAMINE STRATEGIES FOR SYSTEMS CHANGE THAT WILL CREATE ACCESS TO SMALL BUSINESS DEVELOPMENT AND CAREERS IN CREATIVE INDUSTRIES FOR PEOPLE WITH DISABILITIES IN HAWAII," was adopted, with Representatives Arakaki, M.

Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1522-04) recommending that S.C.R. No. 20, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1523-04) recommending that S.C.R. No. 156, SD 1, 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 S.C.R. No. 156, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1524-04) recommending that S.C.R. No. 5, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 5, entitled: "SENATE 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 adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1525-04) recommending that S.C.R. No. 7, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1526-04) recommending that S.C.R. No. 8, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 8, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR

MAINTENANCE OF BREAKWATER PURPOSES," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1527-04) recommending that S.C.R. No. 12, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 12, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1528-04) recommending that S.C.R. No. 127, SD 1, 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 S.C.R. No. 127, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DELAY THE IMPLEMENTATION OF THE ELIMINATION OF THE SOCIAL WORKER SERIES," was adopted, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1529-04) recommending that S.C.R. No. 119, SD 1, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 119, SD 1, HD 1, be adopted, seconded by Representative Lee.

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

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

Representative Nakasone's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Concurrent Resolution No. 119, House Draft 1. This Concurrent Resolution would disapprove the recommended salaries submitted by the 2004 Judicial Salary Commission as set forth in their report dated March 8, 2004.

"First off, your Committee on Labor and Public Employment acknowledged that it is the general consensus that the salaries for judges and justices are woefully low. A major reason for this has been the dire economic difficulties faced by the State over the past decade that have prevented the Legislature from paying our judges and justices what they truly deserve.

"In their March 2004 report, the Judicial Salary Commission recommended that raises for judges and justices be deferred in

fiscal year 2005, and that they receive a 14% raise in FY 2006, and 3.5% raises each year thereafter through 2012.

"With regard to the initial 14% raise in FY 2006, it should be noted that judges and justices have historically received pay increases every 5.4 years. The last raise awarded and approved for judges and justices was in July 2000. Since that increase, their salaries have not kept pace with inflation.

"As such, the initial 14% increase for FY 2006 may seem high on its face, but averaged over the years when there were no salary increases, it is a reasonable increase that tracks inflation at 2.8% per year.

"That being said, your Labor Committee had concerns that this state will not be able to afford the increases proposed by the Commission from 2007 through 2012, pegged at 3.5% per year. While the work that our judges and justices do certainly justifies these increases, in the end, it is the Legislature's job to make fiscally responsible decisions.

"Your Labor Committee was also concerned that the escalator clause which establishes the 3.5% per year increase may become an albatross around the neck of the state in the event that economic conditions go downhill. Therefore, your Labor Committee could not entirely support the Commission's recommendations, and ask that they reconvene to reconsider the increases proposed from 2007 through 2012.

"These increases will impact the Employees' Retirement System and the Employer-Union Health Benefits Trust Fund, and will become a permanent increase in the Judiciary's base budget. These impacts must be carefully considered, and because the raises proposed by the Commission were deferred until FY 2006, we have the time to do so. I believe we owe it to our judges and justices to come up with salary increases that are fair, and we owe it to the public to be sure that these salary increases are fiscally responsible.

"As such, your Committee amended this Concurrent Resolution to request the Commission to consider the fiscal impact on the ERS and EUTF and examine the feasibility of a one time 14% increase, but not the 3.5% escalator clause.

"Since the original recommendation called for the raise to go into effect on July 1, 2005, the adoption of this resolution will not by itself delay the implementation of a judicial salary increase beyond that which was previously intended.

"I urge your favorable consideration of this important measure."

Representative Halford 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 Sonson 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.C.R. No. 119, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 JUDICIAL SALARY COMMISSION," was adopted, with Representatives Halford, Marumoto, Meyer, Sonson, Souki and Thielen voting no, and with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1530-04) recommending that S.C.R. No. 118, SD 1, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 118, SD 1, HD 1, be adopted, seconded by Representative Lee.

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

"Mr. Speaker, in opposition to 1530.

"Mr. Speaker, the purpose of this resolution is to arrange the possibility of disapproving of the salary increases as recommended by the Executive Salary Commission. If there is no resolution, the salaries will be approved. And so this resolution is to keep alive the possibility of disapproving of the salaries in line with the Senate version of the concurrent resolution.

"Mr. Speaker, I just wanted to call the Body's attention to the fact that with the Deputy Directors pay range currently at \$77,966 a year, there are 316 employees in the Executive branch, who make more than the Deputy Directors. There are 81 employees in the Department of Health, who make more money than the Director of Health, who herself is a medical doctor. There are 30 employees in the AG's office who make more than the Attorney General, who himself is a lawyer. There are 29 employees who make more than our experienced 11-year veteran head of the Department of Budget and Finance. This is a situation that is long overdue for correction. Just as this Body's salaries are long overdue for correction and we will need to vote against ... "

Representative Luke rose to a point of order, stating:

"Mr. Speaker, point of order. The speaker is not talking on the merits of this resolution. This resolution has nothing to do with the actual salaries of the Executive."

Representative Fox continued, stating:

"Mr. Speaker, in the interest of time, I will not repeat myself. I very clearly started explaining why a no vote is in order. Thank you."

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

Representative Nakasone's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Concurrent Resolution No. 118, House Draft 1. This Concurrent Resolution would request information on the financial ramifications of salary increases for Executive Branch officials.

"The present Executive Branch officials' salaries have not been modified since 1990, resulting in grossly outdated salaries when compared to other states and the private sector. In certain instances, subordinates of executive branch officials who are covered by collective bargaining have received salary increases that at times have been higher than their supervisors.

"However, with the exception of a few of the lower-ranking officials, such as a deputy director in the Department of Budget and Finance, none of the officials have served in their present positions for longer than the start of the current administration, or roughly thirteen months.



"Considering that the recommendations offered by the salary commission call for a marginal increase in the first year, and two percent increases in each successive year, by year 2013, these positions would receive a little more than eighteen percent in salary increases -- and this would be provided without any performance appraisal, position justification, or further review by the Legislature.

"It should also be noted that a salary increase was not provided during the entire Cayetano administration. Despite this, to my knowledge no cabinet member left public service because of this.

"In addition, I do not believe that any of the present cabinet members would leave their positions if they do not get the pay raises recommended by the salary commissions. I'd like to believe that entering public service was a conscious commitment made on their part not for monetary gain, but for their wanting to help their fellow citizens and make Hawaii a better place to live.

"Although our economy seems to be turning around, it is unclear to me whether our State is in a fiscal position to be able to fund the increases recommended at this time.

"Third, in that same light, the Governor has gone on record saying that the State does not have the financial resources to provide for the salary adjustments that were arbitrated for various collective bargaining units. By law, the arbitrator is required to take into account the State's ability to pay for salary increases when they render their decisions.

"From the perspective of fairness, it is unclear to me how we can authorize pay increases for officials who already receive the largest salaries, while at the same time not provide salary increases for the workers on the front line who impart the essential government services to the public.

"Fourth, it is unclear to me the rationale used in determining the various tiers that would be applied to the salary increases for executive department officials.

"Considering that the Director of Human Services is charged with administering an operating budget of \$1.34 billion, by far the most of all of the departments, the Director's salary increase would be on third level behind the Departments of the Attorney General, Health, Transportation, Accounting and General Services, Commerce and Consumer Affairs, Taxation, and Budget and Finance.

"Ultimately, the determination of the tiers appears to be very subjective and not necessarily based on the responsibilities assigned to the positions.

"Lastly, as brought forth during public hearings on these measures, it was learned that at no time had the Executive Salary Commission taken into account the impacts the recommended salary increases would have on the Employees' Retirement System and the Employer-Union Health Benefits Trust Fund. While it is believed that these impacts would not apply to very many individuals, given the large annual salaries for these officials in comparison with other government positions, the actual effect on retirement benefits could be substantial.

"As an example, the Director of Budget and Finance is already a vested member of the Employees' Retirement System with her past service as the Budget Director for Maui. However, because of her service as the Director of Budget and Finance, the "high-three" calculation will take into account the average of her highest three yearly salaries resulting from the Commission's recommendations.

"Even assuming that the Director serves only four years, rather than the possible eight if the current administration continues for another term, the Director's "high three" average salary will jump from \$85,000 to almost \$96,000 due to the Commission's recommendations. This would result in a pension benefit of almost \$29,000 per year. If we assume that the current administration enters a second term, and the Director stays on for that term, the Director's "high-three" average salary would be over \$108,000.

"As another example, the Director of Human Services is also a vested ERS member with her prior service. In the first term of this administration, this Director's "high three" average salary will jump from \$85,000 to over \$94,000 due to the Commission's recommendations. This would result in a pension benefit for this Director of almost \$19,000 per year. In the second term of the current administration, this Director's "high three" average will be almost \$103,000.

"These are examples of the effects on the ERS on which the Legislature should have more information.

"Further, the Commission's report does not account for other reimbursement and compensation, in cash or in kind, that executive branch officials receive. The value of health benefits provided through the EUTF should be specified and accounted for.

"Unused vacation leave is reimbursable to executive branch officials, and unused sick leave is creditable toward their pensions. The potential fiscal impacts of unused sick leave should be studied, since these dedicated individuals are known to forego vacation, and work through sickness. Executive branch officials may also receive state cars for their use or an automobile allowance.

"Despite all of these concerns, the most important question that comes to my mind is whether the salaries for executive branch officials are commensurate with their responsibilities and are "fair". Based on the findings of the Commission, they are not. I believe the recommended salary increases will help to rectify the situation, and will provide fairer compensation for Executive Branch officials in relation to the compensation of their subordinates.

"However, the Legislature should have more detailed compensation information for the next time it is faced with this decision. Thus, this concurrent resolution **does NOT disapprove of the salary increases**, but requests that the various parties responsible for providing and accounting for the various compensation and perks I previously listed submit information to the Legislature via the Legislative Reference Bureau prior to the Regular Session of 2005.

"As amended, the resolution would request the ERS and EUTF to provide information pertaining to the fiscal impact of the Commission's recommendation. In addition, the amended resolution would ask the Director of Finance to provide information regarding the value of any vacation benefit that executive branch officials currently receive.

"Also, as amended, the resolution would ask the ERS to provide information regarding the fiscal impact of incorporating the unused sick leave benefit that executive branch officials currently receive as credited service for pension calculation. And lastly, the amended resolution would call for the Department of Accounting and General Services to provide information on the value of the use of a state automobile or automobile allowance.



"By obtaining this information, I believe we will be fulfilling our essential duty of ensuring that the people's resources are spent wisely and appropriately.

"Accordingly, I ask for your favorable consideration of this important measure."

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

"Mr. Speaker, in opposition.

"I disagree with SCR 118. I believe the Executive deserves a raise, as well as the department heads. And I also disagree with the Commission's recommendations for the graduated pay scale for department heads. And I do hope that one day, all the aforementioned will get a long-deserved, long overdue, and equitable pay raise. Thank you."

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

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

"Thank you, Mr. Speaker. I'm going to rise with reservations, but I'm going to ask a point of information. Is it this Body's intent to use this vehicle to ..."

The Chair interjected, stating:

"Representative Moses, at this time, could you address your issue or else I will call a recess so you can address it with the Vice Chair of the Labor Committee."

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

The House of Representatives reconvened at 1:33 o'clock p.m.

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

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

"Yes, Mr. Speaker. A no vote on both of those please, 1529 and 1530. Thank you.

"And just one very brief comment, Mr. Speaker. On the Executive Salary Commission resolution, on page 5, it states that the Department of Human Services is to look at the annual value of parking for the Executive branch. Mr. Speaker, we should look to our own house before we start that. What's the annual value of our parking? If it's well under market, then before we point a finger at anyone else to say raise the rates for them, we should raise our own rates. Thank you."

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

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

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I just want to finish up on 1530.

"I've been assured by the Body that this is not a ploy to have a vehicle to reject the pay raises. And they really do want the study on this information. And I have no problem of getting that study on that information. 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.C.R. No. 118, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 EXECUTIVE SALARY COMMISSION," was adopted, with Representatives Blundell, Fox, Halford, Leong, Marumoto, Meyer and Thielen voting no, and with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

Representatives Chang and Kanoho, for the Committee on Tourism and Culture and the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1531-04) recommending that S.C.R. No. 63, SD 1, be adopted.

Representative Saiki moved that notwithstanding the report of the Committee, that S.C.R. No. 63, SD 1, be recommitted to the Committee on Tourism and Culture and the Committee on Water, Land Use and Hawaiian Affairs, seconded by Representative Lee.

The Chair then stated:

"Any discussion? Maybe, Representative Saiki, would you like to explain to the Members of the House in regards to the motion to recommit?"

Representative Saiki rose to respond, stating:

"Mr. Speaker, the Body already passed an identical resolution. Thank you."

The motion was put to vote by the Chair and carried, and notwithstanding the report of the Committee, S.C.R. No. 63, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL ORGANIZATIONS, PRIVATE AND PUBLIC, IN A COLLABORATIVE PROCESS WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO PLAN FOR, SUSTAIN, AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was recommitted to the Committee on Tourism and Culture and the Committee on Water, Land Use and Hawaiian Affairs, with Representatives Arakaki, M. Oshiro, Stonebraker, Takai, Takamine and Takumi being excused.

## CONFERENCE COMMITTEE REPORTS

Representative Waters, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2578, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 15-04) recommending that H.B. No. 2578, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15-04 and H.B. No. 2578, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2322, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 16-04) recommending that H.B. No. 2322, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16-04 and H.B. No. 2322, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1828, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 17-04) recommending that H.B. No. 1828, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17-04 and H.B. No. 1828, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," was deferred for a period of 48 hours.

Representatives Kahikina, Arakaki and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2022, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 18-04) recommending that H.B. No. 2022, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18-04 and H.B. No. 2022, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred for a period of 48 hours.

Representatives Morita and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3207, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 19-04) recommending that S.B. No. 3207, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19-04 and S.B. No. 3207, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," was deferred for a period of 48 hours.

At 1:35 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m. with the Vice Speaker presiding.

#### SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Arakaki, Hiraki, B. Oshiro, M. Oshiro, Say, Stonebraker, Takai, Takamine and Takumi were excused.)

At 1:38 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at o'clock 1:38 p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative Lee.

H.B. No. 1944, HD 1 (SD 1)  
H.B. No. 2250, HD 2 (SD 2)  
H.B. No. 2297, HD 1 (SD 2)  
H.B. No. 2337, HD 1 (SD 1)  
H.B. No. 2740, HD 1 (SD 1)

The Chair then stated:

"Members, just for your edification, this is a motion for reconsideration."

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the aforementioned House bills. (Representatives Arakaki, Hiraki, B. Oshiro, M. Oshiro, Say, Stonebraker, Takamine and Takumi were excused.)

#### FINAL READING

The following bills were 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 the following House bills, seconded by Representative Lee

H.B. 1560, HD 1 (SD 1)  
H.B. 2048, HD 1 (SD 1)  
H.B. 2292, HD 1 (SD 1)  
H.B. 2385, HD 1 (SD 1)  
H.B. 2789, HD 1 (SD 1)  
H.B. 2798, HD 1 (SD 2)  
H.B. 2859, HD 2 (SD 2)

The Chair then stated:

"Members, this is a motion to agree to the amendments. We'll have another motion to pass Final Reading. Is there any discussion?"

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to the aforementioned House bills. (Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takumi and Takamine were excused.)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

**H.B. No. 1560, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1560, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Kanohe, Kaho'ohalahala, Waters and Jernigan). Noes, none. Excused, none.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1560, H.D. 1 and H.B. No. 1560, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Final Reading by a vote of 44 ayes, with Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine and Takumi being excused.

**H.B. No. 2048, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2048, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 5 (Morita, Hiraki, Chang, Herkes and Bukoski). Noes, none. Excused, none.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2048, H.D. 1 and H.B. No. 2048, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Final Reading by a vote of 44 ayes, with Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine and Takumi being excused.

**H.B. No. 2292, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2292, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (B. Oshiro, Kawakami and Bukoski). Noes, none. Excused, 1 (Nakasone).

Representative Saiki moved that H.B. No. 2292, HD 1, SD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. In opposition.

"I believe that the computer system that the Judiciary is seeking should be financed through general funds."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2292, H.D. 1 and H.B. No. 2292, H.D. 1, S.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," passed Final Reading by a vote of 38 ayes to 6 noes, with Representatives Blundell, Fox, Jernigan, Meyer, Moses and Thielen, voting no, and with Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine and Takumi being excused.

**H.B. No. 2385, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2385, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Kahikina, Arakaki, Hamakawa and Shimabukuro). Noes, none. Excused, 1 (Ching).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2385, H.D. 1 and H.B. No. 2385, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES," passed Final Reading by a vote of 44 ayes, with Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine and Takumi being excused.

**H.B. No. 2789, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2789, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (B. Oshiro, Hamakawa and Thielen). Noes, none. Excused, 1 (Caldwell).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2789, H.D. 1 and H.B. No. 2789, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Final Reading by a vote of 44 ayes, with Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine and Takumi being excused.

H.B. No. 2789, HD 1, SD 1 passed Final Reading in the following form:

**H.B. No. 2789, HD 1, SD 1**

A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT.

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

SECTION 1. The purpose of this Act is to propose an amendment to article I of the Constitution of the State of Hawaii to provide that the legislature may define what behavior constitutes a continuing course of conduct in sexual assault crimes and to amend the Hawaii penal code to statutorily define the behavior.

SECTION 2. Article I of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

**"SEXUAL ASSAULT CRIMES**

**Section .** The legislature may define what behavior constitutes a continuing course of conduct in sexual assault crimes."

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

"Shall the Constitution of the State of Hawaii be amended to provide that the legislature may define what behavior constitutes a continuing course of conduct in sexual assault crimes?"

SECTION 4. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§707- Continuous sexual assault of a minor under the age of fourteen years.** (1) A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person:

- (a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and
- (b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.

(2) To convict under this section, the trier of fact, if a jury, need unanimously agree only that the requisite number of acts have occurred; the jury need not agree on which acts constitute the requisite number.

(3) No other felony sex offense involving the same victim may be charged in the same proceeding with a charge under this section, unless the other charged offense occurred outside the time frame of the offense charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved, in which case a separate count may be charge for each victim.

(4) Continuous sexual assault of a minor under the age of fourteen years is a class A felony."

SECTION 5. Section 707-733.5, Hawaii Revised Statutes, is repealed.

~~["§707-733.5]—Continuous sexual assault of a minor under the age of fourteen years. (1) Any person who:~~

- ~~(a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and~~
- ~~(b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, but while the minor is under the age of fourteen years,~~

~~is guilty of the offense of continuous sexual assault of a minor under the age of fourteen years.~~

~~(2) To convict under this section, the trier of fact, if a jury, need unanimously agree only that the requisite number of acts have occurred; the jury need not agree on which acts constitute the requisite number.~~

~~(3) No other felony sex offense involving the same victim may be charged in the same proceeding with a charge under this section, unless the other charged offense occurred outside~~

~~the time frame of the offense charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved, in which case a separate count may be charged for each victim.~~

~~(4) Continuous sexual assault of a minor under the age of fourteen years is a class A felony."]~~

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New constitutional and statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval; provided that the amendment proposed in section 2 to article 1 of the Constitution of the State of Hawaii shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii; and sections 4 and 5 shall take effect upon ratification of the constitutional amendment proposed in this Act.

#### H.B. No. 2798, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2798, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Arakaki, Hiraki and Herkes). Noes, none. Excused, 2 (Nishimoto and Stonebraker).

Representative Saiki moved that H.B. No. 2798, HD 1, SD 2, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I rise in support. I'd like my verbal comments earlier in this Session to be referenced today," and the Chair "so ordered." (By reference only.)

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.

"This measure adds to the pharmacist's scope of practice the ability to deliver intranasal drugs, including oral or intranasal vaccines.

"With this legislation, our island people gain increased access to drugs necessary for their health and continuing well-being.

"During the past influenza season, the supply of injectable flu vaccine became very limited and many clinics and doctor's offices had no vaccine. Intranasal vaccine administration provides a strong and effective substitute, and should be considered a positive public health improvement.

"The Legislature had done the right thing by passing this bill and I urge the Members' support."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2798, H.D. 1 and H.B. No. 2798, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed Final Reading by a vote of 44 ayes, with Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine and Takumi being excused.

#### **H.B. No. 2859, H.D. 2, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2859, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Hale, Takamine, Nishimoto and Ching). Noes, none. Excused, none.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2859, H.D. 2 and H.B. No. 2859, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY," passed Final Reading by a vote of 39 ayes to 5 noes, with Representatives Blundell, Jernigan, Leong, Ontai and Pendleton, voting no, and with Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine and Takumi being excused.

At 1:46 o'clock p.m., the Chair noted that H.B. Nos.: 1560, HD 1, SD 1; 2048, HD 1, SD 1; 2292, HD 1, SD 1; 2385, HD 1, SD 1; 2789, HD 1, SD 1; 2798, HD 1, SD 2 and 2859, HD 2, SD 2 passed Final Reading.

### **ADJOURNMENT**

At 1:46 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 27, 2004. (Representatives Arakaki, Hiraki, M. Oshiro, Say, Stonebraker, Takamine, and Takumi were excused.)

### **HOUSE COMMUNICATIONS**

House Communication dated April 26, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bills have this day passed Final Reading in the House of Representatives:

H.B. No. 1793, HD 2, SD 1, CD 1  
H.B. No. 1840, HD 1, SD 1, CD 1  
S.B. No. 3135, SD 1, HD 1, CD 1

House Communication dated April 26, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 30, 2004 to the following House bill:

H.B. No. 2337, HD 1, SD 1

House Communication dated April 26, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 15, 2004 to the following House bills:

H.B. No. 1944, HD 1, SD 1  
H.B. No. 2250, HD 2, SD 2  
H.B. No. 2297, HD 1, SD 2  
H.B. No. 2740, HD 1, SD 1

House Communication dated April 26, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 2, 2004 and that the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 2789, HD 1, SD 1

House Communication dated April 26, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 13, 2004 and that the following bills have this day passed Final Reading in the House of Representatives:

H.B. No. 1560, HD 1, SD 1  
H.B. No. 2048, HD 1, SD 1  
H.B. No. 2292, HD 1, SD 1  
H.B. No. 2385, HD 1, SD 1  
H.B. No. 2798, HD 1, SD 2  
H.B. No. 2859, HD 2, SD 2

## FIFTY-FIFTH DAY

Tuesday, April 27, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:08 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Pastor Randy Furushima of Wellspring Covenant Church, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Meyer and Tamayo, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 188 through 189) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 188, transmitting the Small Business Regulatory Review Board's Annual Report for fiscal year ending June 30, 2003, prepared by the Business Support Division of the Department of Business, Economic Development, and Tourism.

Gov. Msg. No. 189, informing the House that on April 26, 2004, the following bill was signed into law:

H.B. No. 2198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH." (ACT 019)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 712 through 745) were received and announced by the Clerk:

Sen. Com. No. 712, informing the House that S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," passed Final Reading in the Senate on April 26, 2004.

Sen. Com. No. 713, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

S.B. No. 2344, SD 1, HD 2 Adds Senator Hanabusa as a member.

H.B. No. 2703, HD 1, SD 2 Adds Senator Taniguchi as a Co-Chair.

Sen. Com. No. 714, transmitting H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 715, transmitting H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 716, transmitting H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 717, transmitting H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 718, transmitting H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 719, transmitting H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 720, transmitting H.C.R. No. 118, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A WATER QUALITY MONITORING PROGRAM FOR MARINE WATERS THAT EMPHASIZES ENVIRONMENTAL PROTECTION," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 721, transmitting H.C.R. No. 123, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO MAKE FINANCING TOOLS AVAILABLE TO ASSIST PRIVATE DEVELOPERS IN PURCHASING RENTAL PROPERTIES," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 722, transmitting H.C.R. No. 124, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A LEASE OF WATER RIGHTS FOR THE USE OF THE "BLUE HOLE" DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 723, transmitting H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING

THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 724, transmitting H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 725, transmitting H.C.R. No. 152, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON HOW MEDICAL MARIJUANA PLANTS AND PRODUCTS MAY BE PROCURED AND DISTRIBUTED TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 726, transmitting H.C.R. No. 153, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER ESTABLISHING IN HAWAII A CENTER FOR THE ADVANCEMENT OF GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE BY AND FOR CHILDREN, YOUTH, AND FAMILIES," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 727, transmitting H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO PROVIDE DATA ON HAWAII'S FAMILY CAREGIVERS AND THE OLDER ADULTS TO WHOM THEY PROVIDE ASSISTANCE," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 728, transmitting H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO STREAMLINE AND EXPEDITE MENTAL HEALTH TREATMENT TO PERSONS COMMITTED TO STATE-OPERATED OR -CONTRACTED FACILITIES," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 729, transmitting H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 730, transmitting H.C.R. No. 181, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 731, transmitting H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE

REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 732, transmitting H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 733, transmitting H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AND STUDY THE FEASIBILITY OF IMPLEMENTING A HOUSING DEMONSTRATION PROJECT AT HAUICI HOMES AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 734, transmitting H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE "FIXIT" SYSTEM ON THE STATE WEBSITE," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 735, transmitting H.C.R. No. 255, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND CITY & COUNTY OF HONOLULU TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 736, transmitting H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 737, transmitting H.C.R. No. 265, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF YOUTH SERVICES TO DEVELOP A PLAN FOR CREATING AND IMPLEMENTING GENDER RESPONSIVE ENVIRONMENTS AT THE WOMEN'S COMMUNITY CORRECTIONAL CENTER AND AT THE HAWAII YOUTH CORRECTIONAL FACILITY," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 738, transmitting H.C.R. No. 267, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REPORT TO THE LEGISLATURE ON PROGRESS MADE BY THE OFFICE OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEYS FROM THE COUNTIES OF THE STATE OF HAWAII IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND



CERTAIN SEXUAL OFFENSES," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 739, transmitting H.C.R. No. 49, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A REVIEW OF THE SAN FRANCISCO PRECAUTIONARY PRINCIPLE ORDINANCE," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 740, transmitting H.C.R. No. 54, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO TRANSFER OWNERSHIP OF THE KANEOHE MEADOWLAND (HE'EIA WETLANDS) TO THE STATE OF HAWAII AS PUBLIC LANDS TO BE ADMINISTERED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR THE PROTECTION AND ENHANCEMENT OF THE NATURAL AND CULTURAL RESOURCES OF THE WETLANDS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 741, transmitting H.C.R. No. 83, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 742, transmitting H.C.R. No. 138, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE INSURANCE COMMISSIONER TO REVIEW REIMBURSEMENT LEVELS OF PROVIDERS FOR ALL MAMMOGRAPHY STUDIES AND FOLLOW UP DIAGNOSTIC TESTING DESIGNED TO IDENTIFY BREAST-RELATED CANCERS IN ORDER TO ASCERTAIN THE APPROPRIATENESS OF THOSE REIMBURSEMENT LEVELS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 743, transmitting H.C.R. No. 165, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 744, transmitting H.C.R. No. 245, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE "BIG BOX" RETAILERS AND WHOLESALERS," which was adopted by the Senate on April 26, 2004.

Sen. Com. No. 745, transmitting H.C.R. No. 261, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES AND STATE RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES AND REQUESTING EACH COUNTY TO REVIEW, ANALYZE, AND CHANGE COUNTY ORDINANCES AND RULES THAT

CRIMINALIZE NON-SERIOUS OFFENSES," which was adopted by the Senate on April 26, 2004.

Representative Saiki moved to disagree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative Lee and carried: (Representatives Bukoski, M. Oshiro and Tamayo were excused.)

H.C.R. No. 49, HD 1, SD 1  
H.C.R. No. 54, HD 1, SD 1  
H.C.R. No. 83, SD 1  
H.C.R. No. 138, HD 1, SD 1  
H.C.R. No. 165, SD 1  
H.C.R. No. 245, HD 1, SD 1  
H.C.R. No. 261, HD 1, SD 1

At 12:14 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

## ORDER OF THE DAY

### STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1532-04) recommending that S.C.R. No. 209, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 209, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE 'O KEALOHI STATE PARK," was adopted, with Representatives Hamakawa, Hiraki and Say being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1533-04) recommending that S.C.R. No. 181, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 181, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOMMENDING THE LONG-TERM CARE VETERANS AFFAIRS STATE HOME IN HILO BE NAMED IN HONOR OF YUKIO OKUTSU," was adopted, with Representatives Hamakawa, Hiraki and Say being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1534-04) recommending that S.C.R. No. 52, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was adopted, with Representatives Hamakawa, Hiraki and Say being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1535-04) recommending that S.C.R. No. 97, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 97, be adopted, seconded by Representative Lee.

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

Representative Abinsay's written remarks are as follows:

"Madame Speaker, I rise in support of Standing Committee Report No. 1535-04, Senate Concurrent Resolution No. 97.

"The purpose of this Concurrent Resolution is to urge the President and the United State Congress to support the passage of H.R. No. 3587 to benefit Filipino World War II Veterans and their families.

"Madame Speaker and colleagues, H.R. 3587 was introduced in the U.S. House of Representatives by Congressman Ed Case in November 2003. H.R. 3587, if approved, would give priority in issuing visas to the sons and daughters of Filipino World War II Veterans who are naturalized U.S. citizens.

"In 1990, the U.S. Congress approved a special waiver to allow Filipino World War II Veterans to become U.S. citizens. It was a courageous act by the Congress, which finally recognized the courage and commitment of the Filipinos forces who fought alongside U.S. forces in the Philippines during World War II.

"This Act, however, fell short because it failed to allow children of these veterans to come to the U.S. as naturalized citizens. The result has been devastating to the families as most of them have had to endure many, many years of separation. Unable to bring their children to live with them in the United States, a veteran and his wife, for example, living in Hawaii filed immigration petitions for two of their six children; they have waited over ten years for a visa to be issued to either of them.

"In his speech before the U.S. Congress upon introducing H.R. 3587, on November 21, 2003, U.S. Congressman Ed Case reiterated the importance of reuniting families of Filipino World War II Veterans. He says, and I quote, "the Filipino Veterans are entering the sunset years of their lives. We have done what we can to give adequate benefits for their commendable service. Now, we must recognize and provide for the reunification of these families, and they deserve our support," end of quote.

"Madame Speaker and colleagues Senate Concurrent Resolution No. 97, sends a strong message to Washington that the Legislature in Hawaii supports Filipino Veterans of World War II and their families."

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:

"Madame Speaker, I rise in strong support of this resolution. Many Filipino veterans of World War II immigrated to this country after congressional legislation of 1990 waived certain immigration and naturalization requirements for them. This was a fitting and long overdue benefit the United States extended to them in gratitude for their bravery and loyalty during the war in the Pacific.

"These deserving veterans are aging, many are becoming frail, and their sons and daughters are far away from them. These veterans need their families' care, and they have earned the right to stay in this country. The legislation of 1990 was well-intentioned, but its introducers did not consider the need for these veteran's families to be granted special status by the Immigration Department. That need is now apparent. Congress is now considering H.R. 3587, which supports facilitating the issuance of immigration visas to the children of Filipino veterans who are now citizens. The resolution before us will show Hawaii's support of these veterans and their families by urging Congress to pass H.R. 3587."

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

"I'm sorry, Madame Speaker. A little slow. But on SCR 97, I've spoken out in favor of this in Committee and I just want to point out this is one of the reasons why we do need increased VA funding because we're including now a whole new class of veterans that were not eligible before. And we're extending more benefits to veterans. And that is why we always will need more. I don't say always. As long as we have young people going into military, we'll always need more veterans' benefits. At some point, maybe we won't need that but we do now. And we will for the foreseeable future. Thank you, Madame Speaker."

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 97, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was adopted, with Representatives Hamakawa, Hiraki and Say being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1536-04) recommending that S.C.R. No. 203, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 203, be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker and esteemed colleagues of this august Body. I am strongly for Concurrent Resolution 203.

"Madame Speaker and esteemed colleagues of this august Body, the purpose of this measure is to urge the United States Congress to support the passage of United States Senate Bill Number 68, Relating to Improving Benefits for Filipino Veterans of World War II.

"Madame Speaker, there are approximately three thousand World War II Filipino Veterans living in Hawaii. World War II Filipino Veterans who have become U.S. citizens are now eligible for medical benefits and should also be eligible to receive disability pensions, which would be provided under Senate Bill 68, now pending before the United States Congress.

"Madame Speaker, this measure is about fairness to those who served honorably during World War II on behalf of all of us. Those Filipino Veterans of World War II served side-by-side with their American counterparts, and like their American counterparts, suffered tremendously in the fight for democracy and freedom.

"Madame Speaker and Members of this august Body, I urge everyone to please support this resolution. Thank you."

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

"Madame Speaker, in favor. I just would like to point out that President Bush and his Administration, his Secretary of Veteran Affairs, Mr. Principi, has been a strong proponent of this particular legislation. And I do hope it passes. Thank you."

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

Representative Pendleton's written remarks are as follows:

"Madame Speaker, I rise in support of Senate Concurrent Resolution 203. This resolution requests support of S. 68 by Congress and President George W. Bush. Introduced by Senator Inouye, Senate bill 68 recognizes and rewards the outstanding service of Filipino troops by improving veterans' benefits available to qualified Filipino veterans. SCR 203 is supported by the Office of Veterans Services and should be supported by all of us here today.

"Madame Speaker, during World War II, 142,000 Filipino forces fought side-by-side with American troops in the Far East. On April 9, 1942, 35,000 Filipino troops endured the infamous Bataan Death March. As American and Filipino troops fought together, so also they suffered and died together during their incarceration at Camp O'Donnell. Their courage and dedication were exemplary, making their country as well as the United States proud.

"Madame Speaker, about 24,000 surviving Filipino veterans now reside on Oahu. Unfortunately, these veterans, who served as key allies to the United States Armed Forces and who are now American citizens, are not being fully compensated for their service. Although they were not official members of the United States military at the time, their selfless service to America should indicate an affinity to the United States military that went beyond mere alliance. Filipino troops have contributed much to the United States. As a token of gratitude for their service, would it not be appropriate to recognize their service in a tangibly beneficial way? By providing Filipino veterans with full benefits, we would send a strong message of appreciation and support.

"Under S. 68, Filipino veterans would also be eligible for programs administered by the Secretary of Veterans Affairs such as nursing home care, hospital and medical services to the same degree they are provided to U.S. veterans. It will open the door for a sustained relationship of assistance to Filipino veterans. Such a relationship would be greatly beneficial to our veterans and would further fulfill the Department of Veterans Affairs' mission 'to care for him who shall have borne the battle.' Filipino veterans certainly qualify and deserve to be given proper respect and care.

"Madame Speaker, as a proud Filipino and American lawmaker, I strongly support our Filipino veterans. I also support SCR 203. Because Hawaii serves as home to many Filipino veterans, we as Hawaii State Representatives should lead the way in working towards providing needed benefits to our veterans. I urge my colleagues to vote in support of Filipino veterans and in support of SCR 203.

"Thank you, Madame Speaker, for the opportunity to speak in support of Senate Concurrent Resolution 203."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 203, entitled: "SENATE 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 adopted, with Representatives Hamakawa, Hiraki and Say being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1537-04) recommending that S.C.R. No. 51, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING OUR CONGRESSIONAL DELEGATION'S SUPPORT FOR MEASURES TO RESTORE HEALTH CARE BENEFITS TO VETERANS," was adopted, with Representatives Hamakawa, Hiraki and Say being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1538-04) recommending that S.C.R. No. 126, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 126, be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I rise in opposition to Standing Committee Report Number 1538-04, SCR 126.

"Madame Speaker, I stand in strong support of veterans but because of that, I oppose this particular measure. The title reads, 'Senate Concurrent Resolution Urging Congress to Increase Funding for Veterans Benefits and Services ...', and I agree with that part. But the rest of the title reads this way, '... and Expressing Disappointment in President George W. Bush's Plans to Reduce Veterans Benefits'. I disagree and object to that part of the title because I think it's in error. I think that if you look at the overall plan and what has been done in the past, I think that those words are incorrect. I guess you can express disappointment, but expressing disappointment in this particular area, I think would be inappropriate.

"Allow me, Madame Speaker, to highlight some of the facts that have not been taken into consideration in regards to what President Bush and the current Administration have been doing to support veterans benefits and services. And it's important for me to be able to list this and speak to this because my argument against this measure is not that I oppose veterans, but I support veterans. But I oppose this expression of disappointment in the President's veterans benefits policies.

"One example of the many good things the President is doing for our veterans, Madame Speaker, is the funding that the current Administration is providing. The funding for veterans is available twice as fast now as it was under the previous Administration. The number of veterans receiving health benefits has increased 25%. President Bush has proposed increasing the discretionary budget for the Veterans Affairs Department in each of his budget proposals, appropriating a majority of the money into the agency's healthcare programs. Over the course of his Administration, President Bush has increased that portion of the agencies budget by about \$7 billion. The President's 2005 budget proposal represents a 37.6% increase in funding for his full 4-year term. In comparison, Madame Speaker, the immediate previous

President was only able to increase funding by 31.7%. So the present President is spending more than the immediate past President of United States. And that President had been President for 8 years. The Veterans Affairs Department estimates that the total increase under President Bush's budget will reach nearly 1.6 million veterans and increase by 25.6%.

"Madame Speaker, the measure before us refers to complaints brought by various groups. And one of the alleged complaints is the length of the waiting list for veterans in order to receive medical services and the length of the waiting period. We all agree that we can do more, that we should do more. But let me just share Madame Speaker, what the current Administration has done. The current Administration has cut the backlog of veterans from 432,000 in January 2002, to 331,000 as of last month. The average wait for those veterans has declined from 233 days to 155 days. According to Veterans Affairs Department, President Bush has proposed adding 5 claims processors to its rolls. And over the course of his tenure, he has added 1,800 of those workers to the agency. That's 1,800 more than the previous President.

"Madame Speaker, the current measure also suggests that many veterans are being turned away from services to which they are entitled. It should be noted that in order to provide care to those who need it most, priority is given to low income veterans with service injuries, as opposed to middle or higher income veterans with yearly income above \$25,162 and with non-service related injuries. We want to be able to help all veterans, Madame Speaker. We want to be able to provide everyone with service, but clearly with finite resources, it is appropriate for the President to continue the practice. That is to continue the practice of prioritizing. Looking at those veterans at the lower economic echelon and looking for those veterans that have service related injuries.

"Madame Speaker, on December 16, 2003, President Bush signed the Veterans Benefit Act of 2003. This authorized a billion dollars over the next 10 years for expanded benefits for disabled veterans, for surviving spouses, and for their children. On December 22, 2003, President Bush signed the Service Members Civil Relief Act, which eases economic and legal burdens for active duty members involved in Operation Iraqi Freedom."

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

Representative Pendleton continued, stating:

"Thank you, Representative. Madame Speaker, President Bush is also proposing to increase more benefits ending pharmacy co-payments for some very low-income veterans and paying for emergency room care for veterans in non-Veterans Affairs hospitals. The previous President did not act on this. The current one is. The number of community health clinics has also increased by 40% during President Bush's tenure. That's a 40% increase, which is a faster rate than the previous President."

Representative Souki rose, stating:

"Madame Speaker. My colleague on the left has kind of deviated from the intent. And he seems to be delving into the politics, which I don't believe is appropriate in this area here."

The Chair responded, stating:

"I'll allow the Representative to continue. Please proceed."

Representative Pendleton continued, stating:

"Thank you, Madame Speaker. Again, this current measure criticized the current President for not doing enough for Veterans. The statistics, the facts, the data that I'm sharing clearly refute that. It shows that not only has he not cut, but he's actually in many areas, done more than the previous President.

"Let me just wrap this up, Madame Speaker. The other legislation that has been signed into law by President Bush over the last 3 years which greatly benefits our veterans include, but is not limited to the following: an increase in the GI Bill Education Program by 46%; more generous healthcare pension benefits for surviving spouses; comprehensive programs to end chronic homelessness among veterans; arrangements for concurrent recipient of VA disability compensation and military retirement; a start on the largest national cemetery expansion; and 30% funding increase over 3 years, allowing 1 million more veterans to use VA health benefits.

"Madame Speaker, clearly, the current President is working to improve veterans benefits and services. It would be utterly inaccurate, erroneous, inappropriate to "express our disappointment" in the Administration when the current President's support for American veterans is so evident. Not only is he not cutting from the previous Administration, but he is doing more and doing it faster.

"Madame Speaker, if any resolution is put forward on this topic, it should be a resolution to thank the President for all that he is doing. And for the increase in the speed with which he is addressing the problems facing our veterans. So for all of these reasons, Madame Speaker, I oppose this measure. Thank you."

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

"Thank you, Madame Speaker. In opposition.

"And I challenge anybody here to question my concern for the veterans, and my always looking out for their needs. I won't go through everything my colleague just presented but I'm going to put down the microphone for a minute and hold up a chart. This chart shows the increase in VA spending, which comes from the Congress and the Administration from 2002 to 2005. Maybe I can do it while I'm holding it. The dark portion is 2002. The light portion is 2003. That's on the one page. On the next page, it's 2004 and 2005. It's definitely up. No decreases.

"My colleague talked about the Veterans Benefit Act of 2003. Let me tell you a few things that it has done, by this Congress, and this Administration by the way. It restores Dependency and Indemnity Compensation, DIC, for surviving spouses who remarry after age 57; increases multi-educational benefits for spouses and dependent children of members, who died of service connected causes; extends VA specially adapted housing grants to severely disabled service members prior to separation from active duty service; eliminates the 30 day requirement for POWs to qualify for presumptions of service connection for certain disabilities.

"There's also Veterans Health Care, Capital Asset, and Business Improvement Act of 2003. Also by this Congress and this Administration. Authorizes priority access to VA health care for veterans who participated in certain DOD chemical and biological warfare exercises from 1962 to 1973, Vietnam. Requires the VA to provide nursing home care to veterans in need who have service connected disabilities, we added a 50%. There's many, many more. There's two books full. That's just some of the things.

"Madame Speaker, there have been no reductions. There are no reductions. One problem is there may be some delays. I grant that, and that's because there's more veterans seeking assistance. And that's because this Administration has made it a point to reach out to veterans and tell them, 'You know, you may not be getting any benefits now, but you deserve them. You should get them.' And they have instructed the VA to go out and publicize the information. And it's all over web sites. And it's telling veterans, you know, you may have served in World War II, you still deserve benefits, please come in to the local VA and get rated. And that's what they're doing. That's why there may be some delay. Because there's more people seeking benefits today than ever before.

"We have a war going on. This has been going on for a while between Afghanistan, and now Iraq. That's more veterans that need services. So while they have been increasing the funding, I grant that we should ask for increased funding. I support that portion of this resolution. We should always ask for more. But there are no cuts."

Representative Kahikina rose, stating:

"Madame Speaker. Will the speaker from Makakilo yield to a question from the Floor?"

Vice Speaker Luke: "Will the speaker from Makakilo."

Representative Moses: "I will."

Representative Kahikina: "I just was wondering ..."

Representative Moses: "Which I have never gotten before when I've asked for that."

Representative Kahikina: "Is it because this present Administration did wage a war, and if he did in fact add the cost of the war in the increase of the funding that he made mention."

Representative Moses: "Well, I contend that this Administration didn't wage a war. The war was necessary. By the way, Madame Speaker, weapons of mass destruction had been found yesterday. Anybody notice that? They have been found and they are being used."

Vice Speaker Luke: "Representative Moses, now you're deviating."

Representative Moses: "Thank you very much, Madame Speaker. I'll wrap up my testimony."

"And I'm just saying again, don't believe me, believe the charts. This is from the VA, not from me. This is from the VA on their web site. You can see the VA right up here. This is their web site. These are their figures. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. In opposition. And I'm persuaded. Please incorporate the remarks of the two previous speakers as if they were my own," and the Chair "so ordered." (By reference only.)

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

"Thank you, Madame Speaker. In support of the resolution. Madame Speaker, I am disappointed with what the Administration is doing to veterans.

"I gave a copy to two of my good friends from the opposite side of the aisle about the statement of this Commander in Chief of the Veteran of Foreign Wars. His name is Commander in Chief Edward S. Banas. And he testified before the Joint hearing of the Committee on Veteran Affairs, United States House of Representatives, and the United States Senate on Wednesday March 10, 2004 at 10 a.m. Well, the testimony is 20 pages long, but let me just mention a few lines here, and it's a quote. And they have a copy so they can follow what I'm saying. Madame Speaker:

What has the VA done to combat these growing demands? It has increasingly turned its back on veterans; it has limited the supply through the rationing of health care. There are thousands of veterans who have been waiting well over six months for basic health care appointments.

"And I can tell you this, I have a card here and for me to get an appointment at Matsunaga Center, I have to wait 4 to 6 months. And not only that, they don't even give you prescription drugs. And I cannot take the drugs that they are passing out at the VA hospital. But let me continue.

Other veterans must wait over a year for specialized health care appointments. There are millions of veterans who are completely excluded from the system because they make above a paltry income threshold, approximately \$28,000, but adjusted for localities. This administration has even gone so far as to drive veterans from the system by forcing veterans to balance the health care budget on their backs through increased co-payments and the threat of enrollment fees. This is unacceptable. Every face in this room has already paid for their health care, some with their sweat, others with their blood.

In the face of these problems, we are once again dismayed with the President's folly, inadequate budget request. Not only does it fail to adequately appropriate veterans' medical care funding, it again proposes balancing the budget on the backs of this Nation's veterans. The Administration's proposal again shamefully calls for an enrollment fee that would greatly limit the ability of many veterans to access the system and would force many other enrolled veterans from the health care system altogether. Additionally, it more than doubles the co-payment amounts for prescription drugs, and provides for a large increase in the medical care appointments co-payment.

"And I can go on and on in this speech, Madame Speaker. And just another page, on page 5 of the 19.

Unfortunately, the budget proposal this Administration has laid before us does nothing to combat VA's problems.

This Administration's proposal falls well below the \$3.1 billion increase we call for in the Independent Budget.

"And he goes on and on. It goes over here, disappointing budget request. Deletes the National Guard and Reserves. The mental health care. The burial services. Long-term care.

"Yesterday, I received a magazine in my mail from the Veteran of Foreign Wars. I'm sure my good friend from Makakilo received one. And on page 10:

VA budget request inadequate. The Administration release of this budget request for fiscal year 2005 is severely inadequate for the funded health care for this nation's sick and disabled veterans. If passed, it will critically reduce VA medical, disability, and benefit programs.

"So Madame Speaker, I am disappointed. In fact, when I went to the Matsunaga Center, I've seen guys over there smoking mad. So with that, Madame Speaker, I urge my colleagues to vote for this measure. Thank you."

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

"Thank you, Madame Speaker. In opposition.

"I want to say that these complaints about the Veterans Administration, I've been retired now from the United States Army for about 10 years now. Coming up on 10 years, this September. And these complaints about the VA have been known from the very beginning. That's the reason why I've always taken advantage of private insurance or other means to supplement what my benefits that are under the VA system. So these complaints are not new. And they should not be news in 2004. I believe the only reason that it might be news is an opportunity possibly, to take an unwarranted 'potshot' at the President. And so for those reasons, Madame Speaker, I'm opposed to this. A retired veteran of many years in the United States Army. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. In opposition.

"Madame Speaker, I enthusiastically support increasing veterans benefits and services funding. Madame Speaker, I believe that this resolution could have some beneficial impact if it dealt simply with cheerleading. Let's have better veteran benefits and promoted why that's a good idea. And if we as a Body could send that constructive, upbeat message to Washington, it probably would have some useful effect. But Madame Speaker, we've diluted our message and actually poisoned the message by turning this constructive message into a complaint.

"Madame Speaker, the only value that I can see of the complaining that goes on in this resolution is election year politics. So for those reasons, I oppose this diminished resolution. Diminished by complaining.

"And I would also like to comment, Madame Speaker, that we have a lot of local problems. We're in the State Legislature, it's our job to solve local problem. And we may be better off spending the amount of intensity, of energy, that's going into this unfortunate reso into solving our own local problems. Thank you, Madame Speaker."

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

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

"Thank you, Madame Speaker. In opposition. And I also ask that the words of the speakers from Kailua, Kaneohe, Mililani, and Kihei be entered as my own," and the Chair "so ordered." (By reference only.)

Representative Ching continued, stating:

"But I add to that, that besides the issues of funding, it is really through one's actions that we can observe that we make judgment. And it is my contention that, how quickly we forget this President's actions. And besides funding, this resolution says, his lack of support. How the President spent this past

Thanksgiving in putting his life on the line to make sure that the troops knew where his heart lay. I think it's also action worthy of judgment. And we can only judge by action so I feel that the President has nothing to apologize for. Thank you."

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

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

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

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

"Madame Speaker, I rise in support of this resolution. I'd like to request the words of the Chair of the Public Safety Committee as my own," and the Chair "so ordered." (By reference only.)

Representative Saiki continued, stating:

"I'd also like to highlight a brief statement that the Commander in Chief of the VFW made in his statement to Congress. And this is the statement, and what I wanted to explain was that this resolution does not necessarily criticize the President. It just urges additional support for veterans. And this is what the Commander said:

The VA unfortunately has been a victim of its own success. The high quality and broad range of health care services VA provides has led an ever increasing number of veterans to knock on its door, creating an unprecedented demand for services. VA because of the lack of adequate funding is not able to meet these increasing demands. Since 1996, the number of enrolled veterans has increased nearly 150%, yet funding has lagged far behind with only a 50% increase. An increasing demand that will ..."

Representative Pendleton interjected, stating:

"Madame Speaker, would the gentleman yield to a question?"

Vice Speaker Luke: "Representative Saiki, would you yield to a question?"

Representative Saiki: "No, thank you, Madame Speaker. I have one more sentence to finish.

An increasing demand that would be like any Wall Street investor has instead brought VA to the brink of disaster.

"Again, Madame Speaker, this resolution is not intended to criticize but is intended to lend support to the VA and to provide adequate funding for veterans. Thank you."

Representative Pendleton rose, stating:



"Point of personal privilege, Madame Speaker. Madame Speaker, the gentleman just read that the increase is 50%. 50% increase from his own mouth. But the title of this measure says, 'President Bush's Plans to Reduce Veterans Benefits ...' Those are completely at odds. It's completely inappropriate and I take umbrage to the fact that they can say one thing on the Floor."

The Chair then stated:

"Representative Pendleton, that's an inappropriate use of that point. But you can rise on substantive argument. I'll allow you to make it."

Representative Pendleton continued, stating:

"Let me just wrap it up. Madame Speaker, the title is at odds. The title says 'reduce'. A 50% increase is not reducing veterans benefits."

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

"No vote, please. And I'd like to incorporate the words from the gentleman from Enchanted Lake on both times that he spoke, please," and the Chair "so ordered." (By reference only.)

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

"Madame Speaker, I stand in support and I'd like the words of the Representative from Kaneohe put in the Journal as if my own," and the Chair "so ordered." (By reference only.)

"And I'd just like to refute the statement that was made that we should just pay attention to what's happening here at home. I think what's happening in Washington affects us in a very much of a big way. Thank you."

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

"Thank you, Madame Speaker. I vote no on this resolution. Please incorporate the words of the speaker from Maunawili on both times as my own," and the Chair "so ordered." (By reference only.)

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

"Thank you, Madame Speaker. I also vote no on this measure. And Madame Speaker, I would like to point to the second paragraph on the committee report.

Furthermore, this resolution expresses this Body's disappointment in the President and his administration's lack of support for this country's own veterans.

"Madame Speaker, that's flatly a lie. As has been shown very clearly by my colleagues on this side. I believe that the Committee Chair was absolutely wrong to ..."

Representative Schatz rose to a point of order, stating:

"Point of order. It's clearly not in order to call something a lie on the Floor of the House."

The Chair responded, stating:

"I'll allow that. Representative Thielen, please proceed."

Representative Thielen continued, stating:

"Thank you. Yes, I'm saying that the Committee Chair, I believe is misguided in putting this statement in the Committee Report. It is incorrect and shouldn't have been part of this public document. So I also would like to adopt the statement from the remarks of the Representative from Maunawili. Thank you," and the Chair "so ordered."

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

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

"In strong support and the words of the Chairman from Public Safety incorporated into the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Sonson continued, stating:

"And I wish to point out that, it could be wrong to use the words, 'George Bush's plan to reduce veterans benefits.' We should actually say that we express our disappointment that President George Bush plans to inadequately fund veterans benefits. I think the discrepancy to say that to reduce is clear. However, I think that I guess the expression of this Body in sending this reso is the same impact, that we should, if we support veterans, by saying that George Bush, now President, is not adequately funding the true needs of the Veterans Administration. But the message is clear despite how we interpret the title. The problem is the same. It's inadequate funding. Reduce, inadequate, the impact is the same. So we should support this reso. Thank you."

Representative Moses rose to respond, stating:

"Thank you. Just to wrap it up. Forget what the Committee Report says, which is I think egregious. But in the resolution itself on page 3, it says, 'This Body expresses its utmost disappointment in the lack of support the current administration has shown toward veterans of our armed forces.' And I think that is a ludicrous statement. But we heard talk about, let's pay attention to Washington, let's pay attention to here. Well I've got something that shows Washington is paying attention to here.

"Another thing that they've just passed is that the VA and DOD selected 8 medical demonstration sites. One of them is Tripler Army Medical Center. And in coordination with the Matsunaga Center, they're going to provide seamless support for our veterans, between Tripler and the VA Center. That's one of the things Washington did for our veterans here in Hawaii. Thank you."

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

Representative Ching rose to respond, stating:

"Just in discussion of again, 1538-04. I wanted to ask that the words of the Representative from Kailua on this side be incorporated as my own, as well as the second time that the gentleman from Kaneohe/Kailua rose, to be entered as my own. Thank you," 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.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR



VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was adopted, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representatives Hamakawa, Hiraki and Say being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1539-04) recommending that S.C.R. No. 68, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 68, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING COOPERATIVE VENTURES WITH ORGANIZATIONS ON THE U.S. MAINLAND IN PROMOTING HAWAII AND ITS PRODUCTS," was adopted, with Representatives Hamakawa, Hiraki and Say being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1540-04), recommending that S.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 S.C.R. No. 154, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE DIAMONDBACK CORRECTIONAL FACILITY," was referred to the Committee on Finance, with Representatives Hamakawa, Hiraki and Say being excused.

#### CONFERENCE COMMITTEE REPORTS

Representatives Kahikina and Shimabukuro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1860, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 20-04) recommending that H.B. No. 1860, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20-04 and H.B. No. 1860, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," was deferred for a period of 48 hours.

Representatives M. Oshiro and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1774, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 21-04) recommending that H.B. No. 1774, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21-04 and H.B. No. 1774, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," was deferred for a period of 48 hours.

Representatives M. Oshiro and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2741, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 22-04)

recommending that H.B. No. 2741, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22-04 and H.B. No. 2741, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS," was deferred for a period of 48 hours.

#### SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Hamakawa, Hiraki and Say were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative Lee:

H.B. No. 1824 (SD 1)  
H.B. No. 1893, HD 2 (SD 1)  
H.B. No. 1991, HD 1 (SD 1)  
H.B. No. 2092, HD 2 (SD 2)  
H.B. No. 2140, HD 1 (SD 1)  
H.B. No. 2147, HD 1 (SD 1)  
H.B. No. 2223 (SD 1)  
H.B. No. 2363, HD 1 (SD 2)  
H.B. No. 2421 (SD 1)  
H.B. No. 2569 HD 1 (SD 1)  
H.B. No. 2871 HD 2 (SD 1)

The Chair then stated:

"Members, as you know, this is a motion for reconsideration. The substantive discussion will occur tomorrow."

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the aforementioned House bills. (Representatives Hamakawa, Hiraki and Say were excused.)

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Hamakawa, Hiraki, Ito and Say were excused.)

#### FINAL READING

The following bills were 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 the following House bills, seconded by Representative Lee

H.B. No. 1944, HD 1 (SD 1)

H.B. No. 2250, HD 2 (SD 2)  
 H.B. No. 2297, HD 1 (SD 2)  
 H.B. No. 2337, HD 1 (SD 1)  
 H.B. No. 2740, HD 1 (SD 1)

The Chair then stated:

"Members, again, this is a motion to agree. The substantive motion will take place after this motion to pass Final Reading."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to the aforementioned House bills. (Representatives Hamakawa, Hiraki, Ito and Say were excused.)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

#### **H.B. No. 1944, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1944, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Takamine, Karamatsu and Wakai). Noes, none. Excused, 1 (Jernigan).

Representative Saiki moved that H.B. No. 1944, HD 1, SD 1, pass Final Reading, seconded by Representative Lee.

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

"Madame Speaker, I will be voting aye on this measure, however, I'd like to express some reservations.

"I am voting aye because I do support the concept of ethanol and other alternate energy sources. I think it's very important to reduce the dependence on oil for Hawaii. And I'm gratified that the use of sugar to produce this ethanol will help retain agricultural jobs.

"However, I read in the paper recently that California has realized an increase in air pollution as a result of ethanol use. And this is a concern to me. I feel we must be very vigilant about our environment.

"I am also worried about the transition cost. The transition to ethanol may result in higher cost that will then translate into higher prices at the pump. And with these cautionary words, I cautiously vote aye. Thank you."

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

"Thank you, Madame Speaker. In opposition.

"I believe that the idea of putting ethanol in gasoline is an idea whose time has come, been with us, and gone. I think the research coming out of California is very significant. California is really in the process of turning against adding ethanol in gasoline for the pollution reasons mentioned by the previous speaker. So we don't have to get on that wagon. We can recognize that science has passed ethanol by, has discovered that it's a polluting agent, and worked on moving toward hydrogen cell fuels, which are our ultimate long-term solution. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1944, H.D. 1 and H.B. No. 1944, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Final Reading by a vote of 43 ayes to 4 noes, with Representatives Fox, Meyer, Ontai and Stonebraker voting no, and with Representatives Hamakawa, Hiraki, Ito and Say being excused.

#### **H.B. No. 2250, H.D. 2, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2250, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Souki, Takamine and Blundell). Noes, none. Excused, 1 (Hamakawa).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2250, H.D. 2 and H.B. No. 2250, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," passed Final Reading by a vote of 47 ayes, with Representatives Hamakawa, Hiraki, Ito and Say being excused.

#### **H.B. No. 2297, H.D. 1, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2297, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 5 (B. Oshiro, Magaoay, Caldwell, Sonson and Thielen). Noes, none. Excused, none.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2297, H.D. 1 and H.B. No. 2297, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS," passed Final Reading by a vote of 47 ayes, with Representatives Hamakawa, Hiraki, Ito and Say being excused.

#### **H.B. No. 2337, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2337, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Hamakawa, Takamine, B. Oshiro and Finnegan). Noes, none. Excused, none.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2337, H.D. 1 and H.B. No. 2337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," passed Final Reading by a vote of 47 ayes, with Representatives Hamakawa, Hiraki, Ito and Say being excused.

#### **H.B. No. 2740, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2740, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (M. Oshiro, Nakasone and Mindo). Noes, none. Excused, 2 (Ito and Pendleton).

Representative Saiki moved that H.B. No. 2740, HD 1, SD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. In opposition.

"Madame Speaker, this is a well-intended bill. And I favor the intention of this bill. But my concern is that it will actually work to the opposite of its intent.

"Madame Speaker, this bill, hopefully I'm on the right bill here, 2740. This bill asked that the employers to give 6 months notice to employees in termination of their housing. And I believe that it implies that the employer needs to continue with whatever subsidy during that 6-month period. And it is well intended in that housing is often difficult to find. And it's not easy relocating people and families. But Madame Speaker, I'm not aware of any significant problems in this area. However, maybe others could comment on that. But by putting this in law, those employers that do provide housing will be alerted to pay attention and to look at their liability created by this bill and have an active interest in discontinuing housing employees. This bill is a disincentive for employers to provide housing. And in that regard, the net effect of this bill may actually be to cause termination of housing much more prematurely than any business had in mind or that the crafters of this bill were hoping for. So for those reasons, Madame Speaker, I need to vote no. Thank you."

Representative Jernigan

"Thank you, Madame Speaker. In opposition for a lot of the same reasons the previous speaker spoke on.

"Another concern I would have is for seasonal farm workers. To give them 6 months notice of reduction or the termination of housing, when they are 1 or 2 month employees, I just don't see how that can happen. So if you hire somebody for 1 or 2 months, you have to keep them in the housing for 6 months? Especially for seasonal farm workers with this new rental housing crunch, that having farms or small farms are having to put these employees up, now they have to put them up for a minimum of 6 months if this bill passes. I think it's very unreasonable. Thank you very much."

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

Representative Halford rose to respond, stating:

"Madame Speaker, my second time. I'd like to incorporate the words from the speaker from Kona, and to elaborate on my point, that for those who intentionally only provide 2 or 3 months housing for seasonal workers, they will look at this bill and think, when it becomes law, they will be looking for alternatives to providing any housing at all rather than be locked into a 6-month commitment. That's one of the negative fallouts, I believe, that are going to come from this well intended but poorly crafted bill. Thank you."

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

"Madame Speaker, I rise in strong support.

"Madame Speaker, I hope the Governor signs this bill and it becomes the Poamoho Village Act. What this bill would do is protect those plantation workers who reside in plantation housing and give them some measure of dignity should the plantation choose to discontinue its operation in this State, should it choose to terminate housing accommodations pursuant to their collective bargaining agreements. That's what this measure does, Madame Speaker. It provides the measure of dignity and respect for the workers in our agricultural businesses, in particular the villagers, the people, who are living in businesses like Poamoho and also Kunia Camp, who would be affected by a discontinuance of housing.

"This measure does not protect those who may violate their contract with the employer. Those people can be terminated and their housing can be discontinued.

"This bill also increases the notification period from 60 days to 90 days for any downsizing or partial closing or relocation of a business. Madame Speaker, this morning, I was driving in to work and I heard that the Toshiba Service Center will no longer operate in Hawaii. And should that business fall under the plant closure law, they would have to give their employees notification. And the public policy purpose behind this law, Madame Speaker, is to again respect and maintain the dignity of our workforce. So any abrupt changes in working conditions or employment opportunities do not destabilize the employees, their families, and our community.

"So I hope the Members keep those public policy reasons in mind and vote up on this measure. Thank you."

Representative Jernigan rose to respond, stating:

"My second time, Madame Speaker.

"I find the statement from the previous speaker to be outrageous that we would even craft a bill so it needs to be so narrowly focused for a couple camps that we're going to make it broad, all across the State, and in fact all farms and all people that provide or all businesses that provide any kind of housing subsidies for their employees. What's it going to do? It's going to cause no housing subsidies from employers in the future because it's just so egregious and it's just ludicrous. Thank you."

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

"In support. I understand this measure, I don't think the prior speaker should be so concerned about temporary workers that are going to be there for two months. It just requires notification. That can be done. This does not and will not impact on those employers who are going to hire someone for their farm for two to three months because the requirement is to notify them. Obviously, you can do it right on the outset. So why are they complaining so much? Why is this Representative bringing that point up over and over that seems like it's a fear that seasonal workers will demand six months of housing when they're just going to be there from 2 to 3 months? This is not requiring that. It's ridiculous to read into this particular bill something that outrageous. Thank you."

Representative Lee rose in support of the measure and asked that the remarks of Representative M. Oshiro be entered in the

Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you very much, Madame Speaker. I support this bill with some minor reservations. First of all, I wanted to make mention that I'm a product of a sugar plantation family, and I lived in sugar plantation housing so I can very well sympathize with that area here. It's been mentioned that it was across from the tracks, the blue-collar side. Not the white-collar side.

"My only concern that I have, and maybe it's kind of late in the game, maybe we can look at it next year in the rules, is that, and I could be wrong but this may be affecting small businesses. Say a service station goes out of business because of Act 77. I'm sorry I didn't mean Madame Chair. And it goes out of business because of a lack of capitalization and financing, or any other business. It would still have to give 90 days notice according to this. And it may not have the capability of doing that. I can see the big business like Toshiba, A&B or any of the larger businesses if they do go out, and certainly they should give them 90 days. But maybe we forgot, but there should be some language in there to protect the small business, maybe under 10 or less employees, but they don't come under this particular here. This may provide some problems.

"Mr. Chairman, with due respect to you, I know you worked very hard on this bill, and it's basically a good bill but that's my concern. And maybe you can speak up after this and certainly correct me. And I will be certainly very acceptable to a correction. Thank you."

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

"Thank you, Madame Speaker. In support with reservations. The Big Island doesn't have any plantations any more so it doesn't affect that part of our people. But I do have a lot of seasonal agricultural workers in my district that might be impacted and I think we need to address that perhaps next year. Thank you."

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

"Thank you very much, Madame Speaker. I rise in strong support of the measure.

"First of all, I guess first to clarify that the bill does affect employers with a hundred employees or more. And I think this is critical because as I look back, in 1994, the Hamakua Sugar Company went into bankruptcy. Four hundred employees were jeopardized in terms of very substandard housing units. But housing units that were all that they had for decades. They raised their children in such units.

"And when Poamoho is referenced, I really appreciate what the Labor Chair did in this case. Because hopefully if there's any future instances where you have such a situation, those people will be treated humanely. That consideration will be given to how they spent their lives helping to create the value for their employer so that products could be sold and employment could be continued. This kind of situation is truly unfortunate but it says a lot about how we as a community, we as a society, will treat members of the workforce members of our community. And I think that the policy considerations as indicated by the Labor Chair are those policy directions that we should be moving in. And these protections that are offered by

measures such as these are truly based on fairness and equity. Thank you."

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

Representative Magaoay rose in support of the measure and asked the remarks of Representatives M. Oshiro and Takamine be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Madame Speaker. I'm rising in opposition to the measure.

"Madame Speaker, we all have seen the headlines in the paper about the cost of housing in Hawaii. Some of the larger companies are looking at ways that they can actually provide affordable housing for their employees. I'm afraid that this bill is going to send a very scary message to them saying, 'Back off. Just let people have to fend for themselves.' That's not a good situation. We want to work cooperatively, not with a hammer. And if we work cooperatively, we will encourage those larger companies to provide the necessary housing on the Neighbor Islands and on this Island. This bill doesn't do it. Thank you."

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

"Thank you, Madame Speaker. In opposition and the words of the last Representative who spoke, and the Representatives from Kona, and South Maui.

"I'm for the workers in Poamoho Village. I thought we addressed that with the Galbraith Estate Bill. And I didn't see this as actually applying to them. Maybe I'm missing something between the lines but I thought we were addressing their problem. And I do feel for those folks. I know they were raised there. Spent their lives there. And have no other place to go. And that used to be part of my district, as was Kunia Camp, not Poamoho Village, but Kunia Camp, Ewa Villages, and I know what those people go through. But I thought we took care of that.

"And this is a different bill and I think this creates the problems that the previous speakers had talked about. That businesses won't want to provide housing or any housing assistance because of this. And I know that the federal law is 60 days, and we're extending that to beyond that for specific reasons here. And I just think it's going to have a detrimental effect on businesses trying to provide housing assistance to their employees. Thank you, Madame Speaker."

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

"Thank you very much, Madame Chair. I simply want to make some corrections. And I wish to take away my reservations as I have been corrected. It's for one hundred employees or more that's to be affected. So therefore I fully support this program."

At 1:35 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 1:37 o'clock p.m.

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

Representative Halford rose in opposition to the measure and asked that the remarks of Representative Takamine 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 House agreed to the amendments proposed by the Senate to H.B. No. 2740, H.D. 1 and H.B. No. 2740, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF EMPLOYMENT CHANGES," passed Final Reading by a vote of 32 ayes to 15 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representatives Hamakawa, Hiraki, Ito and Say being excused.

At 1:39 o'clock p.m., the Chair noted that H.B. Nos. 1944, HD 1, SD 1; 2250, HD 2, SD 2; 2297, HD 1, SD 2; 2337, HD 1, SD 1 and 2740, HD 1, SD 1 passed Final Reading.

#### ANNOUNCEMENTS

Representative B. Oshiro: "I'd like to request a waiver of the 24-hour hearing notice for the purpose of convening a Conference Committee," and the Chair "so ordered."

Representative B. Oshiro: A notice was sent out yesterday for a 5 o'clock Conference on SB No. 2748, SD 1, HD 2. Actually the hearing will be held at 2 o'clock today."

Representative Nishimoto: "Thank you, Madame Speaker. I just want to thank everyone that donated and purchased baked goods yesterday. The bake sale brought in \$905 for the Foodbank. And I want to remind everyone we're in the last week so please keep the donations coming. Thank you."

#### ADJOURNMENT

At 1:40 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 28, 2004. (Representatives Hamakawa, Hiraki, Ito, Say and Souki were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 27, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 2469, Takamine, Chr.;  
SD 2, HD 1 Karamatsu, Waters, Meyer

House Communication dated April 27, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to

the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Concurrent Resolutions:

H.C.R. No. 49, HD 1, SD 1  
H.C.R. No. 54, HD 1, SD 1  
H.C.R. No. 83, SD 1  
H.C.R. No. 138, HD 1, SD 1  
H.C.R. No. 165, SD 1  
H.C.R. No. 245, HD 1, SD 1  
H.C.R. No. 261, HD 1, SD 1

House Communication dated April 27, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 2, 2004 to the following House bills:

H.B. No. 1824, SD 1  
H.B. No. 2140, HD 1, SD 1  
H.B. No. 2147, HD 1, SD 1  
H.B. No. 2421, SD 1

House Communication dated April 27, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 8, 2004 to the following House bills:

H.B. No. 1991, HD 1, SD 1  
H.B. No. 2223, SD 1

House Communication dated April 27, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 15, 2004 to the following House bills:

H.B. No. 1893, HD 2, SD 1  
H.B. No. 2092, HD 2, SD 2  
H.B. No. 2363, HD 1, SD 2  
H.B. No. 2569, HD 1, SD 1  
H.B. No. 2871, HD 2, SD 1

House Communication dated April 27, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on March 29, 2004 and has this day passed the following bill on Final Reading:

H.B. No. 2337, HD 1, SD 1

House Communication dated April 27, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 13, 2004 and has this day passed the following bills on Final Reading:

H.B. No. 1944, HD 1, SD 1  
H.B. No. 2250, HD 2, SD 2  
H.B. No. 2297, HD 1, SD 2  
H.B. No. 2740, HD 1, SD 1

## FIFTY-SIXTH DAY

Wednesday, April 28, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:10 o'clock p.m., with the Speaker presiding.

Representative Pendleton recognized the San Gabriel Adventist Academy Chorale who performed the *Star Spangled Banner*.

The invocation was then delivered by Representative David A. Pendleton, after which the Roll was called showing all members present with the exception of Representative Stonebraker, who was excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 190 through 191) were announced by the Clerk and were received for possible consideration at a later date:

Gov. Msg. No. 190, transmitting H.B. No. 1797, without her approval and her statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
April 27, 2004

## STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1797

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1797, entitled "A Bill for an Act Relating to Optometry."

The purpose of this bill is to allow optometrists to use and prescribe therapeutic pharmaceutical agents, including steroidal agents, for all disorders of the human visual system, to administer injections for anaphylaxis, and to treat glaucoma. Since many serious systemic illnesses affect the eye, the bill would allow optometrists to prescribe a wide range of medication.

This bill is objectionable because it constitutes a significant relaxation of current restrictions and raises health and safety concerns. The training that optometrists receive is less than the rigorous instruction physicians are required to receive to gain prescriptive authority in the State of Hawaii. For example graduates of University of Hawaii's John A. Burns School of Medicine, after four years of extensive medical training, are required to undergo an additional year of residency before they are allowed to independently prescribe medications.

Optometrists are required to complete a four-year degree program and to undergo additional instruction to use and prescribe a restricted class of medications. This bill would remove the restrictions on how optometrists use these medications for the treatment of serious eye diseases, such as corneal ulcers in children, or prolonged eye inflammations.

Time is of the essence in treating eye infections. If treated inappropriately or belatedly, the result could be severe complications, including blindness. According to the Hawaii Ophthalmological Society (HOS), there are 33 states that do not allow optometrists to prescribe oral steroids, 31 states that prohibit optometrists from prescribing oral anti-fungal medications, 18 states that prohibit optometrists from prescribing oral antibiotics, 27 states that prohibit optometrists from prescribing oral anti-virals, and 22 states that prohibit optometrists from prescribing non-steroidal anti-inflammatory medications.

While more narrow modifications of current law with appropriate safeguards might be acceptable, this bill goes too far in deleting the restrictions that have been in place on the use of topical steroidal agents and anti-viral agents. I, therefore, urge ophthalmologists, optometrists, and their respective boards, and the John A. Burns School of Medicine to establish appropriate guidelines for future legislative consideration. Because of the serious health and safety concerns associated with the sweeping relaxation of restrictions proposed by this bill, its enactment would not be in the best interest of the people of Hawaii.

For the foregoing reasons, I am returning House Bill No. 1797 without my approval.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 191, transmitting S.B. No. 2525, HD 1, CD 1, without her approval and her statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
April 27, 2004

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2525 HD1 CD1

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2525 HD1 CD1, entitled "Relating to State Funds."

The purpose of this bill is to dramatically restructure the method of funding the Department of Commerce and Consumer Affairs ("Department") by repealing the Compliance Resolution Fund ("CRF"). This bill requires the transfer of monies in the CRF account as of June 30, 2004 to the general fund, with the exception of \$4.2 million that would be used by the Department's Professional and Vocational Licensing division ("PVL"). The bill also imposes a 90% floor and a 110% ceiling on annual Department revenues in relation to Department expenses.

This bill is objectionable because it destroys a system under which the Department is successfully accomplishing its missions – protecting consumers, regulating various businesses, and overseeing business registrations and filings. This bill compromises the ability of the Department to achieve these

important public purposes. The bill takes approximately \$35 million from the State's businesses rather than return that money to these businesses. It is a money grab, first and foremost.

The current system of self-sufficiency allows the Department of Commerce and Consumer Affairs to operate with regulatory independence and objectivity. The Department regulates many different businesses and professions, including financial institutions, insurance companies, utilities, and many professions and vocations. It often has to make judgments that are not popular with those being regulated. Being self-sufficient insures the continuity of resources to carry out these important regulatory tasks. In addition, being self-sufficient allows the Department to avoid competing for funds and being underfunded as has happened in the past. This bill would irrefutably harm the Department's functioning by changing the system of funding.

On a practical level, the bill was introduced without warning, without sufficient discussion, and without evident thought. As a result, it is badly written.

For example, the bill is silent on whether the 90% floor and 110% ceiling created in Section 2 includes general fund appropriations or just special funds. The bill is also silent as to whether those calculations are to be made across the Department as a whole or on a division-by-division basis.

There are other aspects of this bill that are incongruous with its stated purpose or have unintended consequences. Although this bill purports to retain self-sufficiency for licensing activities, it places in the general fund those fees resulting from regulation of condominium property regimes by the Real Estate Commission.

Unintended consequences are further evidenced by the fact that the Medical Claims Conciliation Panel ("MCCP") is left unfunded. The Department will be unable to hear all of the cases brought to the MCCP and will not be able to make refunds to any parties to such cases.

Section 2 of the bill transfers the Compliance Resolution Fund balance to the general fund at the end of the fiscal year. These monies, however, were collected from thousands of businesses, professionals, and other licensees for the purpose of providing specific services. While this may be legally permissible, it is bad policy. There is already on-going litigation brought by the Hawaii Insurers Council over the 2002 transfer of \$2 million from the Insurance Regulation Fund (a fund now incorporated within the CRF) to the general fund (Act 178/2002). Hawaii Insurers Council alleges that such transfers violate specific statutes as well as the state and federal constitutions insofar as "it would result in the transformation of the assessments dictated and imposed by the Insurance Commissioner on insurance companies into an illegal and unconstitutional tax." This bill may very well spawn more such litigation.

Ultimately, there is no justification for this bill. Legislators contended that the bill would advance "accountability" and "transparency", and would ensure against the Department's accumulation of what the Legislators characterized as "excess funds", which, allegedly, were the consequences of Department fees that are too high. These are clearly opportunistic arguments, with no basis in fact as related to this Department.

Accountability and transparency are already guaranteed by the budgetary process that the Department and the CRF undergo each year. Unlike other special funds, the CRF is thoroughly analyzed by both the Administration and the Legislature, with spending ceilings approved by the Legislature

as part of each budget. If the Legislature were truly interested in accountability and transparency or the reduction of "excess" reserves, it could have adopted the Department's offer to place a reserve ceiling and reporting requirements in the law without repealing the CRF. Further, the Legislature could have passed the bills submitted by the Department that would have allowed the Department to further cut its fees.

For the foregoing reasons, I am returning Senate Bill No. 2525 HD1 CD 1 without my approval.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 192 through 195) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 192, informing the House that on April 28, 2004, the following bill was signed into law:

S.B. No. 2815, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL." (ACT 020)

Gov. Msg. No. 193, informing the House that on April 28, 2004, the following bill was signed into law:

H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 021)

Gov. Msg. No. 194, informing the House that on April 28, 2004, the following bill was signed into law:

S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS." (ACT 022)

Gov. Msg. No. 195, informing the House that on April 28, 2004, the following bill was signed into law:

H.B. No. 2142, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS PRACTICES." (ACT 023)

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 746 through 749) were received and announced by the Clerk:

Sen. Com. No. 746, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following Senate bills:

S.B. No. 1491, SD 1, HD 1 Added Senator Taniguchi as a Co-Chair. Added Senators Kim and Tsutsui as Members.

S.B. No. 2355, SD 2 HD 2 Added Senators Kawamoto, Kim and Tsutsui as Members.

Sen. Com. No. 747, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2049, Co-Chair: English/Ige  
HD 1, SD 2 Members: Espero, Menor, Slom



H.B. No. 2291, Co-Chair: Kawamoto/Kim/Taniguchi  
HD 2, SD 2 Members: Whalen

By unanimous consent, action was deferred one legislative day.

H.B. No. 2645, Co-Chair: Sakamoto/Taniguchi  
HD 2, SD 2 Members: Hooser, Hogue

**Conf. Com. Rep. No. 18-04 and H.B. No. 2022, HD 2, SD 1, CD 1:**

By unanimous consent, action was deferred one legislative day.

Sen. Com. No. 748, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 1161, Co-Chair: English/Kokubun  
HD 2 Members: Hooser, Kim, Hemmings

**Conf. Com. Rep. No. 19-04 and S.B. No. 3207, SD 2, HD 2, CD 1:**

By unanimous consent, action was deferred one legislative day.

Sen. Com. No. 749, informing the House that the Senate has on April 16, 2004, agreed to the amendments proposed by the House to the following Senate bills, and that said bills passed Final Reading:

S.B. No. 2842, "RELATING TO CHAPTER 846E,  
SD 1, HD 4 HAWAII REVISED STATUTES."

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1541-04) recommending that S.C.R. No. 146, SD 1, be adopted.

S.B. No. 2843, "PROPOSING AN AMENDMENT TO  
SD 1, HD 2 ARTICLE I OF THE  
CONSTITUTION OF THE STATE OF  
HAWAII."

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 146, SD 1, be adopted, seconded by Representative Lee.

S.B. No. 2846, "PROPOSING AMENDMENTS TO  
SD 1, HD 2 ARTICLE I, SECTION 14, OF THE  
HAWAII CONSTITUTION."

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

"Mr. Speaker, I would like to speak in support of Standing Committee Report Number 1541-04, SCR No. 146, SD 1.

## INTRODUCTION

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

Representative Pendleton introduced the San Gabriel Adventist Academy Chorale from California, accompanied by Choral Director Mr. Calvin Knipschild, and Pastor Albert Frederico.

At 12:18 o'clock p.m., Representative Lee requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

## ORDER OF THE DAY

### UNFINISHED BUSINESS

**Conf. Com. Rep. No. 15-04 and H.B. No. 2578, HD 1, SD 2, CD 1:**

By unanimous consent, action was deferred one legislative day.

**Conf. Com. Rep. No. 16-04 and H.B. No. 2322, HD 1, SD 2, CD 1:**

By unanimous consent, action was deferred one legislative day.

**Conf. Com. Rep. No. 17-04 and H.B. No. 1828, HD 1, SD 1, CD 1:**

## STANDING COMMITTEE REPORTS

"In my district, we've counted over 20 dialysis patients who have to go 40 to 50 miles to get to a dialysis treatment that St. Francis Hospital is providing. And I do want to thank St. Francis for giving a positive response on this resolution because it would be very, very important to find out how we can help these people. I've never seen a dialysis treatment myself, but I have had people describe it to me. It's a pretty lengthy and very difficult procedure. So I want to urge my colleagues to please vote for this. It will help not only our district but probably lead the way to other isolated and rural districts getting this kind of service. Thank you."

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

Representative Ching rose in support of the measure and asked that the remarks of Representative Hale 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.C.R. No. 146, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN THE PUNA DISTRICT OF THE ISLAND OF HAWAII BY EXPANDING ITS NETWORK OF DIALYSIS TREATMENT FACILITIES TO THE KEAAU FAMILY CENTER IN THE PUNA DISTRICT AND BY CONDUCTING A NEEDS ASSESSMENT THAT WILL DETERMINE THE COST AND REQUIREMENTS OF ESTABLISHING A DIALYSIS CENTER IN PUNA," was adopted, with Representatives Hiraki, Meyer and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1542-04) recommending that S.C.R. No. 99, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 99, be adopted, seconded by Representative Lee.

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker and members of the House, I stand in strong support of this resolution to request Del Monte Corporation and the Galbraith Estate to allow the residents of Poamoho Camp to remain in their homes at least until December 2005. The eviction of some 300 residents by June 30, 2004 present onerous conditions for current residents, many of whom are retirees on fixed incomes. The additional time beyond the June deadline will allow these residents to arrange reasonable housing. Such an act of human compassion for the laborers and their families who toiled the land for the benefit of both the Corporation and the Estate is reasonable in exchange for decades of loyalty."

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 and Members of the House of Representatives, I rise in support of Senate Concurrent Resolution No. 99, Standing Committee Report No. 1542-04 for the following reasons:

"The purpose of this measure is to demonstrate the Legislature's strong support for the residents of Poamoho Camp by requesting that both Del Monte and the Galbraith Estate allow these residents to continue to live at Poamoho Camp until at least December 2005, in order to allow enough time for these people to find affordable housing.

"Mr. Speaker and colleagues, approximately 300 people currently live in Poamoho Camp, of which about 95% of whom are employees of Del Monte Corporation, who are set to be re-deployed to other company operations. The remaining 5% are retired plantation workers, who have dedicated their adult lives to Del Monte and to the sugar industry. By their dedication, our entire State has benefited from the sales of pineapples.

"Mr. Speaker and colleagues, many of these current and former plantation workers are of Filipino ancestry, and came to the United States in search of a better life for them and their families. Working long hard hours in the hot sun and with little pay, these immigrants made significant contributions to the economy of our beloved State at a time when "sugar was king".

"Fairness calls us to see that they now have an opportunity to secure affordable housing.

"Mr. Speaker and colleagues, I respectfully urge you to pass Senate Concurrent Resolution No. 99. Thank you very much."

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 Concurrent Resolution No. 99 which requests Del Monte and the Galbraith Estate to allow residents to continue to reside at Poamoho Camp until at least December 2005. As of today, these residents only have until June 9, 2004 to vacate their homes. That is not enough time for the residents to find alternative means of housing. This resolution is simply requesting that both parties, in the spirit of aloha, extend the deadline and allow the residents to continue to reside at the camp so that they have ample time to seek alternative housing or other solutions to their situation. Some of those solutions are: a land swap between the state and the Galbraith Estate, or the formation of the Poamoho Camp Residents Association to possibly assume the lease for the camp property at least until 2007, which is the lease deadline concerning the Wahiawa lands. Galbraith Estates has expressed their interest in finding a solution that would avoid eviction of the families. In partnering with the Estate and the community, we can come to a solution that would benefit all involved. But we need time to make this happen.

"Poamoho Camp has been home to Del Monte plantation workers for several decades. It is an important part of Hawaii's rich plantation heritage. Many plantation workers still reside at the camp, and some of the families living there have up to three generations of plantation workers. With 300 residents, the camp is comprised mostly of current workers who will all be reassigned to other operations within the company, or retirees, many of whom have lived their entire lives at the camp.

"Mr. Speaker, what is going to happen to all these families who have tirelessly worked for Del Monte over the years and who have called Poamoho Camp "home" for decades? Coincidentally, our State is gearing up to celebrate the 100th anniversary of the arrival of the first Filipino plantation workers to Hawaii. Many of the families from the first group to arrive still live at Poamoho and continue to work as plantation workers. In fact, during our Committee hearings on this resolution, there were nearly fifty residents who came forward and testified in their native languages – Ilocano, Tagalog, and Visayan. It is evidence of those who first came to Hawaii to work as plantation workers continued residence in the camp. It would be a great disservice to them if we allowed them to be abruptly and unnecessarily displaced.

"Mr. Speaker, by requesting the extension to December 2005, we are giving the residents ample time to find another place to live. Hawaii's history is deeply rooted in the plantations. We must do all we can to preserve what is left of Hawaii's plantation heritage. Poamoho Camp and its residents are part of that heritage. This resolution is one which seeks to balance liberty and economic interests. I hope Del Monte carefully considers this request.

"For these reasons, I stand in strong support of Senate Concurrent Resolution No. 99. Thank you for the opportunity to speak in support of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOH CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted, with Representatives Hiraki, Meyer and Stonebraker being excused.

Representative Kanohe, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1543-04) recommending that S.C.R. No. 167, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 167, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS," was adopted, with Representatives Hiraki, Meyer and Stonebraker being excused.

### CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Members, please note the 48 hour notice for Conference Committee Reports Number 23-04 to 37-04 as listed on pages 3 to 5. We'll probably be addressing these on Friday."

Representatives Arakaki and Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2586, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 23-04) recommending that S.B. No. 2586, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23-04 and S.B. No. 2586, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," was deferred for a period of 48 hours.

Representatives Arakaki and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2948, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 24-04) recommending that S.B. No. 2948, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24-04 and S.B. No. 2948, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES," was deferred for a period of 48 hours.

Representatives Arakaki, Kahikina and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2608, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 25-04) recommending that S.B. No. 2608, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25-04 and S.B. No. 2608, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," was deferred for a period of 48 hours.

Representatives Kahikina, Arakaki and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2929, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 26-04) recommending that S.B. No. 2929, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26-04 and S.B. No. 2929, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1259, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 27-04) recommending that H.B. No. 1259, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27-04 and H.B. No. 1259, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2020, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 28-04) recommending that H.B. No. 2020, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28-04 and H.B. No. 2020, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred for a period of 48 hours.

Representatives Morita and Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2013, SD 2, presented a report (Conf. Com. Rep. No. 29-04) recommending that H.B. No. 2013, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29-04 and H.B. No. 2013, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," was deferred for a period of 48 hours.

Representatives Hamakawa and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2748, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 30-04) recommending that S.B. No. 2748, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30-04 and S.B. No. 2748, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was deferred for a period of 48 hours.

Representatives Hamakawa and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2840, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 31-04) recommending that S.B. No. 2840, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31-04 and S.B. No. 2840, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was deferred for a period of 48 hours.

Representatives Hamakawa and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the

amendments proposed by the House in S.B. No. 2861, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 32-04) recommending that S.B. No. 2861, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32-04 and S.B. No. 2861, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," was deferred for a period of 48 hours.

Representative Hamakawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3113, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 33-04) recommending that S.B. No. 3113, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33-04 and S.B. No. 3113, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1765, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 34-04) recommending that H.B. No. 1765, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34-04 and H.B. No. 1765, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2254, SD 1, presented a report (Conf. Com. Rep. No. 35-04) recommending that H.B. No. 2254, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35-04 and H.B. No. 2254, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2683, SD 1, presented a report (Conf. Com. Rep. No. 36-04) recommending that H.B. No. 2683, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36-04 and H.B. No. 2683, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," was deferred for a period of 48 hours.

Representatives Kanoho and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3025, HD 1, presented a report (Conf. Com. Rep. No. 37-04) recommending that S.B. No. 3025, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37-04 and S.B. No. 3025, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," was deferred for a period of 48 hours.

### SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Hiraki, Meyer and Stonebraker were excused.)

### RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative Lee and carried. (Representatives Hiraki, Meyer and Stonebraker were excused.)

H.B. No 1839 HD 2 (SD 2)  
H.B. No. 2098 HD 1 (SD 2)  
H.B. No. 2749 (SD 1)

### RECONSIDERATION OF ACTION TAKEN

At this time, the Chair announced:

"Please turn to page 8 of your yellow action sheets, Members, to H.B. No. 851, HD 1, SD 1. On April 29, 2003, this Chamber gave notice to agree to the amendments proposed by the Senate to this measure. Said measure was not subsequently considered for Final Reading before the 2003 adjournment. Further deliberation on this measure has been requested, so a motion to reconsider this Body's prior notice to agree to the Senate amendments is necessary."

Representative Saiki moved that the House reconsider its action previously taken on April 29, 2003 on H.B. No. 851, HD 1, to agree to the amendments proposed by the Senate, seconded by Representative Lee and carried. (Representatives Hiraki, Meyer and Stonebraker were excused.)

The Chair then announced:

"Further deliberation on said measure during this Session by the appointed House and Senate conferences may now be scheduled. Conferees on the part of the House are as follows: Representative Takamine, Chair; and Representatives Karamatsu, Wakai, Waters and Moses as members. You may now proceed."

### ANNOUNCEMENTS

Representative Magaoay: "Mr. Speaker, I ask for the waiver of the 24-hour rule to hear House Bill 680, tomorrow in room 309," and the Chair "so ordered."

Representative Magaoay: "This is 'Relating to Ethics.' It's the mandatory ethics training measure. Thank you."

Representative Saiki: "Mr. Speaker, point of order. I think the time wasn't designated."

Speaker Say: "Excuse me. Representative Magaoay, why don't you restate your 24-hour waiver of the hearing notice for this particular measure."

Representative Magaoay: "Thank you, Mr. Speaker. I ask for the waiver of 24-hour ruling for House Bill 680, Relating to Ethics, mandatory ethics training, at 10 o'clock tomorrow, Room 309," and the Chair "so ordered."

Representative Ito: "Mr. Speaker, I request a waiver of the 24-hour Conference meeting notice for the HB No. 1590, 'Relating to Veterans' Rights and Benefits.' This will be in 1:30 p.m. in Room 224.

"The other bill is HB No. 2206, 'Relating to Controlled Substances.' This will be at 2 o'clock in Room 224.

"And lastly, HB No. 2397, 'Making An Emergency Appropriation for the Hawaii State Disaster Revolving Loan Fund.' And that's at 2:30, in Room 224, today," and the Chair "so ordered."

Representative B. Oshiro: "Mr. Speaker, I'd also like to ask for a waiver of the 24-hour hearing notice for the purpose of convening a Conference Committee. This would be on HB No. 2301, 'Relating to Appellate Jurisdiction.' It's for today, April 28th at 2 o'clock, as noted on Addendum G, of the Order of the Day," and the Chair "so ordered."

Representative Marumoto: "Mr. Speaker, I think we have a birthday person in the Body. I think it's the Representative from the other side of the Island, Kaneohe. I believe it's his birthday. Representative Ito, if it's your birthday, Happy Birthday. Am I ahead of myself? So sorry. Happy Birthday Tomorrow."

At this time, Representative Lee moved to keep the Journal open until 6:30 o'clock p.m. this legislative day for the purpose of receiving Conference Committee Reports, and House bills and Senate bills transmitted thereby, seconded by Representative Thielen and carried. (Representatives Hiraki, Meyer and Stonebraker were excused.)

At 12:43 o'clock p.m., on motion by Representative Lee, seconded by Representative Thielen and carried, the House of Representatives stood in recess until 6:30 o'clock p.m., tomorrow, Thursday, April 29, 2004. (Representatives Hiraki, Meyer and Stonebraker were excused.)

#### CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 38 through 50) were received by the Clerk prior to 6:30 o'clock p.m. this legislative day, and the following action taken:

Conf. Com. Rep. No. 38-04 and H.B. No. 1770, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 39-04 and H.B. No. 2023, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 40-04 and H.B. No. 2674, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 41-04 and H.B. No. 2739, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 42-04 and S.B. No. 2908, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 43-04 and S.B. No. 2377, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 44-04 and S.B. No. 2380, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 45-04 and S.B. No. 3156, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 46-04 and S.B. No. 3085, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 47-04 and S.B. No. 2782, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 48-04 and H.B. No. 2814, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 49-04 and H.B. No. 2472, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

Conf. Com. Rep. No. 50-04 and H.B. No. 1980, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," were placed on the Calendar for Final Reading on Friday, April 30, 2004.

#### ADJOURNMENT

At 6:30 o'clock p.m., the House of Representatives adjourned until 6:30 o'clock p.m., tomorrow, Thursday, April 29, 2004.

#### HOUSE COMMUNICATIONS

House Communication dated April 28, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in

disagreeing to the amendments made by the Senate on April 8, 2004 for the following House bill:

H.B. No. 2098, HD 1, SD 2

House Communication dated April 28, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 15, 2004 for the following House bills:

H.B. No. 1839, HD 2, SD 2

H.B. No. 2749, SD 1

House Communication dated April 28, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in agreeing to the amendments made by the Senate on April 29, 2003 for the following House bill:

H.B. No. 851, HD 1, SD 1

House Communication dated April 28, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Concurrent Resolution:

S.C.R. No. 127  
HD 1, SD 1

M. Oshiro, Chr.;  
Caldwell, Blundell

## FIFTY-SEVENTH DAY

**Thursday, April 29, 2004**

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 6:40 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Representative Felipe P. Abinsay, Jr., after which the Roll was called showing all members present with the exception of Representatives Hamakawa, Hiraki, Pendleton, Say, Souki, Takamine and Takumi, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 196 through 212) were announced by the Clerk:

Gov. Msg. No. 196, informing the House that on April 29, 2004, the following bill was signed into law:

S.B. No. 2647, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS." (ACT 024)

Gov. Msg. No. 197, informing the House that on April 29, 2004, the following bill was signed into law:

S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS." (ACT 025)

Gov. Msg. No. 198, informing the House that on April 29, 2004, the following bill was signed into law:

S.B. No. 2905, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION." (ACT 026)

Gov. Msg. No. 199, informing the House that on April 29, 2004, the following bill was signed into law:

S.B. No. 2589, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE." (ACT 027)

Gov. Msg. No. 200, informing the House that on April 29, 2004, the following bill was signed into law:

S.B. No. 2950, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS." (ACT 028)

Gov. Msg. No. 201, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2341, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION." (ACT 029)

Gov. Msg. No. 202, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2414, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE." (ACT 030)

Gov. Msg. No. 203, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2426, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS." (ACT 031)

Gov. Msg. No. 204, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2498, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES." (ACT 032)

Gov. Msg. No. 205, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2539, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS." (ACT 033)

Gov. Msg. No. 206, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2558, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION PLANS." (ACT 034)

Gov. Msg. No. 207, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2630, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY." (ACT 035)

Gov. Msg. No. 208, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE." (ACT 036)

Gov. Msg. No. 209, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 1898, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH." (ACT 037)

Gov. Msg. No. 210, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2300, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 038)

Gov. Msg. No. 211, informing the House that on April 29, 2004, the following bill was signed into law:

H.B. No. 2466, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM." (ACT 039)

Gov. Msg. No. 212, transmitting the Hawaii Strategic Development Corporation's Annual Report for fiscal year ending June 30, 2003, prepared by the Department of Business, Economic Development, and Tourism.

The following message from the Governor (Gov. Msg. No. 213) was announced by the Clerk and was received for possible consideration at a later date:



Gov. Msg. No. 213, transmitting S.B. No. 3238, SD 2, HD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
April 29, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3238

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3238 entitled "A Bill for an Act Relating to Education."

This bill has been referred to as the "Reinventing Education Act of 2004."

After listening to the advice of people throughout the community and considering all the pros and cons, it became clear that I could not in good conscience place my stamp of approval on the "Reinventing Education Act of 2004." This bill contains too many flaws in its present form. While not wanting to paint the bill with too broad a brush, it does not reinvent education, it mainly protects the status quo, and in one case it makes matters much worse by increasing bureaucracy and reducing accountability.

Fortunately there is time to correct the most serious flaws in Senate Bill No. 3238.

I am, therefore, exercising what I call a "soft veto." I am asking the Legislature to develop new language that would create legislation we can all take pride in and regard as a step forward.

I realize we have to identify a vehicle for this new education bill. There are many to choose from, including possibly **House Bill No. 1176** which has been in conference since April 2003. I propose that we rename our joint effort the "**Bipartisan Education Reform Act of 2004.**"

Because we still have one week left in the regular session of 2004, the executive and legislative branches have time to come together to craft an education bill that will bring about meaningful education reform.

I am recommending in this statement of objections that the Legislature enact five changes to Senate Bill No. 3238 using the vehicle of House Bill No. 1176. They are simple to make, yet would result in significant improvements at our schools. These changes are:

- Give principals control over 70 percent of their operating budgets initially, but phase-in a plan that would allow them eventually to control 90 percent of funds. At first glance it may not appear there is much difference between giving principals 70 percent versus 90 percent of the money. But it will mean a world of difference in the classroom. That is because at 70 percent most of the spending is already predetermined since it goes to salaries and related items over which the principal has little or no control. It is only when principals are given authority for 90 percent or more of the funds at their schools that they truly gain the

financial flexibility they need to make meaningful improvements.

- Empower principals, set standards for their performance, and hold them accountable. In business, in education, and in every social organization, leadership makes the difference. Individual teachers also make a difference. But it is the principals who can inspire, motivate, and lead their schools by example.
- Give charter schools their fair share of funding, for facilities as well as operations, so they can provide instruction that is culturally appropriate for their communities. Charter schools have demonstrated that they can produce successful, self-confident students, even in the face of tremendous obstacles created by the Department of Education. Such schools are especially important for Hawaiian students, who suffer greatly under the Department of Education's one-size-fits-all system. It is time to give charter schools the resources and the support to excel.
- Instead of launching the "weighted student formula" in the 2006-07 school year, start this sensible funding plan a year earlier. Under this formula, money would be allocated based on the needs of individual students. There are successful models we can use from school systems elsewhere. Let us get on with the task now.
- Make the school community councils advisory in nature. That way, councils can offer their recommendations to principals without complicating the decision-making process or confusing who the public should hold accountable.

These five changes are incorporated in a proposed House Bill No. 1176 attached to this statement of objections.

It is important to note that I did not mention local school boards among my proposed changes. That does not mean I have abandoned this critical concept, for I have not.

I will continue to do everything possible to give the people an opportunity to vote on the issue of nonpartisan, locally elected school boards in the 2006 general election.

Education reform is not about us – it is about the children. The people of Hawaii know that and they want to see significant progress this session. If the Legislature makes the "five easy fixes" listed above, we will have a much better bill that will really advance the cause of student achievement through education reform.

Together, we have one last opportunity before the session ends to do what the people brought us here to do.

The education bill before me today does not really help our children in a systemic way. To let Senate Bill no. 3238 become law as is would mean we have squandered a chance to act in a bipartisan way to achieve real reform. And far worse, we would have deprived our children of the quality education they deserve.

I am recommending these five revisions on behalf of people all across our State who have watched many previous attempts to fix our schools and who should not settle for less than real education reform this time. While far from perfect, this modified legislation would move us ahead.

Someone once asked Thomas Edison if he got discouraged when an invention did not turn out as planned. "I am not

discouraged," he said, "because every wrong attempt discarded is another step forward." Let us discard what is wrong with Senate Bill No. 3238 and pass a law that truly moves us forward.

For the foregoing reasons, I am returning Senate Bill No. 3238 without my approval.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

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THE SENATE  
TWENTY-SECOND LEGISLATURE, 2004  
STATE OF HAWAII

H.B. NO. 1176  
H.D. 1  
S.D. 1  
C.D. 1

## A BILL FOR AN ACT

RELATING TO EDUCATION.

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

### PART I

#### PURPOSE

SECTION 1. This Act shall be known as the "Bipartisan Education reform Act of 2004." Although many responsibilities are laid upon education, ultimately education must do no less than advance the endowment of human culture itself, so that each succeeding generation finds itself further along the road towards peace, social justice, and environmental sustainability in a society guided by creativity, compassion, and curiosity. This Act is a road map for a critical phase in that ongoing journey.

The legislature finds that significant changes need to be made to enhance Hawaii's public education system to ensure the success of that journey. Although the State's students, parents, teachers, school administrators, departmental staff, and other educational stakeholders strive to achieve excellence, their efforts will never be completely successful until various aspects of the system around them are improved.

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H.B. NO. 1176  
H.D. 1  
S.D. 1  
C.D. 1

The legislature has supported and will continue to support efforts by the department of education to improve Hawaii's schools as a means of enhancing the academic achievement, safety and well being, and civic commitment of students, to meet the evolving needs of today's communities.

The coordinated package of initiatives in this Act aims to implement comprehensive education reform in Hawaii's public schools and shall be known as the "Reinventing Education Act of 2004." Its main elements include:

- (1) Establishing a weighted student formula;
- (2) Providing additional information technology;
- (3) Empowering principals through a Hawaii principals academy and other means;
- (4) Strengthening community involvement through school community councils and parent-community networking centers;
- (5) Providing more mathematics textbooks;
- (6) Lowering class size in kindergarten, grade one, and grade two;
- (7) Providing full-time, year-round, high school student activity coordinators;

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H.B. NO. 1176  
H.D. 1  
S.D. 1  
C.D. 1

- (8) Providing support for students who need additional help to succeed in school;
  - (9) Establishing a national board certification incentive program for teachers;
  - (10) Enhancing teacher education;
  - (11) Reducing the bureaucracy that hampers the effectiveness of the department of education;
  - (12) Improving the educational accountability system; and
  - (13) Requiring the board of education members to hold community meetings in their districts.
- Research shows that student performance is significantly higher in smaller schools. While establishing smaller schools throughout the State is not financially feasible, some schools have taken it upon themselves to create smaller and more manageable learning communities within their schools. Research also strongly supports the need for early childhood education and the establishment of a coherent system that spans all levels of education. The department of education teamed with the University of Hawaii and Good Beginnings Alliance to create a vision for such a system, which was presented in 2002, and is now being implemented.

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H.B. NO. 1176  
H.D. 1  
S.D. 1  
C.D. 1

Despite these efforts, more needs to be done. Currently, public school principals are faced with a nearly impossible task, as they are asked to attend to every detail of operating their schools without ~~enough institutional support or discretion to expend funds~~ being given the authority needed to accomplish the task. While some support and additional school leadership is provided by the school/community-based management (SCBM) system at many schools throughout the State, SCBM plays a far more limited role at some locations, and has not been implemented at all at others.

Recently, departmental leadership was decentralized through the creation of the complex area system, including the hiring of complex area superintendents. While replacing the old district system with this new structure was an important first step, further changes need to be made to allow meaningful authority to exist as close to the schools as possible. The complex area structure will serve as an excellent base upon which to build these continued reforms. It is the legislature's intent to place ~~a for greater number of decisions~~ decisionmaking and ~~a much higher percentage of money~~ at least 90% of funding directly in the hands of individual school ~~and these~~ leaders -- principals.

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H.B. NO. 1176  
H.D. 1  
S.D. 1  
C.D. 1

1 Another area of improvement necessary to promote excellence  
2 in learning is the method by which moneys are allocated to  
3 individual schools. Hawaii currently receives high marks  
4 nationally for funding equity, as being organized as a single  
5 unified system enables the State to fairly disburse moneys to  
6 schools. In other states, local revenue sources such as  
7 property taxes account for a significant portion of school and  
8 district funding, resulting in massive financial disparities  
9 between schools in more and less affluent areas.

10 Although the State avoids this particular pitfall, further  
11 improvements can be made to ensure that moneys go to the schools  
12 that truly have the greatest need, and to place ~~[more]~~ moneys at  
13 the ~~discretion of~~ individual school[s] level. While the  
14 current funding system takes into account certain criteria when  
15 allocating moneys to schools, it does not comprehensively  
16 address the fact that some students are more costly to educate  
17 than others. For example, students with special needs, such as  
18 those with limited proficiency in English, or who have physical,  
19 psychological, or other impediments to learning, are more  
20 expensive to teach than students who are not faced with these  
21 barriers.

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H.B. NO. 1176  
H.D. 1  
S.D. 1  
C.D. 1

1 One method that can be used to address these funding issues  
2 is a weighted student formula. Under such a system, moneys are  
3 allocated to schools based on a system of weighted  
4 characteristics that apply to every student in the ~~[public]~~  
5 school[s].

6 Under a weighted student formula there are several  
7 advantages. Among other things:

- 8 (1) The relative cost of educating students can be much  
9 more accurately assessed, based upon the unique  
10 learning needs of each student;
- 11 (2) Funds follow students to whichever school they attend;  
12 and
- 13 (3) The budget process becomes more transparent as it is  
14 based on dollars, not staff positions.

15 However, establishing a weighted student formula cannot be  
16 effective in a vacuum. Other reform measures must be  
17 implemented as well. Principals will be empowered to act as the  
18 educational leaders of their schools, with ~~[more]~~ authority  
19 ~~relating to~~ over budgeting, and ~~more flexibility to expend~~  
20 control of funds. With these expanded powers, principals will  
21 be held accountable for their performance through a system that  
22 includes rewards, assistance, and sanctions. Principals will

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H.B. NO. 1176  
H.D. 1  
S.D. 1  
C.D. 1

1 also need more training and support ~~if they are required~~ to  
2 take on additional duties~~+~~ and ~~are expected to~~ advance  
3 student success. Furthermore, community involvement and support  
4 of schools will need to be enhanced if schools are to work  
5 effectively.

6 The department of education is also faced with significant  
7 impediments that will likely reduce its ability to effectively  
8 implement the weighted student formula. With educational,  
9 responsibilities spread throughout numerous state agencies,  
10 there are various roadblocks to progress that could prevent the  
11 department of education and individual schools from successfully  
12 performing their duties and effectively using a new funding  
13 system.

14 The legislature finds that a comprehensive effort  
15 addressing all of these issues is required for Hawaii's public  
16 schools to maximize student achievement. Accordingly, the  
17 purpose of this Act is to enhance educational outcomes in  
18 Hawaii's public schools by:

- 19 (1) Implementing the weighted student formula by:
  - 20 (A) Requiring the department of education to provide  
21 supplementary allocations to those schools whose  
22 budgets are adversely affected by the weighted

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1 student formula for no more than three years  
2 beginning with the 2006-2007 school year;

- 3 (B) Establishing a committee on weights within the  
4 department of education to determine the unit  
5 value of student weights and recommend a weighted  
6 student formula to the board of education at  
7 least annually, and appropriating \$10,000 to  
8 support the operation of the committee;
- 9 (C) Requiring the department of education to adopt a  
10 weighted student formula in allocating funds to  
11 all public schools, ~~including~~ new century  
12 charter schools and new century conversion  
13 charter schools allowed to participate if they so  
14 choose;

- 15 (2) Appropriating \$2,000,000 to the department of  
16 education to facilitate field support, security and  
17 privacy for the telecommunications network, and  
18 training regarding information technology  
19 infrastructure used to enhance accountability,  
20 compliance with the federal No Child Left Behind Act  
21 of 2001, and implementation of school reform including  
22 the weighted student formula;

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- (3) Supporting and empowering principals by:
- (A) Requiring the department of education, with the invited participation of the exclusive bargaining agent of educational officers of the department of education, to propose salary schedules and other terms and conditions of employment of principals and vice principals based upon a twelve-month term of service, and report findings back to the Legislature no later than twenty days prior to the regular session of 2005;
- (B) Requiring the board of education to classify all educational officer positions of the department of education to adopt two separate classification/compensation plans for educational officers, one for principals and vice principals (based on the general pattern of a school administrator's career development and associated school administrator's qualification requirements) and one for all other educational officers (reflective of the career development pattern and qualification requirements for the respective professional field of expertise), and

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- (A) Appropriating \$350,000 for training and other activities needed to facilitate the transition from the current SCBM system into an advisory school community council system to be implemented at each public school, excluding new century charter schools and new century conversion charter schools;
- (B) Clearly articulating the ~~balance and reciprocity~~ of powers and responsibilities ~~between~~ of the principal and the advisory nature of the school community council;
- (C) Appropriating \$1,743,900 to support and enhance a proven means of improving parental and community involvement in schools, parent-community networking centers;
- (5) Directly, concretely supporting the academic achievement and holistic development of students by:
- (A) Appropriating \$2,500,000 for mathematics textbooks and other mathematics learning materials in schools, provided that mathematics curriculum is aligned within the school complex;

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- including classification appeals procedures for both; and
- (C) Convening a working group to create a plan for the implementation of performance contracts for principals;
- (D) Establishing a Hawaii principals academy to support and train complex area superintendents, principals, and prospective principals, and appropriating \$500,000 to operate the academy;
- (E) Clarifying the authority and responsibility of principals;
- (F) Appropriating \$183,780 to operate the department of education's administrator certification for excellence (ACE) program; and
- (G) Appropriating \$400,000 to compensate principals recalled to work by the department, outside of their regular term of service, for professional development and any other activities that may enhance their effectiveness as leaders of their schools;
- (4) Enhancing community involvement in schools by:

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- (B) Appropriating \$2,143,350 to reduce class size in kindergarten, grade one, and grade two by hiring seventy-five elementary school teachers;
- (C) Appropriating \$460,000 for full-time, year-round, high school student activity coordinators; and
- (D) Appropriating \$100,000 for programs that support parents in working with students who need additional help to succeed in school provided the programs have measurable outcomes;
- (6) Directly, concretely supporting teachers by:
- (A) Establishing a national board certification incentive program to be administered by the Hawaii teacher standards board to continue comparable efforts initiated under a memorandum of understanding between the department of education and Hawaii teacher standards board which expires on June 30, 2005, and appropriating \$480,000 funding to execute the memorandum of understanding during fiscal year 2004-2005;
- (B) Appropriating \$92,000 for the administration of the Hawaii teacher standards board;

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- (C) Increasing the pool of qualified teachers and administrators by appropriating \$500,000 to fund seven teacher education positions and one education administration faculty position at the college of education of the University of Hawaii;
- (7) Reducing bureaucracy that hampers the effectiveness of the department of education by:
- (A) Requiring the department of education to convene an interagency working group to address systemic impediments to the efficient management and operation of schools;
- (B) Transferring certain key functions from various state agencies to the department of education;
- (C) Requiring the board of education to adopt a single school calendar for all public schools to apply beginning with the 2006-2007 school year;
- (8) Enhancing educational accountability by:
- (A) Requiring academic achievement, safety and well being, and civic responsibility of individual students to be assessed and tracked;
- (B) Expanding the accountability provision to include fiscal accountability;

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- more than three years beginning with the ~~2006-2007~~ 2005-2006 school year.
- SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:
- \*§302A- Committee on weights.** (a) There is established within the department of education the committee on weights to develop a weighted student formula pursuant to section 302A- .
- The committee shall:
- (1) Create a list of student characteristics that will be weighted;
- (2) Create a system of weights based upon the student characteristics ~~that may be applied~~ used to determine the relative cost of educating any student;
- (3) Determine specific student weights, including their unit value;
- (4) ~~Determine which moneys shall be included in the amount of funds to be~~ Ensure that departmental operational funds, including federal funds, are allocated through the weighted student formula according to section 302A-1301(b);

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- (C) Including complex area superintendents and principals in the accountability system;
- (D) Requiring clear, easily understandable report cards on key performance indicators for schools, school complexes, and the public school system;
- (E) Requiring the board of education to hold community meetings in each school district;
- (9) Appropriating \$400,000 for the ~~for school community councils and~~ development of academic and financial plans at selected schools prior to the statewide implementation of the weighted student formula; and
- (10) Requiring the department of education to submit findings and recommendations to the legislature prior to the 2005 regular session relating to the implementation of this Act.

## PART II

## WEIGHTED STUDENT FORMULA

- SECTION 2. The department of education, from within appropriations provided to the department of education, shall provide supplementary allocations to those schools whose budgets are adversely affected upon the implementation of the weighted student formula, as determined by the superintendent, for no

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- (5) Recommend a weighted student formula to the board of education;
- (6) Perform any other function that may facilitate the implementation of the weighted student formula; and
- (7) Meet not less than annually to review the weighted student formula and, if the committee deems it necessary, recommend a new weighted student formula for adoption by the board of education.
- (b) The composition of the committee on weights shall be determined by the board of education based on recommendations from the superintendent of education and dean of the University of Hawaii at Manoa college of education and include principals, teachers, and other members with the appropriate professional skills, experiences, and qualifications needed to facilitate the work of the committee. The superintendent or the superintendent's designee shall chair the committee on weights.
- (c) The committee on weights may form advisory subcommittees to obtain input from key stakeholders as determined necessary by the committee.
- (d) The members of the committee on weights shall serve at the pleasure of the board of education and shall not be subject to section 26-34. Members of the committee on weights shall

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1 serve without compensation but shall be reimbursed for expenses,  
2 including travel expenses, necessary for the performance of  
3 their duties."

4 SECTION 4. Chapter 302A, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§302A- Weighted student formula. Based upon  
8 recommendations from the committee on weights, the board of  
9 education, not less than annually, shall adopt a weighted  
10 student formula for the allocation of moneys to public schools  
11 ~~including new century charter schools and new century~~  
12 ~~conversion charter schools;~~ which takes into account the  
13 educational needs of each student, with new century charter  
14 schools and new century conversion charter schools allowed to  
15 participate if they so choose. The department, upon the receipt  
16 of appropriated moneys, shall use the weighted student formula  
17 to allocate funds to public schools, excluding or including new  
18 century charter schools and new century conversion charter  
19 schools as they so choose. Principals shall ~~control~~  
20 moneys provided to the principals' schools.

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1 SECTION 5. Section 302A-101, Hawaii Revised Statutes, is  
2 amended by amending the definition of 'public schools' to read  
3 as follows:

4 "Public schools" means all academic and noncollege type  
5 schools ~~either~~ established and maintained by the department, ~~or~~  
6 issued a charter by the board of education, in accordance with  
7 law. All other academic and noncollege type schools are  
8 'private schools', irrespective of the hours during which the  
9 sessions take place."

10 SECTION 6. Section 302A, Hawaii Revised Statutes, is  
11 amended by adding a new definition to be appropriately inserted  
12 and to read as follows:

13 "Weighted student formula" means a formula for allocating  
14 operating moneys to individual public schools that includes a  
15 system of weighted characteristics affecting the relative cost  
16 of educating each student attending a public school, ~~including~~  
17 with new century charter schools and new century conversion  
18 charter schools participating at their choice."

19 SECTION 7. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$10,000, or so much  
21 thereof as may be necessary for fiscal year 2004-2005, to  
22 support the operations of the committee on weights.

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1 SECTION 8. The sum appropriated shall be expended by the  
2 department of education for the purposes of this part.

### PART III

#### INFORMATION TECHNOLOGY

5 SECTION 9. The department of education uses technology to  
6 support instructional, student information, fiscal, human  
7 resources, and outcome-based research systems. To meet the  
8 information needs of the principals, teachers, and the school  
9 community councils as they develop academic and fiscal plans for  
10 individual schools, the requirements of the No Child Left Behind  
11 Act, and the Felix consent decree, the department must improve  
12 its administrative support information systems.

13 SECTION 10. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$2,000,000, or so  
15 much thereof as may be necessary for fiscal year 2004-2005, for:

- 16 (1) Positions to provide technical support to school level  
17 information systems uses;
- 18 (2) Infrastructure to meet the security and privacy  
19 requirements of the telecommunications network;
- 20 (3) Customization of the student information system  
21 software; and
- 22 (4) Training regarding the use of information technology.

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1 SECTION 11. The sum appropriated shall be expended by the  
2 department of education for the purposes of this part.

### PART IV

#### PRINCIPALS

5 SECTION 12. The department of education, with the invited  
6 participation of the exclusive bargaining agent of educational  
7 officers of the department of education, shall propose salary  
8 schedules and other terms and conditions of employment of  
9 principals and vice principals based upon a twelve-month term of  
10 service. The department of education shall submit their  
11 findings to the legislature no later than twenty days prior to  
12 the convening of the regular session of 2005.

13 SECTION 13. Section 302A-619, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[4]§302A-619[4] Classification, educational officers.  
16 The board shall classify all educational officer positions of  
17 the department and shall adopt [a] two separate  
18 classification/compensation [plan] plans for [these] educational  
19 [officer positions] officers. One classification/compensation  
20 plan shall be for principals and vice principals and shall be  
21 based on the general pattern of a school administrator's career  
22 development and associated school administrator's qualification



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1 requirements. A separate classification/compensation plan shall  
 2 be for all other educational officers and shall be reflective of  
 3 the career development pattern and qualification requirements  
 4 for the respective professional field of expertise; provided  
 5 that [the] both classification/compensation [plan] plans shall  
 6 include (a) classification appeals [procedure-] procedures.'

7 SECTION 14. The superintendent of education shall select  
 8 and convene a working group to create a plan for performance  
 9 contracts for principals to be implemented beginning with the  
 10 ~~2004-2005~~ 2005-2006 school year. The working group shall  
 11 include:

- 12 (1) The superintendent of education;
- 13 (2) Representatives of complex area superintendents;
- 14 (3) Representatives of school principals; and
- 15 (4) Representatives of any other agency, organization, or  
 16 group as deemed appropriate by the superintendent of  
 17 education.

18 The superintendent shall request the exclusive representative  
 19 for collective bargaining unit 6 to participate in the working  
 20 group.

21 The working group shall:

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1 twenty days prior to the convening of the regular session of  
 2 2005.

3 SECTION 15. Chapter 302A, Hawaii Revised Statutes, is  
 4 amended by adding a new section to be appropriately designated  
 5 and to read as follows:

6 "§302A- Hawaii principals academy. There is established  
 7 within the department the Hawaii principals academy. The  
 8 academy shall support and train department complex area  
 9 superintendents, principals, and prospective principals in areas  
 10 including but not limited to:

- 11 (1) Becoming better leaders;
- 12 (2) Improving students' academic achievement, safety and  
 13 well being, and civic responsibility;
- 14 (3) Collaborating with the school community councils;
- 15 (4) Developing curriculum alignment;
- 16 (5) Managing school budgets; and
- 17 (6) Establishing partnerships with the private sector.'

18 SECTION 16. Section 302A-1103, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20 "(4)§302A-1103(4) Principal; authority and responsibility.  
 21 The role of the principal shall include but not be limited to  
 22 overseeing the day-to-day management of the school, the primary

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1 (1) Establish appropriate performance criteria ~~for~~ which  
 2 ~~[principals are to be evaluated under]~~ will be used in  
 3 individual performance contracts for principals.  
 4 including:

- 5 (A) Core criteria to be incorporated into performance  
 6 contracts statewide; and
- 7 (B) Criteria that may be used at the discretion of  
 8 individual schools;
- 9 (2) Determine appropriate performance benchmarks, or  
 10 methods of devising performance benchmarks, that may  
 11 be used to assess principal performance relative to  
 12 expected standards, provided that such performance  
 13 benchmarks, at a minimum, shall include those elements  
 14 related to principals in the educational  
 15 accountability system;
- 16 (3) Determine appropriate rewards, assistance, and  
 17 sanctions to be included or considered for inclusion  
 18 in performance contracts; and
- 19 (4) Address any other issues necessary for the  
 20 implementation of performance contracts.

21 The department of education shall submit findings,  
 22 including proposed legislation, to the legislature no later than

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1 function of which is to develop and deliver instructional  
 2 services to students in ~~accordance with statewide-statewide~~  
 3 ~~educational policy and standards;~~ a manner that promotes student  
 4 achievement. The principal shall ~~ensure~~:

- 5 (1) Ensure that the curriculum facilitates the achievement  
 6 of the statewide student performance standards adopted  
 7 for the public school system(=);
- 8 (2) ~~(Maintain and)~~ Exercise authority over the  
 9 [implementation of the] budget, policies, and  
 10 operations of the school; and
- 11 (3) Collaborate with other principals in the principal's  
 12 school complex to ensure that:
  - 13 (A) Logical, sequential curricula are adopted within  
 14 the school complex;
  - 15 (B) Best practices are shared among and implemented  
 16 by schools within the school complex;
  - 17 (C) The goals and objectives of the school complex  
 18 are being met;
  - 19 (D) The use of school complex-based personnel and  
 20 contractors who divide their time between more  
 21 than one school in a school complex is  
 22 coordinated to maximize efficiency; and

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1 (E) The passage of students through the continuum of  
 2 grades is coordinated in a manner consistent with  
 3 section 302A-1004.

4 SECTION 17. There is appropriated out of the general  
 5 revenues of the State of Hawaii the sum of \$1,083,780, or so  
 6 much thereof as may be necessary for fiscal year 2004-2005, to  
 7 be expended as follows:

8 (1) \$500,000 to establish and operate the Hawaii  
 9 principals academy;

10 (2) \$183,780 for the operation of the administrator  
 11 certification for excellence (ACE) program; and

12 (3) \$400,000 to compensate principals who are recalled to  
 13 work by the department, outside of their regular term  
 14 of service, for professional development and any other  
 15 activities that may enhance their effectiveness as  
 16 leaders of their schools.

17 SECTION 18. The sum appropriated shall be expended by the  
 18 department of education for the purposes of this part.

19 PART V  
 20 COMMUNITY INVOLVEMENT

21 SECTION 19. One of the most important means of improving  
 22 educational outcomes and public confidence in those outcomes is

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1 schools is by enhancing community involvement. This part seeks  
 2 to accomplish this by:

3 (1) Establishing school community councils for each public  
 4 school, excluding new century charter schools and new  
 5 century conversion charter schools, to provide a  
 6 mechanism whereby parents, the community, and other  
 7 key stakeholders can have a ~~substantially increased~~  
 8 voice in the affairs of their local schools, with ~~a~~  
 9 ~~clear and concrete enunciation of~~ powers and  
 10 responsibilities, ~~and how these are shared with those~~  
 11 ~~of~~ as determined by the principal; and

12 (2) Supporting and enhancing parent-community networking  
 13 centers, a mechanism for improving community and  
 14 parental involvement with a proven track record of  
 15 success.

16 The legislature finds that there is also overwhelming  
 17 research evidence of the critical need for an integrated  
 18 comprehensive system of family support, parent education,  
 19 teacher-parent partnerships, and volunteer and resource  
 20 development.

21 Parent-community networking centers serve to create  
 22 supportive partnerships among the home, school, and community

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1 for the purposes of improving student achievement and building a  
 2 sense of family among all.

3 The purpose of this part is to:

4 (1) Establish school community councils at each school,  
 5 excluding new century charter schools and new century  
 6 conversion charter schools; and

7 (2) Appropriate funding for:

8 (A) Facilitating the transition from  
 9 school/community-based management to school  
 10 community councils by training and other  
 11 necessary activities; and

12 (B) Parent-community networking centers for:

13 (i) Supplies, equipment, and telephones; and  
 14 (ii) A minimum of one part-time parent  
 15 facilitator in each school.

16 SECTION 20. School/community-based management councils  
 17 shall prepare for the transition to school community councils  
 18 pursuant to this section in the 2005-2006 school year. All  
 19 policies or bylaws adopted, and all decisions made, by a  
 20 school/community-based management council shall remain in effect  
 21 until repealed or revised by members of the new school community  
 22 council. The department of education shall ensure that schools

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1 not participating in the school/community-based management  
 2 system are prepared for the implementation of school community  
 3 councils in the 2005-2006 school year.

4 SECTION 21. Section 89-10.6, Hawaii Revised Statutes, is  
 5 amended to read as follows:

6 ~~"§89-10.6 [School/community-based management waiver]-~~  
 7 ~~Schools; waiver of policies, rules, or procedures. (A) Any~~  
 8 ~~school [or a learning support center participating in the~~  
 9 ~~school/community-based management program] may initiate a waiver~~  
 10 ~~from policies, rules, or procedures, including collective~~  
 11 ~~bargaining agreements, as provided for in section 302A-1126."~~

12 SECTION 22. Section 302A-101, Hawaii Revised Statutes, is  
 13 amended by deleting the definition of "school/community-based  
 14 management system".

15 ~~["School/community-based management system" means a method~~  
 16 ~~of educational management that diffuses educational~~  
 17 ~~decisionmaking to involve or secure the input of those persons~~  
 18 ~~directly affected by the decision to be made at the school~~  
 19 ~~level, and encourages school-initiated methods for achieving~~  
 20 ~~educational goals established statewide by the board."']~~

21 SECTION 23. Section 302A-202, Hawaii Revised Statutes, is  
 22 repealed.

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~~1 [§302A-202—Student assessments.] Any school electing to~~  
~~2 participate in school/community-based management may develop and~~  
~~3 implement its own student assessment mechanisms, provided that~~  
~~4 the board shall include the results of the assessments in the~~  
~~5 educational status report to the legislature and the governor~~  
~~6 required in section 302A-1004.”]~~

SECTION 24. Section 302A-601, Hawaii Revised Statutes, is repealed.

~~9 [§302A-601—Selection of school personnel—~~  
~~10 School/community-based management councils may participate in~~  
~~11 the selection of school personnel by providing input into the~~  
~~12 selection process.”]~~

SECTION 25. Section 302A-1124, Hawaii Revised Statutes, is amended to read as follows:

~~15 “[§302A-1124(1)] Mandate to initiate [school/community-~~  
~~16 based management system.] school community councils. (a) The~~  
~~17 department, through the board and its superintendent, shall~~  
~~18 [formulate policies, including criteria and procedures to~~  
~~19 determine which schools and learning support centers shall~~  
~~20 participate in the system, to initiate a school/community-based~~  
~~21 management system in the public schools.] establish a school~~  
~~22 community council system under which each public school,~~

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~~1 excluding new century charter schools and new century~~  
~~2 conversion charter schools, shall create and maintain a school~~  
~~3 community council. Each school community council shall~~  
~~4 participate in principal selection and evaluation, and transmit~~  
~~5 any such evaluations to the complex area superintendent.~~  
~~6 Further, each community council shall, under the principal's~~  
~~7 guidance:~~

~~8 (1) Participate in the development of, and recommend for~~  
~~9 approval by the principal and complex area~~  
~~10 superintendent, the school's annual:~~

~~11 (A) Academic plan; and~~

~~12 (B) Financial plan;~~

~~13 (2) Ensure that the school's academic and financial plans~~  
~~14 are aligned with the educational accountability system~~  
~~15 under section 302A-1004;~~

~~16 (3) Participate in principal selection and evaluation, and~~  
~~17 transmit any such evaluations to the complex area~~  
~~18 superintendent;~~

~~19 (4) Provide collaborative opportunities for input and~~  
~~20 consultation.~~

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~~1 (b) School community councils shall be exempt from the~~  
~~2 requirements of chapters 91 and 92. The school community~~  
~~3 councils shall:~~

~~4 (1) Make available the notices and agendas of public~~  
~~5 meetings:~~

~~6 (A) At a publicly accessible area in the school's~~  
~~7 administrative office so as to be available for~~  
~~8 review during regular business hours; and~~

~~9 (B) On the school's Internet web site,~~  
~~10 not less than six calendar days prior to the public~~  
~~11 meeting, unless a waiver is granted by the~~  
~~12 superintendent in the case of an emergency; and~~

~~13 (2) Make available the minutes from public meetings on a~~  
~~14 timely basis in:~~

~~15 (A) The school's administrative office so as to be~~  
~~16 available for review during regular business~~  
~~17 hours; and~~

~~18 (B) On the school's Internet web site.~~

~~19 (c) Complex area superintendents may require a school~~  
~~20 community council to revise its any school academic and~~  
~~21 financial plan if the plans are in violation of law or conflict~~

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~~1 with statewide educational policies and standards; not~~  
~~2 conforming to the principal's policies.~~

~~3 (d) The superintendent of education may recommend to the~~  
~~4 board of education dissolution of a school community council and~~  
~~5 establish an interim school community council if the school~~  
~~6 community council engages in any act or omission that would~~  
~~7 constitute gross negligence, wilful and wanton misconduct, or~~  
~~8 intentional misconduct. The superintendent may recommend to the~~  
~~9 board the removal of any member of a school community council.~~  
~~10 The superintendent shall appoint or facilitate the creation of~~  
~~11 an interim school community council at any school that has not~~  
~~12 established a council or has had its council dissolved. In~~  
~~13 appointing or facilitating the creation of an interim school~~  
~~14 community council at any school that has had its council~~  
~~15 dissolved, the superintendent may appoint individuals who were~~  
~~16 previously members of the council.~~

~~17 (e) Unless otherwise specified, each school community~~  
~~18 council shall establish policies governing the council's~~  
~~19 composition, election, staggered terms of office for members,~~  
~~20 operation, and vacancies; provided that:~~

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- 1 (1) The number of school personnel in any school community  
 2 council shall be equal to the number of primary  
 3 stakeholders on the school community council;  
 4 (2) At the elementary and middle school levels, each  
 5 school community council shall be composed of the  
 6 principal and at least one member representing each of  
 7 the following groups:  
 8 (A) Parents elected by ballots distributed among and  
 9 collected from the parents of the school's  
 10 students;  
 11 (B) Teachers elected by ballots distributed among and  
 12 collected from teachers of the school;  
 13 (C) Noncertificated school personnel elected by  
 14 ballots distributed among and collected from  
 15 noncertificated personnel of the school;  
 16 (D) Community representatives elected by ballots  
 17 distributed among and collected from parents of  
 18 the school's students; and  
 19 (E) Student representatives selected by the student  
 20 council of the school; and  
 21 (3) At the high school level, each school community  
 22 council shall be composed of the principal and at

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- 1 least one member representing each of the following  
 2 groups:  
 3 (A) Parents elected by ballots distributed among and  
 4 collected from parents of the school's students;  
 5 (B) Teachers elected by ballots distributed among and  
 6 collected from teachers of the school;  
 7 (C) Noncertificated school personnel elected by  
 8 ballots distributed among and collected from  
 9 noncertificated personnel of the school;  
 10 (D) Community representatives elected by ballots  
 11 distributed among and collected from the parents  
 12 of the school's students; and  
 13 (E) Student representatives selected by the student  
 14 council of the school.  
 15 For the purposes of this subsection, "primary stakeholders"  
 16 means students, parents, and community members.  
 17 (f) School community councils shall elect officers,  
 18 including:  
 19 (1) A chairperson;  
 20 (2) A vice-chairperson;  
 21 (3) A secretary; and

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- 1 (4) Other officers as needed to perform stated duties in  
 2 support of the work of the council.  
 3 (g) The principal shall have the authority to set aside  
 4 any decision made by the school community council if the  
 5 principal determines it to be in the best interest of the  
 6 school, provided that the principal notifies the school  
 7 community council. ~~If the school community council opposes a~~  
 8 ~~decision of the principal, an appeal shall first be brought to~~  
 9 ~~the complex area superintendent for resolution and, if~~  
 10 ~~necessary, to the superintendent and, finally, to the board of~~  
 11 ~~education. The principal shall not set aside decisions made by~~  
 12 ~~the school community council to recommend annual academic and~~  
 13 ~~financial plans for approval by the complex area~~  
 14 ~~superintendent.~~  
 15 (h) Complex area superintendents shall assist the school  
 16 community councils and principals within their respective  
 17 complex areas in:  
 18 (1) Obtaining the support and services of the department;  
 19 and  
 20 (2) Ensuring the progress and success of the school's  
 21 academic and financial plan."

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- 1 SECTION 26. Section 302A-1126, Hawaii Revised Statutes, is  
 2 amended to read as follows:  
 3 \*~~{~~§302A-1126~~}~~ Waiver of policy, rule, or procedures.  
 4 Any state agency that may be required to act under state law on  
 5 a matter affecting an individual school ~~(its school community,~~  
 6 ~~or a learning support center)~~ shall waive otherwise applicable  
 7 policies, rules, or procedures when requested to do so by a  
 8 school ~~(or a learning support center participating in the~~  
 9 ~~school/community-based management system) ~~(school community~~~~  
 10 ~~council)~~ unless the agency, within thirty days, can justify a  
 11 denial to the appropriate authority. The board shall adopt  
 12 procedures necessary to process waivers initiated by schools ~~(e~~  
 13 ~~learning support centers subject to the school/community-based~~  
 14 ~~management system). ~~(a school community council.)~~ Any general~~  
 15 ~~waiver of policy, rule, or procedures granted by the board to a~~  
 16 ~~specific school or schools may be extended by the board to app~~  
 17 ~~to other schools under comparable circumstances. This section~~  
 18 ~~shall apply to collective bargaining agreements as provided fo~~  
 19 ~~in all relevant collective bargaining agreements negotiated~~  
 20 ~~pursuant to chapter 89."~~  
 21 SECTION 27. Section 302A-1306, Hawaii Revised Statutes,  
 22 repealed.

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1 ~~["§302A-1306] School priority program; established. (a)~~  
2 ~~There is established within the department a school priority~~  
3 ~~program to augment regular instruction and other educational~~  
4 ~~services at the discretion of the individual public schools.~~  
5 ~~Further, it is the intent of the legislature that the school~~  
6 ~~priority program promote the equitable distribution of~~  
7 ~~educational resources statewide, strengthen the scope of~~  
8 ~~decisionmaking, increase flexibility in resource allocation at~~  
9 ~~the school level, and provide a systematic method of conforming~~  
10 ~~resource allocation to the unique needs and priorities of~~  
11 ~~individual schools.~~  
12 ~~(b) All moneys to carry out the purposes of the school~~  
13 ~~priority program under this section to section 302A-1309 shall~~  
14 ~~be allocated by the legislature through appropriations out of~~  
15 ~~the state general fund.~~  
16 ~~(c) The department shall include in its budgetary request~~  
17 ~~for each upcoming fiscal period, the amounts necessary to~~  
18 ~~effectuate the purposes of this section to section 302A-1309."~~  
19 SECTION 28. Section 302A-1307, Hawaii Revised Statutes, is  
20 repealed.  
21 ~~["§302A-1307] Distribution of resources. The~~  
22 ~~superintendent shall allot the moneys of the school priority~~

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1 ~~program to the school districts based on enrollment. In the~~  
2 ~~allotment of positions to the districts, the superintendent~~  
3 ~~shall calculate each district's entitlement based on enrollment~~  
4 ~~and may deploy one instructional resource augmentation position~~  
5 ~~for each two hundred fifty students enrolled in each school,~~  
6 ~~provided that all positions shall be deployed."~~  
7 SECTION 29. Section 302A-1309, Hawaii Revised Statutes, is  
8 repealed.  
9 ~~["§302A-1309] Departmental controls. The superintendent~~  
10 ~~shall develop and implement appropriate planning procedures and~~  
11 ~~follow-up accountability reports, without regard to chapter 51,~~  
12 ~~to ensure sound planning, control, and accountability in the use~~  
13 ~~of moneys allocated by the legislature to the school priority~~  
14 ~~program. The procedures and reports, however, shall recognize~~  
15 ~~the need for providing the schools latitude and discretion to~~  
16 ~~determine their needs and priorities, and shall avoid imposing~~  
17 ~~undue amounts of paperwork and administrative burdens on the~~  
18 ~~schools.~~  
19 ~~The department shall submit an annual report to the~~  
20 ~~legislature, which shall include but not be limited to an~~  
21 ~~accounting of how funds were used by the schools."~~

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1 SECTION 30. Section 302A-1505, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3 "(b) Prior to meeting with the department ~~(of accounting~~  
4 ~~and general services)~~ to advise it of a school's repair and  
5 maintenance needs, the school's principal and the business and  
6 fiscal officer shall consider the recommendations made by the  
7 ~~(school/community-based management council, if there is such a~~  
8 ~~council at the school)~~ school community council or the local  
9 school board, if the school is ~~(a new century charter school or)~~  
10 ~~a new century conversion charter school. (If there is no~~  
11 ~~school/community-based management council or local school board,~~  
12 ~~then the school's principal shall appoint a standing committee~~  
13 ~~composed of a teacher, a member of the support staff, a parent,~~  
14 ~~a student, and a community member.)"~~  
15 SECTION 31. Section 302A-1507, Hawaii Revised Statutes, is  
16 amended to read as follows:  
17 ~~\*[§302A-1507] Classroom cleaning project; established.~~  
18 (a) There is established a classroom cleaning project in all  
19 public schools ~~(designated to participate in school/community-~~  
20 ~~based management), excluding new century charter schools and~~  
21 ~~new century conversion charter schools. Each (school/community-~~  
22 ~~based management) school, through its school community~~

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1 ~~council,~~ may develop mechanisms to provide for classroom  
2 cleaning, including but not limited to having parent, student,  
3 or other community groups clean the classrooms on a regular,  
4 continuing basis.  
5 (b) ~~(School/community-based management schools)~~ Schools  
6 may use any available resources to achieve the purposes of this  
7 section; provided that no full-time custodial staff ~~(currently)~~  
8 employed at the school shall be displaced."  
9 SECTION 32. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$2,093,900, or so  
11 much thereof as may be necessary for fiscal year 2004-2005, to  
12 be expended as follows:  
13 (1) \$350,000 for training and other activities needed to  
14 facilitate the transition from school/community-based  
15 management councils to school community councils; and  
16 (2) \$1,743,900 for parent-community networking centers  
17 including:  
18 (A) \$483,000 for supplies, equipment, and telephones;  
19 and  
20 (B) \$1,260,900 for a minimum of one part-time parent  
21 facilitator in each school.

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1 SECTION 33. The sum appropriated shall be expended by the  
2 department of education for the purposes of this part.

## PART VI

## STUDENTS

5 SECTION 34. Ultimately all education reform must be driven  
6 by the needs of students. Students are the primary clients  
7 served by the public education system and they must be served  
8 well by providing them with access to the tools they need to  
9 succeed, a nurturing environment conducive to learning, and  
10 supplementary opportunities for growth that facilitate their  
11 development.

12 The legislature finds that much of an individual's  
13 cognitive, emotional, and social development takes place in  
14 their earliest years of life. To a significant extent,  
15 opportunities during this age set the parameters for an  
16 individual's development throughout the rest of the individual's  
17 life. The legislature further finds that grade three is a  
18 pivotal year in preparation for the No Child Left Behind Act's  
19 assessment plans. For this reason, children in the preceding  
20 grades should be provided with the instructional support needed  
21 to ensure superior performance in assessment instruments  
22 mandated by the No Child Left Behind Act.

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1 (2) \$2,143,350 to reduce class size in kindergarten, grade  
2 one, and grade two in public schools, excluding new  
3 century charter schools and new century conversion  
4 charter schools, by hiring seventy-five full time  
5 equivalent (75.00 FTE) regular elementary teachers for  
6 kindergarten, grade one, and grade two;

7 (3) \$460,000 for full-time, year-round, high school  
8 student activities coordinators in all public high  
9 schools; and

10 (4) \$100,000 for programs that support parents in working  
11 with students who need additional help to succeed in  
12 school provided the programs have measurable outcomes.

13 SECTION 36. The sum appropriated shall be expended by the  
14 department of education for the purposes of this part.

## PART VII

## TEACHERS

17 SECTION 37. The National Commission on Teaching and  
18 America's Future, a national organization with twenty partner  
19 states, including Hawaii, is focused on improving student  
20 learning by ensuring that there is a caring, competent, and  
21 qualified teacher in every classroom.

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1 For these reasons, the Legislature finds that a class size  
2 of not more than twenty-five students per teacher to be  
3 advisable in kindergarten, grade one, and grade two classrooms.

4 The purpose of this part is it to appropriate funding to:

- 5 (1) Provide mathematics textbooks and other mathematics  
6 learning materials;
- 7 (2) Reduce class size in kindergarten, grade one, and  
8 grade two;
- 9 (3) Provide for full-time, year-round, high school student  
10 activity coordinators; and
- 11 (4) Programs that support parents in working with students  
12 who need additional help to succeed in school provided  
13 the programs have measurable outcomes.

14 SECTION 35. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$5,203,350, or so  
16 much thereof as may be necessary for the fiscal year 2004-2005,  
17 to be expended as follows:

- 18 (1) \$2,500,000 to purchase mathematics textbooks and other  
19 mathematics learning materials for schools; provided  
20 that the mathematics curriculum within a school  
21 complex shall be aligned;

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1 The Hawaii policy group of the National Commission on  
2 Teaching and America's Future, composed of a representative  
3 group of educational stakeholders, completed an inventory of  
4 state policies relating to teacher quality and, based on this  
5 inventory, made recommendations for improving teaching in  
6 Hawaii.

7 Other than home and societal factors, teacher quality was  
8 determined to be the single most influential factor in student  
9 achievement. National board certification prompts candidates to  
10 analyze their practice in very profound ways. It is, therefore,  
11 important to continue to identify, support, recognize, and  
12 reward public school teachers who voluntarily undergo the  
13 national board certification process.

14 National board certification requires a tremendous  
15 commitment of time and professional risk-taking. The  
16 application fee represents a large financial investment. To be  
17 successful, certification candidates need a strong support  
18 program, access to the program and testing facilities, and  
19 release days to organize and prepare the documents and portfolio  
20 required for submittal.

21 The legislature finds that, in addition to supporting and  
22 recognizing highly accomplished teaching, the overall pool of

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1 qualified teachers in the State of Hawaii should be expanded.  
2 Currently the University of Hawaii lacks the stable, ongoing  
3 resource base needed to fund college of education faculty  
4 positions necessary to produce enough teachers for Hawaii's  
5 public schools.

6 While the department of education hires over one thousand  
7 three hundred new teachers each year, the college of education  
8 of the University of Hawaii at Manoa and the education  
9 department of the University of Hawaii at Hilo are only able to  
10 prepare four hundred to four hundred fifty teachers each year.

11 Furthermore, the legislature also finds that there is a  
12 shortage of school principals, necessitating additional faculty  
13 in the area of educational administration.

14 The purpose of this part is to:

15 (1) Establish a national board certification incentive  
16 program to be administered by the Hawaii teacher  
17 standards board to continue comparable efforts  
18 initiated under a memorandum of understanding between  
19 the department of education and Hawaii teacher  
20 standards board which expires on June 30, 2005, and  
21 appropriate funding to execute the memorandum of  
22 understanding during fiscal year 2004-2005;

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1 (2) Appropriate funding to the Hawaii teacher standards  
2 board to provide training and support for national  
3 board certification applicants; and  
4 (3) Appropriate funding for eight faculty positions at the  
5 college of education of the University of Hawaii.

6 SECTION 38. Chapter 302A, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§302A- Teacher national board certification incentive  
10 program. (a) There is established within the department the  
11 teacher national board certification incentive program to  
12 recognize and support exemplary teaching practice by supporting  
13 public school teachers who have achieved national board  
14 certification under the certification program of the National  
15 Board for Professional Teaching Standards. The teacher national  
16 board certification incentive program shall provide:

17 (1) A \$5,000 bonus per year for each public school teacher  
18 who maintains current national board certification;  
19 (2) \$1,500 upon completing the certification program of  
20 the National Board for Professional Teaching  
21 Standards; and

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1 (3) A reimbursement of the remainder of the national board  
2 certification application fee upon achievement of  
3 national board certification.

4 (b) The incentive program shall include a mentoring  
5 component that encourages and enables national board-certified  
6 teachers to assist other teachers and share their teaching  
7 expertise.

8 SECTION 39. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$572,000, or so much  
10 thereof as may be necessary for fiscal year 2004-2005, to be  
11 expended as follows:

12 (1) \$480,000 to provide salary differentials and  
13 reimbursements for national board certification  
14 candidate support to public school teachers, including  
15 those of new century charter schools and new century  
16 conversion charter schools; and  
17 (2) \$92,000 for training, assistance, conducting candidate  
18 recognition initiatives, and operational expenses,  
19 including the establishment of a temporary position,  
20 associated with national board certification candidate  
21 support by the Hawaii teacher standards board.

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1 The sum appropriated shall be expended by the department of  
2 education for the purposes of this part.

3 SECTION 40. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$500,000, or so much  
5 thereof as may be necessary for fiscal year 2004-2005, for seven  
6 full-time equivalent (7.00 FTE) teacher education positions and  
7 one full-time equivalent (1.00 FTE) educational administration  
8 position.

9 The sum appropriated shall be expended by the University of  
10 Hawaii for the purposes of this part.

## PART VIII

## REDUCTION OF BUREAUCRACY

13 SECTION 41. A wide variety of state agencies perform many  
14 services for the department of education. In some cases this is  
15 an efficient, cost-effective means of organizing state  
16 government. The legislature finds that that in other cases,  
17 however, this system hampers the efficiency of the State's  
18 public educational system. The services provided to the  
19 department of education by the department of accounting and  
20 general services, department of budget and finance, department  
21 of human resources development, department of the attorney  
22 general, and department of human services need to be scrutinized



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1 to reduce bureaucracy and improve the responsiveness and service  
2 delivery of the department of education. Such a reorganization  
3 is an integral part of a comprehensive, multi-faceted education  
4 improvement initiative. However, it is also clearly a  
5 significant reorganization of state government and must be taken  
6 with prudent precaution at each step. For that reason, each  
7 phase in the reduction of bureaucracy, with targeted transfer  
8 dates of certain key rights, powers, functions, duties, and  
9 resources from various state agencies to the department of  
10 education, is subject to repeal by subsequent legislation.

11 SECTION 42. (a) The department of education shall convene  
12 an interagency working group to develop comprehensive plans and  
13 timetables for transferring certain rights, powers, functions,  
14 duties, and resources, including positions, from the departments  
15 of accounting and general services, budget and finance, health,  
16 human resources development, the attorney general, and human  
17 services to the department of education. The interagency  
18 working group will also establish measurable outcomes for  
19 transferred responsibilities, monitor the implementation through  
20 achievement of measurable outcomes, and determine action steps  
21 if measurable objectives are not attained. Rights, powers,

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1 employees and trainees who work with public school  
2 students; and  
3 (9) School health aides.  
4 (b) The comprehensive plans shall identify:  
5 (1) Each position to be transferred by position number;  
6 and  
7 (2) All moneys budgeted in support of each position to be  
8 transferred, including moneys for direct and indirect  
9 employee benefits,  
10 at the lowest level on the state program structure.  
11 (c) The working group shall include the following  
12 individuals or their designees:  
13 (1) The superintendent of education;  
14 (2) The comptroller;  
15 (3) The director of human resources development;  
16 (4) The director of human services;  
17 (5) The director of health;  
18 (6) The director of finance;  
19 (7) The attorney general;  
20 (8) The exclusive bargaining agents of affected employees;  
21 and

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1 functions, duties, and resources including positions to be  
2 transferred shall include but not be limited to:  
3 (1) The expending of capital improvement funds for  
4 construction of new school facilities and resources,  
5 for repairs and maintenance services;  
6 (2) The funding of collective bargaining agreement  
7 increases;  
8 (3) The securing, administering, use, and expending of  
9 federal funds and other aid, including their custodial  
10 supervision;  
11 (4) The capital improvement project allotment process;  
12 (5) The determination of retirement and other employee  
13 benefits;  
14 (6) The operation of a human resources system including  
15 the recruitment, certification, examination,  
16 management, classification, and compensation of  
17 department of education employees and labor relations;  
18 (7) Negotiating workers' compensation claims and  
19 labor-management relations within the department of  
20 education;  
21 (8) Conducting employment background checks for the  
22 after-school plus program, private vendors, and other

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1 (9) Any community members that may be appointed by the  
2 superintendent.  
3 (d) The department of education may recommend to the  
4 legislature deletion or addition of rights, powers, functions,  
5 duties, and resources, including positions, that are to be  
6 transferred as a result of the working group's deliberations  
7 which shall be included and reflected in the required plans and  
8 legislation. The working group shall submit its comprehensive  
9 plans, including proposed legislation, to implement the transfer  
10 of rights, powers, functions, duties, and resources, including  
11 positions relating to the:  
12 (1) Department of accounting and general services and  
13 department of human resources development not less  
14 than thirty days prior to the convening of the regular  
15 session of 2005; and  
16 (2) Department of budget and finance, department of the  
17 attorney general, department of health, and department  
18 of human services not less than thirty days prior to  
19 the convening of the regular session of 2006.  
20 SECTION 43. The working group on interagency relations  
21 shall cease to exist on June 30, ~~[2005]~~ 2008. Prior to its  
22 termination, the interagency working group will issue a final

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1 report to the legislature not less than thirty days prior to the  
 2 convening of the regular session of 2008. The final report will  
 3 outline those measurable outcomes achieved and those which have  
 4 not been achieved along with recommendations to achieve those  
 5 outcomes.

6 SECTION 44. All the rights, powers, functions, duties, and  
 7 resources, excluding positions unless transferred under the  
 8 Supplementary Appropriations Act of 2004, of the department of  
 9 accounting and general services relating to school physical  
 10 plant operations and maintenance, including moneys in:

- 11 (1) The state educational facilities repair and  
 12 maintenance account; and
- 13 (2) The school physical plant operations and maintenance  
 14 account;

15 are transferred to the department of education ~~effective~~  
 16 ~~July 1, 2004~~ based on the timetable set forth by the  
 17 interagency working group, but no later than July 1, 2006.

18 SECTION 45. All the rights, powers, functions, duties, and  
 19 personnel relating to the Hawaii 3R's school repair and  
 20 maintenance fund, are transferred to the department of education  
 21 effective July 1, ~~(2004)~~ 2005.

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1 transferred to the department of education under  
 2 section 44 of this Act; and  
 3 (3) The department of human resources development relating  
 4 to the:  
 5 (A) Operation of a centralized human resources system  
 6 that encompasses the classes of work performed by  
 7 department of education employees, and that  
 8 integrates payroll, records, transactions,  
 9 leaves, and reports; and  
 10 (B) Recruitment, certification, examination,  
 11 management, classification, and compensation of  
 12 department of education employees, including  
 13 labor relations;

14 are transferred to the department of education ~~effective~~  
 15 ~~July 1, 2005~~ based on the timetable set forth by the  
 16 interagency working group, but no later than July 1, 2006.  
 17 subject to repeal by subsequent legislation.

18 (b) All moneys budgeted in support of each position to be  
 19 transferred to the department of education, including moneys for  
 20 direct and indirect employee benefits, are transferred to the  
 21 department of ~~education effective July 1, 2005~~ based on the  
 22 timetable set forth by the interagency working group, but no

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1 SECTION 46. (a) All the rights, powers, functions,  
 2 duties, and resources of:  
 3 (1) The department of accounting and general services  
 4 relating to capital improvement programs, including  
 5 the:  
 6 (A) Expending of capital improvement funds for the  
 7 acquisition and development of land, the design  
 8 and construction of new facilities, and the  
 9 making of renovations or additions to existing  
 10 facilities, including moneys in the state  
 11 educational facilities improvement special fund;  
 12 and  
 13 (B) Buying, purchasing, renting, leasing, or  
 14 otherwise acquiring of any good, service, or  
 15 construction, including the description of  
 16 requirements, selection and solicitation of  
 17 sources, preparation and awarding of contracts,  
 18 payment of vendors, and all other phases of  
 19 contract administration;  
 20 (2) The department of accounting and general services  
 21 relating to repair and maintenance functions not

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1 later than July 1, 2006, subject to repeal by subsequent  
 2 legislation.

3 SECTION 47. (a) All the rights, powers, functions,  
 4 duties, and resources of:

- 5 (1) The department of budget and finance relating to the:  
 6 (A) Funding of collective bargaining agreement  
 7 increases; and  
 8 (B) Securing, administering, use, and expending of  
 9 federal funds and other aid, including their  
 10 custodial supervision;
- 11 (2) The department of the attorney general relating to:  
 12 (A) The negotiating of workers' compensation claims;  
 13 and  
 14 (B) Labor-management relations within the department  
 15 of education;
- 16 (3) The department of human services relating to the  
 17 conducting of employment background checks for the  
 18 after-school plus program, private vendors, and other  
 19 employees and trainees who work with public school  
 20 students; and

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1 (4) The department of health relating to school health  
2 aides and public health nurses who supervise school  
3 health aides;  
4 are transferred to the department of education effective July 1,  
5 2006, subject to repeal by subsequent legislation.  
6 (b) All moneys budgeted in support of each position to be  
7 transferred to the department of education, including moneys for  
8 direct and indirect employee benefits, are transferred to the  
9 department of education effective July 1, 2006, subject to  
10 repeal by subsequent legislation.  
11 SECTION 48. All resources, appropriations, records,  
12 equipment, databases, software, programming, machines, files,  
13 supplies, contracts, books, papers, documents, maps, and other  
14 personal property heretofore made, used, acquired, or held by  
15 the department of accounting and general services, department of  
16 budget and finance, department of human services, and department  
17 of health relating to the functions transferred to the  
18 department of education shall be transferred with the functions  
19 to which they relate.  
20 SECTION 49. No later than July 1, 2005, the board of  
21 education shall adopt a single school calendar for all public  
22 schools beginning with the 2006-2007 school year, provided that

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1 this section shall not apply to multi-track schools, new century  
2 charter schools, and new century conversion charter schools.  
3 [SECTION 50, Section 36-35, Hawaii Revised Statutes, is  
4 amended as follows:  
5 1. By amending subsections (a) and (b) to read:  
6 "(a) There is created in the state general fund under [AGS  
7 807 (physical plant operations and maintenance)] EDN-100 (school  
8 based budgeting) the state educational facilities repair and  
9 maintenance account, into which shall be deposited legislative  
10 appropriations to the account designated for use solely to  
11 eliminate the backlog of school repair and maintenance projects,  
12 including the repair or replacement of fixtures, furnishings,  
13 and equipment, existing on June 30, 2000. Expenditures from the  
14 account shall be subject to sections 37-31 and 37-33 to 37-40.  
15 Based on the prioritization approved by the department of  
16 education as prescribed by section 302A-1505, appropriations or  
17 authorizations from the account shall be expended by the  
18 [comptroller,] superintendent of education.  
19 "(b) The department of education, with the assistance of  
20 the department of accounting and general services, shall review  
21 the existing condition of school facilities and establish  
22 specific vision plans for each school complex based on current

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1 ~~repair and maintenance requirements and overall repair and~~  
2 ~~maintenance priorities.~~  
3 ~~2. By amending subsections (c), (d), and (e) to read:~~  
4 ~~"(c) The expenditure of funds for any project with an~~  
5 ~~estimated total cost of less than \$100,000 shall be exempt from~~  
6 ~~chapter 103D and section 161-4, provided that:~~  
7 ~~"(1) The [comptroller] superintendent of education shall~~  
8 ~~develop internal policies and procedures for the~~  
9 ~~procurement of goods, services, and construction,~~  
10 ~~consistent with the goals of public accountability and~~  
11 ~~public procurement practices, but not subject to~~  
12 ~~chapter 103D. However, where possible, the~~  
13 ~~[comptroller] superintendent of education is~~  
14 ~~encouraged to use the provisions of chapter 103D,~~  
15 ~~provided that the use of one or more provisions of~~  
16 ~~chapter 103D shall not constitute a waiver of the~~  
17 ~~exemption of chapter 103D and shall not subject the~~  
18 ~~[comptroller] superintendent of education to any other~~  
19 ~~provision of chapter 103D.~~  
20 ~~"(2) Insofar as is practical, and based on specifications~~  
21 ~~developed, adequate and reasonable competition of no~~  
22 ~~fewer than three proposals shall be solicited for each~~

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1 ~~project, based on rules adopted by the [comptroller,]~~  
2 ~~superintendent of education;~~  
3 ~~"(3) Considering all factors, including quality, warranty,~~  
4 ~~and delivery, the award shall be made to the vendor~~  
5 ~~with the most advantageous proposal;~~  
6 ~~"(4) The procurement requirements shall not be artificially~~  
7 ~~divided or parceled so as to avoid competitive bidding~~  
8 ~~or competitive proposals; and~~  
9 ~~"(5) Formal design for projects shall be done when there is~~  
10 ~~a clear need to preserve structural integrity, health~~  
11 ~~and safety, or to clearly communicate construction~~  
12 ~~requirements.~~  
13 ~~For all projects, the [comptroller] superintendent of~~  
14 ~~education shall develop a strategy for the efficient and~~  
15 ~~cost-effective use of government and private sector workforces~~  
16 ~~and consider increased flexibility through public-private~~  
17 ~~partnering, design-build options, cost-plus, job order~~  
18 ~~contracts, performance-based contracts, request for proposals,~~  
19 ~~and any other means to improve communications and accelerate~~  
20 ~~repairs while preserving the quality of the repairs.~~  
21 ~~"(f) The [comptroller] superintendent of education shall~~  
22 ~~ensure that all repair and maintenance projects achieve minimum~~

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1 cost efficiency by emphasizing functional or performance  
 2 criteria, uniformity of design, and commonality of products, and  
 3 by avoiding unique or custom requirements that increase costs.  
 4 The ~~(comptroller) superintendent of education~~ shall develop  
 5 project specifications based on generic specifications or  
 6 prescriptive specifications using standard commercial products.  
 7 Prescriptive specifications may include a qualified product  
 8 list.  
 9 ~~For the purposes of this subsection:~~  
 10 ~~"Generic specification" means a technical specification~~  
 11 ~~that is written in a clear, unambiguous, and nonrestrictive~~  
 12 ~~manner establishing:~~  
 13 ~~(1) Design, performance, or functional requirements to~~  
 14 ~~identify the work to be performed, and~~  
 15 ~~(2) Material standards to be used on a project.~~  
 16 ~~"Prescriptive specification" means a technical~~  
 17 ~~specification:~~  
 18 ~~(1) Establishing that the required work to be performed is~~  
 19 ~~written in a clear, unambiguous, and nonrestrictive~~  
 20 ~~manner, and~~  
 21 ~~(2) Listing manufacturers or products that are acceptable~~  
 22 ~~for use on the project.~~

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1 account, into which shall be deposited all legislative  
 2 appropriations to the account.  
 3 ~~The moneys in the account shall be used solely for school~~  
 4 ~~repairs and preventive maintenance projects scheduled after~~  
 5 ~~June 30, 2001. Expenditures from the account shall be subject~~  
 6 ~~to sections 37-31 and 37-33 to 37-40. Based on the~~  
 7 ~~prioritization approved by the department of education as~~  
 8 ~~prescribed by section 302A-1505, appropriations or~~  
 9 ~~authorizations from the account shall be expended by the~~  
 10 ~~(comptroller) superintendent of education."~~  
 11 ~~2. By amending subsections (d) and (e) to read:~~  
 12 ~~"(d) The expenditure of funds made under this act for any~~  
 13 ~~project with an estimated total cost of less than \$100,000 shall~~  
 14 ~~be exempt from chapter 103D and section 464-4, provided that,~~  
 15 ~~(1) The (comptroller) superintendent of education shall~~  
 16 ~~develop internal policies and procedures for the~~  
 17 ~~procurement of goods, services, and construction,~~  
 18 ~~consistent with the goals of public accountability and~~  
 19 ~~public procurement practices, but not subject to~~  
 20 ~~chapter 103D. However, where possible, the~~  
 21 ~~(comptroller) superintendent of education is~~  
 22 ~~encouraged to use the provisions of chapter 103D,~~

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1 ~~"Standard commercial product" means a product or material~~  
 2 ~~that in the normal course of business is customarily maintained~~  
 3 ~~in stock by, or readily available for marketing from a~~  
 4 ~~manufacturer, distributor, or dealer.~~  
 5 ~~This subsection shall not apply to any school facility~~  
 6 ~~designated a historic property pursuant to section 46E-5.5.~~  
 7 ~~(g) The (comptroller) superintendent of education shall~~  
 8 ~~submit an annual report to the legislature, which shall include~~  
 9 ~~a financial statement of the account and the status of repair~~  
 10 ~~and maintenance projects undertaken pursuant to this section, no~~  
 11 ~~later than twenty days prior to the convening of each regular~~  
 12 ~~session. Expenditures for repair and maintenance projects~~  
 13 ~~undertaken pursuant to this section shall be posted~~  
 14 ~~electronically on the internet by the department of (accounting~~  
 15 ~~and general services) education within thirty days of each~~  
 16 ~~project's completion."~~  
 17 ~~SECTION 51. Section 36-36, Hawaii Revised Statutes, is~~  
 18 ~~amended as follows:~~  
 19 ~~1. By amending subsection (a) to read:~~  
 20 ~~"(a) There is created in the state general fund under (AGE~~  
 21 ~~807 (physical plant operations and maintenance)) EDN 400 (school~~  
 22 ~~support) the school physical plant operations and maintenance~~

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1 ~~provided that the use of one or more provisions of~~  
 2 ~~chapter 103D shall not constitute a waiver of the~~  
 3 ~~exemption of chapter 103D and shall not subject the~~  
 4 ~~(comptroller) superintendent of education to any other~~  
 5 ~~provision of chapter 103D;~~  
 6 ~~(2) Insofar as is practical, and based on specifications~~  
 7 ~~developed, adequate and reasonable competition of no~~  
 8 ~~fewer than three quotations shall be solicited for~~  
 9 ~~each project based on rules adopted by the~~  
 10 ~~(comptroller) superintendent of education;~~  
 11 ~~(3) Considering all factors, including quality, warranty,~~  
 12 ~~and delivery, the award shall be made to the vendor~~  
 13 ~~with the most advantageous quotation;~~  
 14 ~~(4) The procurement requirements shall not be artificially~~  
 15 ~~divided or parceled so as to avoid competitive bidding~~  
 16 ~~or competitive proposals; and~~  
 17 ~~(5) Formal design for projects shall be done when there is~~  
 18 ~~a clear need to preserve structural integrity, health~~  
 19 ~~and safety, or to clearly communicate construction~~  
 20 ~~requirements.~~  
 21 ~~(e) The (comptroller) superintendent of education shall~~  
 22 ~~submit an annual report to the legislature, which shall include~~

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1 ~~a financial statement of the account and the status of school~~  
2 ~~repair and preventive maintenance projects undertaken pursuant~~  
3 ~~to this section, no later than twenty days prior to the~~  
4 ~~convening of each regular session. The department of~~  
5 ~~accounting and general services education shall post the~~  
6 ~~following reports electronically on the Internet and update them~~  
7 ~~quarterly.~~  
8 ~~(1) Expenditures for school repair and preventive~~  
9 ~~maintenance projects undertaken pursuant to this~~  
10 ~~section, shall be posted within thirty days of each~~  
11 ~~project's completion, and~~  
12 ~~(2) A list of each school's repair and maintenance needs~~  
13 ~~to be undertaken.]~~  
14 SECTION [43] 50. Section 37-41.5, Hawaii Revised Statutes,  
15 is amended to read as follows:  
16 \*37-41.5 Department of education; carryover of funds.  
17 (a) The department of education may retain up to five per cent  
18 of any appropriation, except for appropriations to fund  
19 financing agreements entered into in accordance with chapter  
20 37D, ~~(for the school-based budgeting program EDN-100 and for the~~  
21 ~~comprehensive school support services program EDN-150)~~ at the  
22 close of a fiscal year and the funds retained shall not lapse

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1 until June 30 of the first fiscal year of the next fiscal  
2 biennium. The department of education shall submit:  
3 (1) A report to the director of finance ninety days after  
4 the close of each fiscal year, which shall be prepared  
5 in the form prescribed by the director of finance and  
6 shall identify the total amount of funds that will  
7 carry over to the next fiscal year; and  
8 (2) A copy of this report to the legislature, as well as a  
9 report identifying the carryover of funds on a  
10 school-by-school basis, at least twenty days prior to  
11 the convening of the next regular session of the  
12 legislature.  
13 ~~[(b) Any appropriation retained in accordance with this~~  
14 ~~section shall be used exclusively for the school-based budgeting~~  
15 ~~program EDN-100 and the comprehensive school support services~~  
16 ~~program EDN-150, and of those appropriations] (b)~~  
17 Appropriations allocated to the schools ~~(r funds)~~ shall remain  
18 within the budget of the school to which they were originally  
19 allocated; provided that the retention of an appropriation shall  
20 not be used by the department as a basis for reducing a school's  
21 future budget requirements."

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1 SECTION [43] 51. Section 37-74, Hawaii Revised Statutes,  
2 is amended by amending subsection (d) to read as follows:  
3 (d) No appropriation transfers or changes between  
4 programs or agencies shall be made without legislative  
5 authorization; provided that:  
6 (1) Authorized transfers or changes, when made, shall be  
7 reported to the legislature;  
8 (2) Except with respect to appropriations to fund  
9 financing agreements under chapter 37D, the University  
10 of Hawaii shall have the flexibility to transfer  
11 appropriated funds and positions for the operating  
12 cost category among programs, among cost elements in a  
13 program, and between quarters, as applicable; except  
14 with respect to appropriations to fund financing  
15 agreements under chapter 37D, the department of  
16 education shall have the flexibility to transfer  
17 appropriated funds and positions for the operating  
18 cost category among programs and among cost elements  
19 in a program, and between quarters, as applicable; and  
20 the Hawaii health systems corporation shall have the  
21 flexibility to transfer special fund appropriations  
22 among community hospitals facilities as applicable;

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1 provided that the Hawaii health systems corporation  
2 shall maintain the integrity and services of each  
3 individual facility and shall not transfer  
4 appropriations out of any facility that would result  
5 in a reduction of services offered by the facility,  
6 with due regard for statutory requirements, changing  
7 conditions, the needs of the programs, and the  
8 effective utilization of resources; and  
9 (3) The university and the department of education shall  
10 account for each transfer implemented under this  
11 subsection in quarterly reports to the governor and  
12 annual reports at the end of each fiscal year to the  
13 legislature and the governor, which shall be prepared  
14 in the form and manner prescribed by the governor and  
15 shall include information on the sources and uses of  
16 the transfer."  
17 SECTION [44] 52. Section 302A-1502.4, Hawaii Revised  
18 Statutes, is amended by amending subsection (q) to read as  
19 follows:  
20 (q) The ~~state comptroller~~ superintendent of education  
21 shall submit an annual report of the progress of the Hawaii 3R's  
22 school repair and maintenance fund no later than twenty days

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1 prior to the convening of each regular session of the  
2 legislature.”

3 PART IX

4 EDUCATIONAL ACCOUNTABILITY

5 SECTION [§§] 53. As a result of the passage of Act 238,  
6 Session Laws of Hawaii 2000, a report was conducted by The  
7 Accord Group, LLC. This report synthesized input from a wide  
8 variety of stakeholders throughout the State and was designed to  
9 ascertain what the State of Hawaii – from the top of the system  
10 to the bottom – must do to hold 183,000 students, and 260+  
11 schools accountable, and what kinds of ‘public accounting’ must  
12 be done by the Board of Education, District and State Offices of  
13 the Board of Education, the Governor, parents, the business  
14 community, the Legislature, and other key stakeholders in the  
15 overall system.”

16 The collaborative fact-finding process found agreement  
17 among the stakeholders on three primary goals that the public  
18 educational system should foster among students: academic  
19 achievement, safety and well being, and civic responsibility.  
20 Specific performance and competency indicators in these areas  
21 remain somewhat difficult to formulate, as the proxies used to  
22 measure success in these broad areas must be valid and broadly

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1 support, and specialized assistance and crisis or  
2 emergency support; and

3 (3) Disciplinary offenses as provided by the board of  
4 education administrative rules.

5 The third area identified in the Accord Group report, civic  
6 responsibility, is the most abstract and difficult to measure.  
7 General concepts that should be addressed include:

8 (1) Knowledge of the fundamental processes of American  
9 democracy;

10 (2) Skills necessary to actively engage in a democratic  
11 society;

12 (3) Understanding and awareness of community and global  
13 issues;

14 (4) Respect for self and others and ability to work  
15 together as part of a team; and

16 (5) Participation in school and community organizations.

17 The legislature finds that the indicators for programmatic  
18 and fiscal accountability that are used should be made available  
19 annually to the governor, legislature, board of education,  
20 parents, and general public in a format that is easy to  
21 comprehend. The department of education shall report trend data  
22 as such data becomes available.

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1 accepted by the major stakeholders. Nevertheless, the prompt  
2 development of such indicators remains critical to the ongoing  
3 implementation of a comprehensive and systematic educational  
4 accountability system that is straightforward and easily tracked  
5 over time.

6 Areas in which performance and competency indicators in  
7 academic achievement should be developed include such laudable  
8 goals as:

9 (1) Achieving reading proficiency by the end of third  
10 grade;

11 (2) Developing personalized education plans for each  
12 student;

13 (3) Teaching students the ability to think critically; and  
14 (4) Producing graduates who do not need remediation.

15 Similarly, safety and well being could be measured by  
16 proxies such as:

17 (1) Attendance;

18 (2) Comprehensive student support system plans in place to  
19 support each student with a personalized classroom  
20 climate, differentiated classroom practices, family  
21 involvement, early intervention, support for  
22 transitions between grades, community outreach and

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1 Measures in existence on the effective date of this Act  
2 shall be reported to the legislature and the governor no later  
3 than twenty days prior to the convening of each regular session.  
4 New measures to be developed by the department of education  
5 shall be reported no later than twenty days prior to the  
6 convening of each regular session thereafter. The department of  
7 education shall report trend data as such data becomes  
8 available.

9 The purpose of this part is to:

10 (1) Assess and track the academic achievement, safety and  
11 well being, and civic responsibility of individual  
12 students;

13 (2) Adding fiscal provisions to accountability statutes;

14 (3) Adding provisions to hold complex area superintendents  
15 and principals accountable; and

16 (4) Requiring the department of education to report back  
17 the legislature no later than twenty days prior to the  
18 2005 regular session regarding specific performance  
19 and competency indicators that should be used to  
20 measure academic achievement, safety and well being,  
21 and civic responsibility among students.

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1 SECTION ~~[56]~~ 54. Section 302A-1004, Hawaii Revised  
2 Statutes, is amended to read as follows:  
3 ~~"§302A-1004 Educational accountability system; annual~~  
4 ~~reports. (a) The department shall implement a comprehensive~~  
5 ~~system of educational accountability to motivate and support the~~  
6 ~~improved performance of students and the education system. This~~  
7 ~~accountability system shall:~~  
8 (1) Include student accountability; school or collective  
9 ~~[professional]~~ accountability; individual professional  
10 accountability for teachers, principals, and other  
11 employees; and public accounting ~~[for other~~  
12 ~~significant partners to the education process~~  
13 ~~(including, but not limited to,)]~~ to parents, community  
14 members, businesses, higher education, media, and  
15 political leadership~~]~~;  
16 (2) Link authority and ~~[adequate]~~ resources to  
17 responsibility;  
18 (3) Define clear roles for all parties and lines of  
19 responsibility and mutual obligation and develop a  
20 collaborative process with stakeholders, including  
21 representatives of appropriate bargaining units,  
22 parents, administration, and students;

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1 (4) ~~(Involve fair and adequate assessment against agreed~~  
2 ~~upon goals.)~~ Assess and track measures of academic  
3 achievement, safety and well being, and civic  
4 responsibility of individual students at selected  
5 grade levels and report trend data on these measures  
6 over time annually;  
7 (5) Invoke a full and balanced set of appropriate  
8 consequences for observed performance, including  
9 rewards and recognition for those schools that meet or  
10 exceed their goals, assistance to those that fall  
11 short, and sanctions for those that, given adequate  
12 assistance and ample time, continue to fail to meet  
13 goals;  
14 ~~[(4)]~~ ~~Involve-~~  
15 ~~[(4)]~~ ~~A statewide student assessment program that~~  
16 ~~provides annual data on student, school, and~~  
17 ~~system performance at selected benchmark grade~~  
18 ~~levels in terms of student performance relative~~  
19 ~~to statewide content and performance standards~~  
20 ~~and embodies high and rigorous expectations for~~  
21 ~~the attainment of all students; and~~

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1 ~~[(B)] An annual assessment in core subjects for each~~  
2 ~~grade level, as conducted by each school;~~  
3 ~~[(4)]~~ ~~Involve a comprehensive school profile or report card~~  
4 ~~for each school, which shall include, but not be~~  
5 ~~limited to, student performance measures, school~~  
6 ~~attendance, drop-out rates, and parental involvement.~~  
7 ~~These reports shall be made available annually to the~~  
8 ~~board, the governor, the legislature, the parents, and~~  
9 ~~the general public.]~~  
10 (6) Involve an annual statewide assessment program that  
11 provides a report card containing trend data on  
12 school, school complex, and system performance at  
13 selected benchmark grade levels with performance  
14 indicators in areas relating to student achievement,  
15 safety and well being, and civic responsibility.  
16 These performance indicators shall include but not be  
17 limited to:  
18 (A) Student performance relative to statewide content  
19 and performance standards; and  
20 (B) School attendance and drop-out rates;  
21 ~~[(4)]~~ (7) Require that teachers and administrators engage  
22 in the continuous professional growth and development

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1 that ensure their currency with respect to  
2 disciplinary content, leadership skill, knowledge, or  
3 pedagogical skill, as appropriate to their position.  
4 This requirement may be established by the department  
5 in terms of credit hours earned or their equivalent in  
6 professional development activity certified by the  
7 department as appropriate in focus and rigor; ~~and~~  
8 ~~[(4)]~~ (8) Establish an explicit link between professional  
9 evaluation results and individual accountability  
10 through professional development of the knowledge,  
11 skill, and professional behavior necessary to the  
12 position, by requiring that results of the  
13 professional evaluation be used by the department to  
14 prescribe professional development focus and content,  
15 as appropriate(=1);  
16 (9) Include an annual statewide fiscal accountability  
17 program, which includes a published report card that  
18 contains trend data on school, school complex, and  
19 system-wide plans and results, including:  
20 (A) Amounts allocated;  
21 (B) Amounts expended;  
22 (C) Amounts carried over; and



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1 (D) Any significant changes to the budget, with an  
 2 explanation for the change;  
 3 (10) Include an evaluation of the effectiveness of complex  
 4 area superintendents and principals in supporting;  
 5 (A) Students' academic achievement, safety and well  
 6 being, and civic responsibility; and  
 7 (B) The satisfaction of stakeholders affected by the  
 8 work of the complex area superintendents and  
 9 principals, which may be measured by broadbased  
 10 surveys; and  
 11 (C) Fiscal accountability.  
 12 ~~(Beginning with the 2001-2002 school year, the)~~ (b) The  
 13 department shall submit to the legislature, the governor, and  
 14 the board of education at least twenty days prior to the  
 15 convening of each regular legislative session a report of the  
 16 specifics of the ~~(design)~~ implementation of the comprehensive  
 17 accountability system, as well as the fiscal requirements and  
 18 legislative actions necessary to ~~(create)~~ maintain and improve  
 19 the accountability system.  
 20 ~~(4b)~~ (c) The department shall submit to the legislature  
 21 and to the governor, at least twenty days prior to the convening

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1 of each regular ~~(legislative)~~ session, an educational status  
 2 report that includes but is not limited to the following:  
 3 (1) Results of school-by-school assessments of educational  
 4 outcomes;  
 5 (2) Summaries of each school's standards implementation  
 6 design;  
 7 (3) Summary descriptions of the demographic makeup of the  
 8 schools, with indications of the range of these  
 9 conditions among schools within Hawaii;  
 10 (4) Comparisons of conditions affecting Hawaii's schools  
 11 with the conditions of schools in other states; ~~(and)~~  
 12 (5) Other such assessments as may be deemed appropriate by  
 13 the board~~(s)~~; and  
 14 (6) Any other reports required by this section.  
 15 ~~(4e)~~ (d) The department shall provide electronic access  
 16 to computer-based financial management, student information, and  
 17 other information systems to the legislature and the auditor.  
 18 The department shall submit to the legislature and to the  
 19 governor, at least twenty days prior to the convening of each  
 20 ~~(legislative)~~ regular session, a school-by-school expenditure  
 21 report that includes but is not limited to the following:

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1 (1) The financial analysis of expenditures by the  
 2 department with respect to the following areas:  
 3 (A) Instruction, including face-to-face teaching, and  
 4 classroom materials;  
 5 (B) Instructional support, including pupil, teacher  
 6 and program support;  
 7 (C) Operations, including non-instructional pupil  
 8 services, facilities, and business services;  
 9 (D) Other commitments, including contingencies,  
 10 capital improvement projects, out-of-district  
 11 obligations, and legal obligations; and  
 12 (E) Leadership, including school management, program  
 13 and operations management, and district  
 14 management; and  
 15 (2) The measures of accuracy, efficiency, and productivity  
 16 of the department, districts, and schools in  
 17 delivering resources to the classroom and the student.  
 18 ~~(4d)~~ (e) The superintendent of education is responsible  
 19 for the development and implementation of an educational  
 20 accountability system. The system shall include consequences  
 21 and shall be designed through a collaborative process involving  
 22 stakeholders that shall include parents, community members, the

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1 respective exclusive representatives, as well as others deemed  
 2 appropriate by the superintendent.  
 3 For the purposes of this section, negotiations under  
 4 chapter 89 shall be between the superintendent or the  
 5 superintendent's designee and the respective exclusive  
 6 representative, and shall be limited to the impact on personnel  
 7 arising from the superintendent's decision in implementing the  
 8 educational accountability system. After the initial agreement  
 9 is negotiated, provisions on the impact of the accountability on  
 10 personnel may be reopened only upon mutual agreement of the  
 11 parties.  
 12 SECTION ~~(57)~~ 55. Section 302A-1301, Hawaii Revised  
 13 Statutes, is amended to read as follows:  
 14 ~~"(4) §302A-1301(3) School system financial accountability.~~  
 15 (a) Beginning with the 1995-1997 fiscal biennium, the  
 16 department's administrative expenditures shall not exceed 6.5  
 17 per cent of the total department operating budget unless  
 18 approved by the legislature.  
 19 ~~(4b) The department shall not transfer any funds~~  
 20 ~~appropriated under the school-based budgeting program EDN 100 of~~  
 21 ~~the state budget, except for unforeseeable circumstances that~~  
 22 ~~pose a threat to the health and safety of personnel and~~

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1 ~~students, and subject to approval by the governor and~~  
 2 ~~notification to the legislature.]~~  
 3 (b) Of the total department budget, including federal  
 4 funds, but excluding debt service and capital improvement  
 5 programs:  
 6 (1) No later than the 2005-2006 school year, at least  
 7 seventy per cent shall be controlled by the individual  
 8 schools principals;  
 9 (2) No later than the 2006-2007 school year, at least  
 10 eighty per cent shall be controlled by the individual  
 11 schools principals; and  
 12 (3) No later than the 2007-2008 school year, at least  
 13 ninety per cent shall be controlled by the individual  
 14 schools principals;  
 15 ~~[Not less than seventy per cent of appropriations, for the~~  
 16 ~~total budget of the department, excluding debt service and~~  
 17 ~~capital improvement programs, shall be (expended) by~~  
 18 ~~principals.]~~  
 19 SECTION [56] 56. Chapter 302A, Hawaii Revised Statutes, is  
 20 amended by adding a new section to be appropriately designated  
 21 and to read as follows:  
 22 \*§302A- Board of education; community meetings. The  
 23 board shall hold not less than two community meetings annually

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1 in each departmental school district in addition to their  
 2 regular meetings to discuss and receive input from the community  
 3 on public education and public library issues. The board  
 4 chairperson shall designate board members to attend the  
 5 community meetings. These community meetings shall not be held  
 6 for the purpose of formulating educational policy. The  
 7 community meetings shall be exempt from sections 92-2.5, 92-7,  
 8 92-9, and 92-41, provided that the board shall give written  
 9 public notice of each community meeting. The meeting notice  
 10 shall indicate the date, time, and place of the meeting, and  
 11 shall be filed in the office of the lieutenant governor and in  
 12 the board's office for public inspection six calendar days  
 13 before the meeting. The notice shall also be posted at the site  
 14 of the meeting."

## PART X

## PILOT

17 SECTION [57] 57. There is appropriated out of the general  
 18 revenues of the State of Hawaii the sum of \$400,000, or so much  
 19 thereof as may be necessary for fiscal year 2004-2005, for the  
 20 piloting of school community councils and development of  
 21 academic and financial plans at selected public schools prior to  
 22 the statewide implementation of the weighted student formula.

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1 SECTION [60] 58. The sum appropriated shall be expended by  
 2 the department of education for the purposes of this Act.

## PART XI

## FINDINGS AND RECOMMENDATIONS

5 SECTION [61] 59. The department of education shall submit  
 6 findings and recommendations to the legislature no later than  
 7 twenty days prior to the convening of the regular session of  
 8 2005 including:

- 9 (1) A report regarding progress made in and the impact on  
 10 the public education system of:  
 11 (A) Establishing a weighted student formula;  
 12 (B) Providing additional information technology;  
 13 (C) Empowering principals through the Hawaii  
 14 principals academy and other means;  
 15 (D) Strengthening community involvement through  
 16 school community councils and parent-community  
 17 networking centers;  
 18 (E) Providing more mathematics textbooks;  
 19 (F) Lowering class size in kindergarten, grade one,  
 20 and grade two;  
 21 (G) Providing full-time, year-round, high school  
 22 student activity coordinators;

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- 1 (H) Providing support for students who need  
 2 additional help to succeed in school;  
 3 (I) Establishing a national board certification  
 4 incentive program for teachers;  
 5 (J) Enhancing teacher education;  
 6 (K) Reducing the bureaucracy that hampers the  
 7 effectiveness of the department of education;  
 8 (L) Improving the educational accountability system;  
 9 and  
 10 (M) Requiring the board of education members to hold  
 11 community meetings in their districts; and  
 12 (2) A list of statutes, rules, policies, or procedures  
 13 that need to be amended, removed, or enacted to enable  
 14 the effective implementation of the weighted student  
 15 formula, performance-based contracts for principals,  
 16 ~~implementation of~~ school community councils, and  
 17 ~~enhancement of~~ transparency in financial reporting;  
 18 and  
 19 (3) A list of programs recommended to be repealed to  
 20 enable the department and individual schools to have  
 21 greater flexibility in budgeting, operations, and  
 22 curriculum management.

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1 PART XII  
2 MISCELLANEOUS  
3 SECTION 60. Section 302A-1182, Hawaii Revised Statutes  
4 is amended by amending subsection (a) to read as follows:  
5 (a) Up to a total of ~~(twenty-three)~~ thirty-five schools may be  
6 established as new century charter schools. These new century  
7 charter schools may be established by:  
8 (1) The creation of a new school; or  
9 (2) The creation of a new school, comprising programs or  
10 sections of existing public school populations and  
11 using existing public school facilities, pursuant to  
12 subsection (b).  
13 SECTION ~~[60]~~ 61. For the purposes of this Act, any  
14 appropriation made for public schools shall ~~exclude~~ include  
15 new century charter schools and new century conversion charter  
16 schools unless otherwise ~~included~~ excluded.  
17 SECTION ~~[60]~~ 62. In the event of a conflict between this  
18 Act and section 89-10(d) or 89-19, Hawaii Revised Statutes, this  
19 Act shall control.  
20 SECTION ~~[64]~~ 63. The sums appropriated by this Act for  
21 fiscal year 2004-2005 shall be deemed part of the Supplemental  
22 Appropriations Act of 2004 for the department of education and

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1 University of Hawaii for the purposes of developing and  
2 submitting the executive budget request for the biennium budget  
3 for fiscal years 2005-2006 and 2006-2007, except for the  
4 one-time supplemental appropriation for mathematics textbooks  
5 and mathematics learning materials in schools made in section 35  
6 of this Act. The department of budget and finance shall  
7 consider the sums appropriated by this Act as if appropriated in  
8 the Supplemental Appropriations Act of 2004, except for the  
9 one-time supplemental appropriation for mathematics textbooks  
10 and mathematics learning materials in schools made in section 34  
11 of this Act.  
12 The legislative reference bureau shall conduct a study to  
13 determine conforming amendments to the Hawaii Revised Statutes  
14 that may be necessary as a result of the amended definition of  
15 "public school" in section 5, to effectuate the purposes of this  
16 Act without altering either the effect or intent of existing  
17 statutory language.  
18 SECTION ~~[65]~~ 64. The legislative reference bureau shall  
19 submit its findings, including any proposed legislation, to the  
20 legislature no later than twenty days prior to the convening of  
21 the regular session of 2005.

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1 SECTION ~~[64]~~ 65. Statutory material to be repealed is  
2 bracketed and stricken. New statutory material is underscored.  
3 SECTION ~~[67]~~ 66. This Act shall take effect upon its  
4 approval, provided that:  
5 (1) Sections 7, 8, 10, 11, 15, 17, 18, 32, 33, 35, 36, 39,  
6 40, 50, 51, 52, ~~(53, 54, 55)~~ 57, and ~~[60]~~ 58 shall  
7 take effect on July 1, 2004;  
8 (2) Sections 2, 3, 4, 5, 6, 13, 16, 21, 22, 23, 24, 25,  
9 26, 27, 28, 29, 30, 31, 38, and 55 shall take effect  
10 on July 1, 2005, and shall apply to the 2005-2006  
11 school year.  
12 ~~[(3) Sections 2, 4, 6, 27, 28, 29, and 57 shall take effect~~  
13 ~~on July 1, 2006, and shall apply to the 2006-2007 school year.]~~

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 750 through 757) were received and announced by the Clerk:

Sen. Com. No. 750, transmitting H.C.R. No. 36, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF MOROCCO," which was adopted by the Senate on April 28, 2004.

Sen. Com. No. 751, transmitting H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO STUDY THE ADVISABILITY OF TRANSFERRING THE VANPOOL PROGRAM TO THE COUNTIES," which was adopted by the Senate on April 28, 2004.

Sen. Com. No. 752, transmitting H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS' BENEFITS TO FILIPINO VETERANS," which was adopted by the Senate on April 28, 2004.

Sen. Com. No. 753, transmitting H.C.R. No. 258, 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," which was adopted by the Senate on April 28, 2004.

Sen. Com. No. 754, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following Senate bill:

S.B. No. 2995, Adds Senator Taniguchi as a Member.  
SD 2, HD 1

Sen. Com. No. 755, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Concurrent Resolutions:

S.C.R. No. 118, Co-Chair: Kawamoto/Taniguchi  
SD 1, HD 1 Members: Kim, Kokubun, Tsutsui, Whalen

S.C.R. No. 127, Chair: Kanno  
SD 1, HD 1 Members: Taniguchi, Slom

Sen. Com. No. 756, informing the House that the Senate has, on April 27, 2004, reconsidered action taken on April 8, 2004, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2899, "RELATING TO NURSES."  
SD 2, HD 1

Sen. Com. No. 757, informing the House that the following bills, have this day, passed Final Reading in the Senate:

H.B. No. 2578, H.D. 1, S.D. 2, C.D. 1  
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU."

H.B. No. 2322, H.D. 1, S.D. 2, C.D. 1  
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES."

H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1  
"RELATING TO PUBLIC ORDER."

H.B. No. 2022, H.D. 2, S.D. 1, C.D. 1  
"RELATING TO GENERAL ASSISTANCE."

S.B. No. 3207, S.D. 2, H.D. 2, C.D. 1  
"RELATING TO ETHANOL TAX CREDIT."

At 6:46 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:24 o'clock p.m.

## ORDER OF THE DAY

## SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Jernigan, Kanoho, Karamatsu, Marumoto, Meyer, Nakasone, Ontai, Souki, Stonebraker, Takamine and Waters were excused.)

## UNFINISHED BUSINESS

**Conf. Com. Rep. No. 15-04 and H.B. No. 2578, HD 1, SD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2578, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Final Reading by a vote of 50 ayes, with Representative Hiraki being excused.

**Conf. Com. Rep. No. 16-04 and H.B. No. 2322, HD 1, SD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2322, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. In strong support.

"The amended purpose of this measure, Madame Speaker, is to authorize the issuance of Special Purpose Revenue Bonds to assist processing enterprises to Aloun Farms, a Hawaii corporation, in building an agricultural plant. Construction of

an agricultural processing plant would include the construction of a central processing and packing facility, along with the acquisition of a well water system, as well as the acquisition of agricultural land in the Ewa Plain. The total amount authorized in this bill is not to exceed \$12 million, the amount Aloun Farms needs for this project, and the effective date is upon approval.

"Madame Speaker and esteemed colleagues, Aloun Farms is teaming up with Nalo Farms to develop a marketing system. Among their future projections are developing an island salad mix of various baby lettuce and vegetables, growing herbs which will be competitively priced with those herbs grown outside Hawaii, and developing a sweet potato crop that would eventually compete with imported sweet potatoes. As an example of benefits Aloun Farms will bring to Hawaii, currently, Hawaii imports about 40 million pounds of sweet potatoes a year, and a potato storage facility would assist in being competitive with this agricultural crop.

"Benefits to be derived from the issuance of Special Purpose Revenue Bonds to Aloun Farms go on to include job creation of at least 200 additional people from the construction of a central processing plant. Right now, Madame Speaker, the farm employs over 200 workers. The development of an agrotourism center in Central Oahu that will have a permanent ground. Ground which will enhance the stature of Hawaii as an international agriculture market; and an on-going working relationship will be started between the College of Tropical Agriculture and Human Resources of the University of Hawaii at Manoa, and the various universities located in the greater Asian Basin, such as those located in Thailand, Malaysia, Taiwan, and China. This could result in the creation of an International Agriculture Training Center on Oahu. Madame Speaker and esteemed colleagues, I urge everybody to support this measure. Thank you."

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

"Thank you, Madame Speaker. In support.

"Diversified agriculture is an important part of our economy. I'll keep it brief. I just think that we should be supporting every effort towards this industry. And I'd like to ask that the words of the Representative from Ewa Beach be incorporated as my own," and the Chair "so ordered." (By reference only.)

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

"Thank you, Madame Speaker. In support. And I'd like to ask that the words from the two previous be incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"Aloun Farms has, I think, done good things for the Ewa Plains and for agriculture in general. And I think this can only benefit not only us in the agriculture that we gain from them, the vegetables, etc. but also it will provide jobs that we need here. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2322, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," passed Final Reading by a vote of 50 ayes, with Representative Hiraki being excused.

**Conf. Com. Rep. No. 17-04 and H.B. No. 1828, HD 1, SD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1828, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I'm rising to speak against the measure.

"Thank you. Madame Speaker, the bill has been narrowed significantly and I appreciate that fact. However, it still covers quite a large area, and will penalize people who really don't have a shelter to live in or a place to use for bodily functions.

"Madame Speaker, it would be different if this Downtown Honolulu area had really accessible self-cleaning toilets. It's unfortunate that those aren't in place before we go ahead and penalize something that would primarily affect the homeless. So I stay in opposition to it. I know that probably makes me quite unpopular with the *Downtown Planet* or whatever that newspaper is, but I just think that we are doing this the wrong way. Put up these self-cleaning toilets first, then impose the penalty if people don't use those. But right now, we just don't have the accessible facilities. Thank you."

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

"Thank you, Madame Speaker. I'm also in opposition to this measure.

"And I also appreciate the fact that now, it's now limited to a 'no-pee zone', but I still think it is going to victimize those who are homeless and those who are mentally ill. And I would challenge anyone to come here on a Sunday afternoon or evening, and try and find accessible restroom facilities. I mean of course, we're lucky because we have keys to this place. But I wonder if people realize that for the public, they can't get into this building. And in fact, I don't think there's any other buildings or facilities that people could use if they had to, if they really had to go. I realize it's a problem, but I think the problem is mainly with people who are homeless and people who are mentally ill. And I think there are other ways to handle this situation than criminalizing it. Thank you, Madame Speaker."

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

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

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

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

"Mr. Speaker, I want to just express my strong support. Thank you."

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

Representative Lee's written remarks are as follows:

"Madame Speaker, I rise in support of H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1 a bill which will make it illegal to urinate and defecate in public in the downtown Honolulu area.

"While urinating and defecating in public is often only the symptom of deeper personal problems, there are too many neighborhoods in the State where urinating and defecating on the sidewalks, on people's front yards, at bus stops, etc., is all too common an occurrence. The downtown/Chinatown area is one of the areas most acutely affected by this problem. As it stands now, the law does not specify that urination and defecation in public is illegal. The police have attempted to use other statutes to enforce a basic sense of decency, but they really need this more specific tool.

"Many of those who urinate and defecate in public have mental or substance abuse problems, and I support providing such individuals the treatment they need to address these problems. However, many who urinate and defecate in public do not have mental or substance abuse problems. Whether a person has deeper, underlying problems does not change the fact that the rest of us should not have to put up with the sights and smells of our fellow human beings urinating and defecating on our public highways and byways.

"The H.D. 1 would have banned public urination and defecation statewide, but the Senate voted to restrict the bill's application to the downtown Honolulu area as it was the Downtown Neighborhood Board that requested the bill be introduced. The Senate version of the bill also reduced the penalty for urinating or defecating in public from a petty misdemeanor to a violation. The Senate did, however, retain an exemption for those with a medical problem that would make it impossible for them to make it to a regular restroom.

"The conferees agreed to increase the penalty from \$200 or eight hours of community service to \$200 or 40 hours of community service to bring the alternate community service penalty in line with other \$200 violations. In addition, the conferees redefined the downtown area to make enforcement more manageable. The conferees retained the medical exemption and the sunset provision inserted by the Senate. This bill will expire on December 31, 2009.

"This is an important bill to the nearly 15,000 downtown residents who are affected by this problem on a daily basis and to the additional thousands who work in the area. I hope my colleagues will support H.B. 1828 and send it to the Governor for her signature."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1828, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Final Reading by a vote of 34 ayes to 16 noes, with Representatives Arakaki, Blundell, Bukoski, Chang, Evans, Finnegan, Halford, Jernigan, Kahikina, Kaho'ohalahala, Leong, Meyer, Moses, Ontai, Schatz and Thielen voting no, and with Representative Hiraki being excused.

**Conf. Com. Rep. No. 18-04 and H.B. No. 2022, HD 2, SD 1, CD 1:**

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

was adopted and H.B. No. 2022, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Final Reading by a vote of 50 ayes, with Representative Hiraki being excused.

**Conf. Com. Rep. No. 19-04 and S.B. No. 3207, SD 2, HD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3207, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you. Madame Speaker, I'm in strong support of this measure.

"Madame Speaker, in the interest of time, I'd like to ask that the comments from Clean Fuels Hawaii, a brief amount of comments be entered into the Journal. And they will explain why this bill makes great sense for Hawaii. Why it will increase jobs. And it will keep money in our economy. Thank you," and the Chair "so ordered."

Representative Thielen submitted the following remarks:

"Clean Fuels Hawaii

S.B. No. 3207

- S.B. No. 3207 clarifies the current statute regarding the ethanol production tax credit (HRS 235-110.3). The bill clarifies the definition of investment in accordance with the IR Code (this determines the level of credit a facility is eligible for); caps the total credit at the level of capital investment; prevents the double-dipping of tax credits and clarifies the production level a facility must achieve to qualify for the credit. Its language is based on agreement between the Department of Taxation and prospective ethanol investors.
- The benefits of ethanol for Hawaii have been extensively studied. In 2000, Decision Analysts Hawaii, Inc. ("DAHI") prepared a detailed fiscal and economic impact analysis of the proposed Maui ethanol project for the legislature. This fiscal and economic analysis was updated by DAHI in 2003. In addition, two other studies commissioned by DBEDT on ethanol (Stillwater and BBI) were prepared in 2003.
- The 2003 DAHI study found that the Maui project alone would create 114 net new jobs, provide economic benefits with a net present value in excess of \$115 million and be revenue positive for State and County government. This did not include the benefits emanating from the enhanced economic health of the sugar plantation, increased economic activity from the expansion of sugarcane for ethanol, or a reduction in imports of petroleum.
- The conclusion of the BBI study was that a local ethanol industry producing to blend 10% in gasoline would result in annual local expenditures of \$57 million, yield \$112 million in annual economic benefits and result in a net increase on 686 new jobs. Stillwater similarly concluded that annual economic activity would increase by over \$250 million from local ethanol production.

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

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

"The other day I spoke with reservations on an ethanol bill and this time I'm voting no, but I'm still slightly ambivalent about this topic. I realize the beneficial features about ethanol. It is a source of alternate energy. And it will encourage retention of sugar as a crop here in Hawaii. Hopefully, we'll keep sugar jobs and keep our open spaces and our greenery to help combat global warming, and reduce our dependence on oil. Apparently also, ethanol can increase our fuel efficiency.

"But there are problems with it and I would like to read a *Star-Bulletin* article from yesterday on it. And it's entitled, Good Intentions, Unpredictable Results.

Lawmakers are finalizing measures for ethanol production and use in Hawaii.

Assisting remnants of the sugar industry and attempting to pare dependence on fossil fuels are worthy objectives in measures that would spur ethanol production and use in Hawaii. Consumers, however, will not be pleased if the cost of adding ethanol to gasoline pumps up the price of driving a car.

The bills headed for final legislative approval would allow tax credits for building and running ethanol facilities that would convert sugar cane syrup, molasses and bagasse, the fibrous cane residue, and renew authorization for tax-exempt revenue bonds for a Kauai plant.

The intent is to stabilize what was once the islands' chief agricultural industry and provide continued employment for its workers. At the same time, lawmakers hope to maintain land in agriculture for its green views, shave the need to import oil for gasoline and conceivably reduce air pollution.

Uncertain is whether the additive will generate less pollutants as experts and studies go back and forth on the matter. Some say ethanol in combination with certain gasoline formulas actually results in more smog in warm weather.

As expected, the petroleum industry objects, saying inexplicably that ethanol addition will force gasoline producers to cut jobs. The issue is more likely that it will force refineries to install new equipment to mix ethanol and gasoline, which will cost them money.

Their increased costs will probably be passed on to Hawaii consumers trapped in a highly uncompetitive market, even though the bills' advocates say drivers will save money in the long run because ethanol increases fuel efficiency. Moreover, there is no way to predict how capricious oil companies will react when faced with government mandates.

In California, where gasoline prices are already among the highest in the nation, federal requirements for ethanol use may raise the price for a gallon of gasoline by as much as 20 cents. The mandate is largely seen as a boost for Midwest agricultural conglomerates, among them Archer Daniels Midland Corp., the biggest ethanol producer in the country. Support in Congress also came from Democrats representing states with big corn-growers since corn is the primary crop from which ethanol is made.

Hawaii was exempt from the federal requirement because the cost of shipping ethanol to the islands was deemed too high. With local production, lawmakers could require ethanol-gasoline mixes, but that bill remains pending. Production is planned on Kauai and Maui where sugar is still grown.

However, an Oahu plant would have to import a sugar product and if there is no production on Hawaii island, the requirement would be problematic.

"The article ends there but I will remind you that this could cost Hawaii taxpayers up to \$12 million a year. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Madame Speaker. I guess I should have read some comments in support of the measure.

"Let me just refute a few of the comments that were made in the *Star-Bulletin* article. The bill that the Representative was talking about will not result in mandating imported ethanol. The bill allows for reducing blended levels if insufficient local production capacity is established and for DBEDT to reduce levels without rulemaking. So there will be no importation. It will not be required under the bill. It is not going to happen. And the *Star-Bulletin* was inaccurate. I hope they will correct their comment.

"The other thing is that studies conclude there's no impact on the gasoline price from ethanol blending. Studies have concluded that margins should be created even after accounting for reformulation, displacement of high vapor pressure components, and capital costs. The federal incentive equal to 52 cents a gallon of ethanol-blended is available to local petroleum companies, as well as local exemptions for renewable fuels. Ethanol's net cost is much less than gasoline and should result in reduced gasoline prices to consumers.

"And then finally, Madame Speaker, as to the emissions and the air, the use of ethanol-blended fuels reduces greenhouse gas emissions by 12 to 19% compared with conventional gasoline. And that's according to the Argonne National Laboratory.

"In fact, in 2003, ethanol use in the U.S. reduced CO2 equivalent greenhouse gas emissions by approximately 5.7 million tons equal to removing the annual emissions of more than 853 thousand cars from the road. And again that is the Argonne National Laboratory's study.

"So I think that the *Star-Bulletin* needs to print a rebuttal to what it is claiming because I believe the *Star-Bulletin* had some incorrect assumptions. Thank you."

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

Representative Marumoto rose to respond, stating:

"Thank you, Madame Chair. In rebuttal and still in opposition.

"Apparently, our ethanol requirement will be in excess of 40 million gallons a year. And I don't think we could go from 0 to 40 that quickly. I don't think we could produce that much sugar to create 40 million gallons a year. My understanding is that the initial plant that will, when it gets going, will produce only 7 million gallons a year. I don't see how we can get around this without importing ethanol. I understand that there's some idea to purchase ethanol in the mainland to send to C&H Sugar but nevertheless, I don't think we can produce enough to encourage production here to keep jobs and make it really an industry that will help save agriculture jobs here in Hawaii. Thank you."

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



"Madame Speaker, thank you very much. First of all, I would support this bill very strongly.

"I lived in an agricultural community, where they have a large sugar plantation, the largest in the State and probably the only real viable plantation, Hawaiian Commercial and Sugar Company which has thousands of acres in the central plain of Maui County. This central plain was once a desert. And if, in the event the sugar business goes out, and they have been losing money, these lush green fields that you have in Maui, that the tourist so love, will become a desert again. The people in Kihei, Wailea and Maalaea will bear the brunt of the desert as they will be having dust storms that they've had in the past. So I believe that ethanol is probably not a 100% cure-all, but we'll have a major survival of the sugar company until they find some other more viable alternative. So with this Madame Speaker, I feel very strongly for this bill and I think it should pass."

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

"Thank you, Madame Speaker. I rise in support of this measure. And with all due respect to the Representative from Kahala, what was stated were a lot of misstatements. The ethanol tax credit is one of the most studied tax credits probably in this entire past decade. A lot of the analysis was done by the Department of Business, Economic Development, and Tourism. A lot of their analysis are available on their web site. And the bottom line, the use of ethanol through the cost benefit analysis is being proven to be beneficial to Hawaii and in many ways, not only in supporting agriculture but probably in stabilizing gasoline prices in Hawaii. For these reasons, I'm in strong support of this measure."

Representative Souki rose to respond, stating:

"I still speak very strongly, but I wish to add some comments to the previous speaker as to ethanol being the best tax credit that you can get for the money. I believe the hotel tax credit is the best tax credit you can get for the money, which we're not going to be having this year. Thank you very much."

The Chair addressed Representative Souki, stating:

"That's not germane to the bill."

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

"Thank you, Madame Speaker. I'm going to be voting no on this measure.

"While I think it's very attractive and seems like a good thing for the economy, if this will stimulate the agricultural business. But as a previous speaker said, they will not have the ability to make enough ethanol in the beginning and they will have to import ethanol or sugar or molasses from other locations. I do believe there will be an added expense from the petroleum companies because they cannot mix it at the refinery. They have to mix it in tanks where the gasoline is picked up. And they'll have to retrofit, build tanks. There would have to be a lot of improvements. Costly, expensive improvements. And those costs will be passed on to the consumer.

"And everything I've read says that when you add ethanol to gasoline, you get less efficiency per gallon. You don't get as many miles per gallon out of that gallon of gas that you get with straight petroleum. So you will be paying more for the gallon and going fewer miles per gallon that has had that additive put into it. So for those reasons, I will be voting no. Thank you."

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

"Thank you, Madame Speaker. In strong support.

"One of the great products for conversion to ethanol is corn. And on the Big Island, we used to grow a lot of corn. It went out of business because there weren't enough politicians to eat it. Now we'll have something to do with the corn and maybe we can get that corn production back in."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3207, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," passed Final Reading by a vote of 44 ayes to 6 noes, with Representatives Fox, Jernigan, Leong, Marumoto, Meyer and Stonebraker voting no, and with Representative Hiraki being excused.

**Conf. Com. Rep. No. 20-04 and H.B. No. 1860, HD 1, SD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1860, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. In opposition.

"I'd like to quote from a editorial that the *Advertiser* ran last Friday, April 23 on this subject. I must say Madame Speaker, that the *Advertiser* has a way in the editorial of talking directly to us, as if they were standing on the Floor with us.

Now who would be against getting more money to programs that deal with domestic violence, child abuse, and similar human services?

No one, obviously.

Thus, a bill destined for legislative approval that would create a \$5 tax refund "check-off" program for such services is bound to be popular.

"But there are a number of problems.

Social services are not the only worthy programs that could benefit from a check-off system. If lawmakers are willing to provide this alternative source of funding for these programs, how can they say no to others?

The logical, well, maybe not entirely logical, extension of all this would be an income tax system in which your entire payment could be dedicated to the service or services you wish.

"The problem is that:

Once a substantial sum has been collected through the check-off system, Legislators would find the reason to reduce general fund support for a program by a like amount.

"I think the *Advertiser* speaks real wisdom here. Madame Speaker, I ask that the entire editorial be put in the record. Thank you, Madame Speaker," and the Chair "so ordered."

Representative Fox submitted the following editorial:

**"EDITORIAL**

State tax check-off has many downsides

Now who would be against getting more money to programs that deal with domestic violence, child abuse and similar human services?

No one, obviously.

Thus, a bill destined for legislative approval that would create a \$5 tax refund "check-off" program for such services is bound to be popular.

Similar to the check-off boxes for the Hawai'i Election Campaign Fund and public-school repairs, this new option would allow taxpayers to give \$5 of their refund (if one is coming) toward these key social services.

As appealing as this is, there are a number of problems that should be considered:

- Social services are not the only worthy program that could benefit from a check-off system. If lawmakers are willing to provide this alternative source of funding for these programs, how can they say no to others?

The logical (well, maybe not entirely logical) extension of all this would be an income tax system in which your entire payment could be dedicated to the service or services you wish.

- This effectively would be another special fund, and we have seen what can happen when programs and services are shifted from general fund support to special funds. Taxpayers might check off their \$5 for social services only to see the money diverted to another purpose.

- There is always the possibility that once a substantial sum has been collected through the check-off system, legislators would find reason to reduce general fund support for the program by a like amount.

If this check-off system is to go through, it should at a minimum come with an iron-clad guarantee that regular support for the affected programs would not be diminished."

*The Honolulu Advertiser*

*Posted on: Friday, April 23, 2004*

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

"Thank you, Madame Speaker. I stand in strong support of Conference Committee 20-04 and House Bill 1860.

"And Madame Speaker, this is a Keiki Caucus measure. And I don't think anybody can take away the fact that because of economic conditions, many of the programs had to be cut as the previous speaker had mentioned, in areas of social services and in health. And very often, it's the prevention programs that go first because those are expendable. But by the same token, prevention programs are the responsibility of the community. Whereas the programs that we fund had to deal with treatment, had to do with fixing things that are broken. Prevention programs are in place so that we can keep families from being broken, keep children from being damaged and abused. And that is the most cost effective strategy. And this is not forcing anyone to give.

"This is a tax check-off where people will have the means or have the choice, if they feel it in their hearts, if they have any compassion for our children, for those who are abused, for those victims of domestic violence. If they want to invest in preventing women and children from being in this situation,

they have a choice. And I think, knowing Hawaii's people, they will make the right choice and they'll give from their hearts. So I have no doubt that this strategy will succeed. Thank you, Madame Speaker."

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

"Thank you, Speaker. In strong support. I want to incorporate the words of the Chair of Health into the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Kahikina continued, stating:

"I wanted to express the point that it is voluntary. And needless to say some of the speculations of the opposition may be true in the future. But nobody can discount that general funds have been cut to these services, as the Chair of Health had explained. And so the point is that this is an act of aloha, an act of kindness. And it is voluntary, it's not a tax *per se*, it's to use your tax in a very meaningful way. And I urge our colleagues to support it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1860, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Fox, Meyer and Ontai voting no, and with Representative Hiraki being excused.

**Conf. Com. Rep. No. 21-04 and H.B. No. 1774, HD 2, SD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1774, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," passed Final Reading by a vote of 35 ayes to 15 noes, with Representatives Blundell, Bukoski, Ching, Evans, Finnegan, Fox, Jernigan, Leong, Meyer, Moses, Ontai, Pendleton, Stonebraker, Tamayo and Thielen voting no, and with Representative Hiraki being excused.

**Conf. Com. Rep. No. 22-04 and H.B. No. 2741, HD 1, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2741, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS," passed Final Reading by a vote of 35 ayes to 15 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representative Hiraki being excused.

At 7:55 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2578, HD 1, SD 2, CD 1  
H.B. No. 2322, HD 1, SD 2, CD 1  
H.B. No. 1828, HD 1, SD 1, CD 1  
H.B. No. 2022, HD 2, SD 1, CD 1  
S.B. No. 3207, SD 2, HD 2, CD 1  
H.B. No. 1860, HD 1, SD 2, CD 1  
H.B. No. 1774, HD 2, SD 2, CD 1  
H.B. No. 2741, HD 1, SD 1, CD 1

## STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1544-04) recommending that S.C.R. No. 168, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 168, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say 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. 1545-04) recommending that S.C.R. No. 85, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representatives Kanoho and Ito, for the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1546-04) recommending that S.C.R. No. 212, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 212, be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I rise in opposition to 1546-04, Senate Concurrent Resolution Number 212.

"This is dealing with the Waikane Training Area. And I brought this information up to the Committee, but they passed the measure out anyway. So I'm going to read some of this into the Journal and hope that I can persuade some of my colleagues to see some sense.

"First of all, I'm going to read from the resolution. This is on page 3 and I'll just be brief. It says:

Be it resolved that the federal government is requested to conduct a thorough evaluation of the condition of the Waikane Training Area.

"The next Be it resolved:

The federal government ... plan for and conduct as thorough a clean-up of the Waikane Training Area as is technologically possible.

"The next Be it further resolved:

Federal government is requested to conduct a post-clean-up environmental assessment of the Waikane Training Area evaluating the potential risks to human health and safety.

"Now, I read this letter from General McAbee, the commanding general over in that area. And this is what he wrote and what I read to the Committee.

Waikane Valley is a mountainous jungle area on Windward Oahu that was leased and used extensively from 1944 through 1976 and supports every training evolutions by the Department of Defense. Between 1976 and 1984, extensive clearing efforts were made to destroy and remove ordnance from the range located there.

In 1989, Marine Corps Base Hawaii acquired a portion of the valley. 187-acres through condemnation as the surface was determined to be unsuitable for civil use. Marine Corps Base Hawaii announced in July 2002, the intent to explore jungle training in Waikane Valley.

An exhaustive staff study ensued as a result of this training initiative conducted in conjunction with an environmental assessment.

Several public forum meetings were conducted to allow the local community to voice their opinions and concerns regarding this initiative. Several significant print and television news stories covered this subject. And several opinion editorials were written as well.

In the final analysis, Marine Corps Base Hawaii determined it was not feasible to conduct this training as the 187-acres is most correctly identified in official Marine Corps regulations as a high hazard impact area. While Marine Corps regulations do not strictly forbid the transformation of this category of impact area into a maneuver area, the process is both cost prohibitive and would dramatically alter the nature of the training area environment.

"I asked General McAbee what he meant about that, he said because this is a triple canopy area, in order to remove the ordnance, they would have to destroy the trees in the valley. There's no way to clear the area without clearing the brush.

Marine Corps Base Hawaii announced the decision to forgo jungle training in Waikane Valley at the November 2003, Kahaluu Neighborhood Board Meeting. At the March 2004 meeting, representatives announced the commanding general's decision to close the range.

Marine Corps Base Hawaii's representatives through this entire process had maintained the trust and confidence of the neighboring communities. Through numerous Neighborhood Board meetings and smaller informal gatherings, Marine Corps Base Hawaii's representatives had met with all-comers to discuss Waikane Valley.

We have honestly and effectively represented the Command's position. In a recent meeting with Congressman Ed Case's staff, Marine Corps Base Hawaii was lauded for the very professional handling of this potentially inflammatory issue. At no juncture had the Congressman felt the need to become involved. He is very satisfied with our management of Waikane Valley.

"I read that portion because the resolution further asks in a Be it further resolved:

That the members of Hawaii's congressional delegation are requested to assist in seeking and obtaining the relief sought.

"Back to the letter.

The Marine Corps is committed to an environmentally responsible clean-up of Waikane Valley. And we will fully assist in cooperating with other federal, State, and local agencies in this process. We will not support clean-up attempts."

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

Representative Moses continued, stating:

"Thank you, Representative.

We will not support clean-up attempts that are shortsighted or pose a danger to the environment in Waikane Valley and the neighboring communities. The ability to clean Waikane is largely based on the technology available.

"I draw your attention back to the resolution, which says, 'as technologically feasible'. The Marine Corps has already determined that it's not.

Currently, we do not believe the technology exist to conduct an effective clean-up in an environmentally safe manner. But we will actively participate in the pursuit of this process. We will solicit the best professional advice with regard to clean-up opportunities. And we will continue to coordinate closely with our neighbors. We expect this to be a long process. One of the reasons we felt it important to build a security fence.

"There is a security fence around the entire area now.

We are in this for the long haul and our primary focus is on the long-term solution. Again, as stewards of Waikane Valley, we are committed to ensuring that any proposed solution does not pose a threat to the environment in Waikane Valley.

"What I'm saying is this information was made public before this resolution was written. So all of the matters in the resolution have been covered except for return of the land to one family that wants it. Who has already been paid for it. There's over \$2 million paid for this property. There's money in trust by one of the families, who instead of the money, wants the land. And that is the reason for this resolution. Thank you, Madame Speaker."

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

"Thank you. In opposition. I'd like the words of the previous speaker incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Fox continued, stating:

"It sounds like we have a situation where a fire has gone down to embers and this resolution proposes to come along and dump gasoline on it. Thank you, Madame Speaker."

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

Representative Pendleton's written remarks are as follows:

"Madame Speaker, I rise in strong opposition of Senate Concurrent Resolution 212. This resolution requests the federal government to evaluate, clean up and conduct an environmental assessment of the Waikane Training Area, appropriate funds for those actions, and return the land to Hawaii.

"Madame Speaker, the Waikane Valley has served as a vital training ground for our United States Marines as they have fought to protect freedom at home and abroad. The valley was first used by the Armed Forces in the beginning of World War II, while we were losing the war. The training allowed those fighting in the Pacific arena to gain valuable skills while remaining close to the fighting. It is important to remember that many of America's young men and women who trained in the valley ended up giving their lives for the freedom that we all hold dear to us today. The training conducted over the years was done without knowing the total impact it would have on the Waikane Valley. The field was used for training up until the mid-1970's, before the mass public and the government began to seriously take environmental concerns into consideration.

"After the events of September 11, Marines were sent to the Philippines to combat the Abu Sayyaf terrorist cell. The Marines lacked jungle training. A jungle area was needed once again to train America's soldiers to fight in the dense jungles of the Philippines. Rather than purchase a new area of land adjacent to the Waikane Training Area, the old training area was temporarily reopened. The land was a perfect simulation of the terrain the soldiers would face in the Philippines. However, after much review, the land was deemed too dangerous to continue to be used for training.

"Madame Speaker, because the Waikane Valley was used for many years as a training ground for our Nation's armed forces, there is still potentially unexploded ordnance in the area. It is important that the public is protected from the many dangers of this former training ground. While the government works toward cleaning the land, the area must be temporarily closed as a safeguard. The public must be kept out to prevent any unfortunate and unnecessary accidents from taking place. Erecting a fence and temporarily closing the land is absolutely necessary to protect hikers or others who might wander into the area.

"This resolution is at odds with the June 1993 Federal District Court ruling. At the time, a total clean up was considered. However, the Federal District Court in Honolulu ruled to condemn the land because a total clean-up was far too expensive. As part of this settlement, the federal government paid the Kamaka family, the family that had leased the land, \$2.1 million for ownership. They also offered to sell the land back to the family whenever technology improved to the extent that a clean up was financially feasible and in fact undertaken. In no part of the settlement was there a provision to give the land to the State, which this resolution requests. The Waikane Training Area was bought and is rightfully owned by the federal government. They are not obligated in any way to release the lands to the State.

"Madame Speaker, I believe that this resolution is irresponsible and implies that the military is not doing enough to remedy the situation. This is far from the truth. Marine Corps Base Hawaii has been working diligently to move forward with having the range completely closed. Once closed, the area will be eligible for clean-up funding from the federal government. The Marine Corps is taking the appropriate steps to have the land cleaned up. It is important to remember that this problem will not be fixed overnight.

"Madame Speaker, I further object to this resolution because it was written without any consultation with the Marine Corps. As a State entity, we should be working with our Nation's Armed Forces who are fighting hard to protect the freedom we all enjoy today. Marine Corps Base Hawaii, which is near and dear to my heart, cares deeply about the people of Hawaii and has taken great strides to work with the public and listen to their concerns. It is disappointing that they were not allowed to give any input in the formulation of this resolution.

"In closing, Madame Speaker, I object to both the tone and the substance of this unnecessary resolution. I vote no.

"For these reasons, Madame Speaker, I rise in strong opposition of Senate Concurrent Resolution 212. Thank you for the opportunity to speak on this measure."

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

"Thank you, Madame Speaker. I'm rising in opposition to the resolution. As the Representative from Waikane and Waiahole, I went to numerous meetings where this subject was discussed. There were many public meetings for a broader community. And at one point, the Waikane Community Association actually was in favor of the military going up and using their land to train for jungle combat. But as they did go up and they had an EA done, they said there was certainly potential danger to the troops that would be wanting to train there. So they decided that they would abandon that.

"But as the speaker from Makakilo said, the military did purchase the land because they could not guarantee that they could return it in the same shape that it was in when they entered into the lease. And most of the Kamaka family, they got their share of the money, the \$2 million, but there's one Kamaka that didn't want to take the money, and that money's sitting in escrow for him.

"I believe that the military has tried to be a good steward of the land. I think that this resolution goes too far. There's some comment in there that they should return this land for agricultural use. There are literally hundreds of acres in Waikane and Waiahole that are not being used for ag right now. They are very good, but there are no farmers that are really using them to their maximum ability to farm. So I just believe that the military knows what they have. The community knows the situation. There are many farmers there that have plenty of land of their own to farm. I just believe that this resolution is going too far. Thank you."

Representative Ching 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 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 a no vote for him, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," was adopted, with Representatives Finnegan, Fox, Halford, Leong, Marumoto, Meyer, Moses, Pendleton and Thielen voting no, and with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1547-04) recommending that S.C.R. No. 133, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 133, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representatives Takumi and Takai, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1548-04) recommending that S.C.R. No. 131, SD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 131, SD 1, be adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I'm standing up in strong support for SCR Number 1548, regarding robotic education.

"The reason I'm standing in strong support is because with this robotics that we have, and especially coming from our rural community like Waialua High School, and basically the demise of sugar. And basically when you have demise in business, you don't have really strong forces that support activities. What this robotics program has done for Waialua is that it has put them on the map. When they went to the western regional competition and they scored high in the last couple of years. They were here a couple of times.

"Also what it does is it enhances and takes a look at mathematics and science. And being an engineer and also a colleague of mine from Mililani, we appreciate when we are able to enhance what we have here. And it's not only Waialua, who has performed well, is affected by this program. We have schools like McKinley and Waipahu, who have taken advantage of what it does. It helps the scientific field by allowing the sectors of Oahu and the State of Hawaii to help these young kids to nurture and also it provides a very good technical background. For these reasons, I stand in strong support. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 131, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1549-04) recommending that S.C.R. No. 92, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 92, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1550-04) recommending that S.C.R. No. 114, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 114, be adopted, seconded by Representative Lee.

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

Representative Caldwell's written remarks are as follows:

"Madame Speaker, I rise in strong support of this resolution.

"Madame Speaker, my constituents in Manoa Valley strongly support putting Paradise Park into constructive use. The Manoa Neighborhood Board No. 7, the American Association of University Women, Honolulu Branch, and Malama O Manoa are all organizations that have unanimously adopted resolutions endorsing the release of these funds for the purchase of Paradise Park.

"As you know, Madame Speaker, the 2002 Legislature authorized and appropriated \$5.5 million for the 2003 state budget for the purchase of Paradise Park. The money actually was released to the University of Hawaii by then-Governor Cayetano.

"However, due to a technicality, the money was returned to DAGS for reauthorization. Governor Lingle has not yet released these funds and instead asked in her supplemental budget that these funds be eliminated from the budget.

"The University of Hawaii has plans on board to create a Pacific Center for Ecosystem Science, a facility that will help to sustain Hawaiian and other tropical ecosystems, attract significant external funding, and be the premier conservation

biology research and training center in the Asia-Pacific. The University has chosen Paradise Park as the ideal site for this exciting new project.

"I believe, Madame Speaker, that you mentioned the importance of this issue on your opening remarks of the 2003 State Legislature.

"Some may be concerned that, by granting this money, the Legislature will be obligated to further appropriate monies year after year to maintain such a project. However, this body has been assured by Director of the University of Hawaii's Center for Conservation Research and Training, that the University has identified federal, as well as private sources, to fund the costs to operate such a facility so no additional state moneys would be necessary to fund operations. In fact, we have been told that the Center has already secured a \$9,000,000 National Science Foundation grant to establish field stations throughout the State over the next three years.

"We have a valuable opportunity here, Madame Speaker. The proposed Center will serve as a unique model by bringing together State and federal government agencies, non-profit organizations such as the Nature Conservancy and the Bishop Museum, as well as the University faculty and students and enhance the State's ability to address the highest priority conservation/environmental issues.

"This Environmental Center will not only help further the knowledge of preserving and enhancing the sustainability of Pacific island ecosystems, but it will also have implications for developing health concerns. Potentially it may identify ways to mitigate emerging infectious diseases by better understanding the "ecology" of diseases such as SARS and West Nile virus, as well as potentially developing new pharmaceuticals even more potent than antibiotics on the market today.

"In addition, Madame Speaker, the Center at Paradise Park may house other research programs which have the potential for significant multi-million dollar grants including a possible \$80,000,000 grant to be given over twenty years from the National Science Foundation for a National Ecological Observatory Network.

"However, without a "home base" site such as Paradise Park, Hawaii will be severely handicapped in securing these moneys and fortifying its reputation as the world's premier location for tropical research.

"Therefore, Madame Speaker, it is for these reasons and many others that I ask you and our colleagues to vote to support this resolution and urge the Governor to release these funds."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 114, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1551-04) recommending that S.C.R. No. 136, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 136, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH THE ASIA-PACIFIC RISK



MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say 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. 1552-04) recommending that S.C.R. No. 45, SD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 45, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A ONE YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1553-04) recommending that S.C.R. No. 49, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 49, be adopted, seconded by Representative Lee.

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:

"Madame Speaker, I rise in support of S.C.R. 49. Pain management has been a neglected area in health care in both our State and the country. In particular, members of underserved populations can find themselves without adequate pain management. Pain can be difficult to treat, and many health care providers who are excellent providers in every other respect can find themselves struggling in treating their patients' pain. This is why offering continuing education on pain management is so important – our providers need this education if they are to be able to fully and effectively provide care that is needed by the residents of our state.

"It is impossible to discuss pain management without mentioning the connected issues of end of life care and physician-assisted suicide. For many people, unmanageable pain is what they most fear about the end of their lives, and this fear is a big driver of support for physician-assisted suicide. In truth, there is very little pain that is truly unmanageable; it is just that far too few providers have the training and education they need to know how to adequately manage pain. Offering continuing medical education in pain management addresses this gap and should do much to improve end of life care in Hawaii. With more effective pain management, we can be confident that those who desire physician-assisted suicide are not seeking it because of untreated pain. That would be an important step forward in our public discussion of that issue. For all of these reasons, I am pleased to support this resolution.

"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.C.R. No. 49, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFERING OF CONTINUING MEDICAL EDUCATION ON PAIN MANAGEMENT," was adopted,

with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1554-04) recommending that S.C.R. No. 27, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR FEDERAL LEGISLATION AUTHORIZING THE IMPORTATION OF PRESCRIPTION DRUGS," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1555-04) recommending that S.C.R. No. 56, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1556-04) recommending that S.C.R. No. 40, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA "PEARL CITY" INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was adopted, with Representatives Hiraki, Nakasone, M. Oshiro and Say being excused.

## CONFERENCE COMMITTEE REPORTS

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2704, HD 1, presented a report (Conf. Com. Rep. No. 51-04) recommending that S.B. No. 2704, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51-04 and S.B. No. 2704, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," was deferred for a period of 48 hours.

Representatives Schatz, Hiraki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2909, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 52-04) recommending that S.B. No. 2909, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-04



and S.B. No. 2909, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," was deferred for a period of 48 hours.

Representatives Hiraki and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2951, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 53-04) recommending that S.B. No. 2951, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-04 and S.B. No. 2951, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2786, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 54-04) recommending that H.B. No. 2786, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-04 and H.B. No. 2786, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," was deferred for a period of 48 hours.

Representatives Hamakawa and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2834, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 55-04) recommending that S.B. No. 2834, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55-04 and S.B. No. 2834, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3185, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 56-04) recommending that S.B. No. 3185, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56-04 and S.B. No. 3185, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was deferred for a period of 48 hours.

Representative Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2077, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 57-04) recommending that S.B. No. 2077, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57-04 and S.B. No. 2077, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," was deferred for a period of 48 hours.

Representatives Kahikina and Shimabukuro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2926, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 58-04) recommending that S.B. No. 2926, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58-04 and S.B. No. 2926, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," was deferred for a period of 48 hours.

Representatives Kahikina and Shimabukuro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2928, HD 2, presented a report (Conf. Com. Rep. No. 59-04) recommending that S.B. No. 2928, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59-04 and S.B. No. 2928, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," was deferred for a period of 48 hours.

## SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Hiraki, Nakasone, M. Oshiro and Say were excused.)

## RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative Lee and carried. (Representatives Hiraki, Nakasone, M. Oshiro and Say were excused.)

H.B. No. 2206, HD 1 (SD 1)  
H.B. No. 2301, HD 1 (SD 1)  
H.B. No. 2375, HD 1 (SD 1)  
H.B. No. 2397, HD 1 (SD 1)  
H.B. No. 2645, HD 2 (SD 2)  
H.B. No. 2748 (SD 1)

## FINAL READING

The following bills were 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 the following House bills, seconded by Representative Lee and carried. (Representatives Hiraki, Nakasone, M. Oshiro and Say were excused.)

H.B. No. 1824 (SD 1)  
H.B. No. 1839, HD 2 (SD 2)  
H.B. No. 1893, HD 2 (SD 1)  
H.B. No. 1991, HD 1 (SD 1)  
H.B. No. 2092, HD 2 (SD 2)

H.B. No. 2098, HD 1 (SD 2)  
 H.B. No. 2140, HD 1 (SD 1)  
 H.B. No. 2147, HD 1 (SD 1)  
 H.B. No. 2223 (SD 1)  
 H.B. No. 2363, HD 1 (SD 2)  
 H.B. No. 2421 (SD 1)  
 H.B. No. 2569 HD 1 (SD 1)  
 H.B. No. 2749 (SD 1)  
 H.B. No. 2871 HD 2 (SD 1)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

#### **H.B. No. 1824, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1824, on the following showing of Ayes and Noes:

Ayes, 2 (Hiraki and Herkes). Noes, none. Excused, 1 (Finnegan).

Representative Saiki moved that H.B. No. 1824, SD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Madame Speaker. In opposition.

"We all know that when that time comes, plumbers are very important individuals in our lives. However, I am puzzled at the need for a license to be renewed every three years. If you are a plumber, I don't believe the science of plumbing is changing that fast. Thank you, Madame Speaker."

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

"Yes, Madame Speaker, also in opposition.

"I'm puzzled too because I understand the requirement for renewal for the triennium renewal is not going to begin until July 1, 2009. Maybe I'm reading it wrong. And yet we're having the established date for renewal to begin in 2006 instead of 2007. So maybe I'm confused about the bill. Maybe somebody can straighten me out. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1824 and H.B. No. 1824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," passed Final Reading by a vote of 45 ayes to 5 noes, with Representatives Fox, Jernigan, Meyer, Moses and Ontai voting no, and with Representative Hiraki being excused.

#### **H.B. No. 1839, H.D. 2, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1839, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Arakaki, Herkes, Hamakawa and Takamine). Noes, none. Excused, 1 (Stonebraker).

Representative Saiki moved that H.B. No. 1839, HD 2, SD 2, pass Final Reading, seconded by Representative Lee.

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

"I just want to publicly acknowledge the introducer of the bill, the Representative from North Hawaii, for introducing this far-reaching bill that will help many people in the State of Hawaii. Thank you, Madame Speaker."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1839, H.D. 2 and H.B. No. 1839, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAIN PATIENTS BILL OF RIGHTS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

#### **H.B. No. 1893, H.D. 2, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1893, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Takai, Takumi and Takamine). Noes, none. Excused, 1 (Ontai).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1893, H.D. 2 and H.B. No. 1893, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

#### **H.B. No. 1991, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1991, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Arakaki, B. Oshiro, Nishimoto and Finnegan). Noes, none. Excused, 1 (Ito).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1991, H.D. 1 and H.B. No. 1991, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

#### **H.B. No. 2092, H.D. 2, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2092, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Arakaki, Herkes and Caldwell). Noes, none. Excused, 1 (Marumoto).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2092, H.D. 2 and H.B. No. 2092, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," passed

Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

**H.B. No. 2098, H.D. 1, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2098, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Arakaki, Herkes, B. Oshiro and Caldwell). Noes, none. Excused, 1 (Ching).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2098, H.D. 1 and H.B. No. 2098, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

**H.B. No. 2140, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2140, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Hiraki and Lee). Noes, none. Excused, 1 (Marumoto).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2140, H.D. 1 and H.B. No. 2140, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

**H.B. No. 2147, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2147, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Hiraki and Lee). Noes, none. Excused, 1 (Marumoto).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2147, H.D. 1 and H.B. No. 2147, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

**H.B. No. 2223, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2223, on the following showing of Ayes and Noes:

Ayes, 3 (Hiraki, Herkes and Ito). Noes, none. Excused, 1 (Stonebraker).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2223, and H.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

**H.B. No. 2363, H.D. 1, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2363, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hiraki, B. Oshiro and Sonson). Noes, none. Excused, 1 (Stonebraker).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2363, H.D. 1 and H.B. No. 2363, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

**H.B. No. 2421, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2421, on the following showing of Ayes and Noes:

Ayes, 3 (Hiraki, Herkes and Marumoto). Noes, none. Excused, none.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2421, and H.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

**H.B. No. 2569, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2569, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hiraki, Herkes and Marumoto). Noes, none. Excused, 1 (Kanohe).

Representative Saiki moved that H.B. No. 2569, HD 1, SD 1, pass Final Reading, seconded by Representative Lee.

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

"I'd like to make a brief comment in support.

"Madame Speaker, I rise in support of this measure because House Bill 2569 will prohibit items made of seashells from being labeled "Niihau" if not 100% made of Niihau shells and made within the State. As we are moving ahead in strengthening our economy, we must include our native Hawaiians to be a part of this historical movement. This bill takes a small step towards that direction.

"Specifically, this bill would protect the Native Hawaiian Niihau shell product businesses on Niihau from other businesses using the term "Niihau" on their products when in fact their products do not comprise of seashells harvested from the island of Niihau, its waters, or beaches; and are not fabricated, processed, or manufactured entirely within the State. In addition, this bill allows labeling that indicates the percentage of Niihau shell content if the item contains at least 80% Niihau shells and is made entirely in the State.

"The Native Hawaiian Niihau shell product businesses on Niihau are known for their craftsmanship and selection of pristine shells from their island. The policy behind this measure is to protect Hawaii businesses, especially native Hawaiian businesses from being taken advantage of by businesses using the term "Niihau" for their products. After all, customers pay hundreds, even thousands of dollars for Niihau shell products. Hawaiian cultural products are becoming more and more popular in the global economy as Hawaii in itself is a brand name. Besides retail businesses, with e-commerce on the Internet, the potential for abuse is even greater.

"Therefore, I created House Bill 2569 to help protect our Hawaii businesses, especially those owned by our Native Hawaiian brothers and sisters. Thank you."

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

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

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

Representative Kanoho rose in support of the measure and asked that the remarks of Representative Karamatsu 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 House agreed to the amendments proposed by the Senate to H.B. No. 2569, H.D. 1 and H.B. No. 2569, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

#### H.B. No. 2749, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2749, on the following showing of Ayes and Noes:

Ayes, 3 (Takamine, Kawakami and Magaoay). Noes, none. Excused, 1 (Bukoski).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2749, and H.B. No. 2749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

#### H.B. No. 2871, H.D. 2, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2871, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Arakaki, M. Oshiro and Takumi). Noes, none. Excused, 1 (Leong).

Representative Saiki moved that H.B. No. 2871, HD 2, SD 1, pass Final Reading, seconded by Representative Lee.

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

"I publicly want to thank Chris Gaugen, a parent from the Big Island who saw a problem at the public school her child attends and for the children who attend the school. And she helped to initiate this measure. And she persisted from last year to this year, to see that this measure got passed and hopefully enacted. So I think this is a tribute to what parents can do on behalf of their children and to improve education in the schools. Thank you, Madame Speaker."

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

"Thank you. Also in strong support. And I ask that the words of the Chair of Health be entered as my own," and the Chair "so ordered." (By reference only.)

Representative Ching continued, stating:

"I also wanted to add that with children, often times it's not what I say, but what I do. So not what you tell them, but rather what they see you do. And so I think that this measure is very important in that the children don't see other people, adults smoking on public school properties. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2871, H.D. 2 and H.B. No. 2871, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Final Reading by a vote of 50 ayes with Representative Hiraki being excused.

At 8:21 o'clock p.m., Representative Halford requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:22 o'clock p.m.

At 8:23 o'clock p.m., the Chair noted that H.B. Nos. 1824, SD 1; 1839, HD 2, SD 2; 1893, HD 2, SD 1; 1991, HD 1, SD 1; 2092, HD 2, SD 2; 2098, HD 1, SD 2; 2140, HD 1, SD 1; 2147, HD 1, SD 1; 2223, SD 1; 2363, HD 1, SD 2; 2421, SD 1; 2569, HD 1, SD 1; 2749, SD 1; and 2871, HD 2, SD 1 had passed Final Reading.

#### ANNOUNCEMENTS

Representative M. Oshiro: "Madame Speaker, I'm asking for the waiver of the 24-hour notice requirement to convene a conference on several House Bills for decision making," and the Chair "so ordered."

Representative M. Oshiro: "This is HB No. 1780, Relating to Employment; HB No. 2025, Relating to Equal Pay; HB No. 2408, Relating to Insurance. The three measures will be discussed on Friday, April 30, 2004 at 12 o'clock p.m. in Conference Room 225."

Representative M. Oshiro: "Madame Speaker, I also need to ask for a waiver to open a Conference Committee meeting on SCR No. 127. This is again for Friday, April 30, 12 o'clock p.m. in Conference Room 225. Senate Concurrent Resolution is Requesting the Department of Human Resources Development to Delay the Implementation of the Elimination of the Social Worker Series. Thank you," and the Chair "so ordered."

Representative Takamine: "Thank you, Madame Speaker. Madame Speaker, I request waiver of the 24-hour Conference notice requirement. This would be for the purpose of opening Conference Committee on SB No. 3182, HD 1, Relating to the State of Hawaii," and the Chair "so ordered."

Representative Takamine: "Thank you very much. And Madame Chair, there will be a Conference tomorrow, Friday, April 30, at 11 a.m. in Room 309 on this measure. Thank you."

At this time, Representative Lee moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representative Hiraki was excused.)

At 8:26 o'clock p.m., on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 6:30 o'clock p.m., Friday, April 30, 2004. (Representative Hiraki was excused.)

#### CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 60-04 through 89-04) were received by the Clerk prior to 12:00 o'clock midnight this legislative day and the following action taken:

Conf. Com. Rep. No. 60-04 and S.B. No. 473, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 61-04 and S.B. No. 2887, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 62-04 and S.B. No. 2839, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 63-04 and S.B. No. 2606, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 64-04 and S.B. No. 3170, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 65-04 and S.B. No. 1238, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 66-04 and S.B. No. 2056, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 67-04 and S.B. No. 2200, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 68-04 and S.B. No. 2425, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 69-04 and S.B. No. 2716, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 70-04 and S.B. No. 2538, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 71-04 and S.B. No. 2671, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 72-04 and S.B. No. 2790, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 73-04 and S.B. No. 2791, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 74-04 and S.B. No. 3086, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 75-04 and S.B. No. 2968, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 76-04 and S.B. No. 2063, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 77-04 and S.B. No. 2358, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 78-04 and S.B. No. 3092, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 79-04 and H.B. No. 1756, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 80-04 and H.B. No. 1710, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 81-04 and H.B. No. 1786, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 82-04 and H.B. No. 2911, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 83-04 and H.B. No. 1929, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 84-04 and H.B. No. 2049, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 85-04 and H.B. No. 1820, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 86-04 and H.B. No. 2143, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 87-04 and H.B. No. 2773, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 88-04 and H.B. No. 2774, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 89-04 and H.B. No. 2074, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 6:30 o'clock p.m., Friday, April 30, 2004.

#### HOUSE COMMUNICATIONS

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on March 30, 2004, for the following House bill:

H.B. No. 2206, HD 1, SD 1

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 2, 2004, for the following House bill:

H.B. No. 2375, HD 1, SD 1

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 6, 2004, for the following House bill:

H.B. No. 2397, HD 1, SD 1

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 1, 2004 and has this day passed the following bills on Final Reading:

H.B. No. 2140, HD 1, SD 1

H.B. No. 2147, HD 1, SD 1

H.B. No. 2421, SD 1

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 2, 2004 and has this day passed the following bill on Final Reading:

H.B. No. 1824, SD 1

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 7, 2004 and has this day passed the following bills on Final Reading:

H.B. No. 1991, HD 1, SD 1

H.B. No. 2223, SD 1

H.B. No. 2098, HD 1, SD 2

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 13, 2004 and has this day passed the following bills on Final Reading:

H.B. No. 1839, HD 2, SD 2

H.B. No. 1893, HD 2, SD 1

H.B. No. 2092, HD 2, SD 2

H.B. No. 2363, HD 1, SD 2

H.B. No. 2569, HD 1, SD 1

H.B. No. 2749, SD 1

H.B. No. 2871, HD 2, SD 1

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 15, 2004 and has this day passed the following bills on Final Reading:

H.B. No. 2301, HD 1, SD 1  
H.B. No. 2645, HD 2, SD 2  
H.B. No. 2748, SD 1

House Communication dated April 29, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House and has this day passed the following bills on Final Reading:

H.B. No. 2578, HD 1, SD 2, CD 1  
H.B. No. 2322, HD 1, SD 2, CD 1  
H.B. No. 1828, HD 1, SD 1, CD 1  
H.B. No. 2022, HD 2, SD 1, CD 1  
S.B. No. 3207, SD 2, HD 2, CD 1  
H.B. No. 1860, HD 1, SD 2, CD 1  
H.B. No. 1774, HD 2, SD 2, CD 1  
H.B. No. 2741, HD 1, SD 1, CD 1



## FIFTY-EIGHTH DAY

Friday, April 30, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 6:43 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representatives Dennis A. Arakaki and Michael P. Kahikina, after which the Roll was called showing all members present with the exception of Representatives Leong, Nakasone, Pendleton, Souki, Takamine and Takumi, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 190, and 214 through 218) were announced by the Clerk and the following action taken:

Gov. Msg. No. 214, informing the House that on April 30, 2004, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution; and transmitting her statement of concerns relating to the measure as follows:

H.B. No. 2004, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES." (ACT 040)

"EXECUTIVE CHAMBERS  
HONOLULU  
April 30, 2004

## STATEMENT OF CONCERNS REGARDING HOUSE BILL NO. 2004

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

I will allow House Bill No. 2004 entitled "A Bill for an Act Relating to the Illegal Use of Controlled Substances" to become law without my signature.

This bill clearly has merit. It aims to provide the State and the counties with financial support to battle the crystal methamphetamine ("ice") epidemic. This bill funds intervention efforts, prevention, treatment efforts, and enhanced judicial programs in an effort to halt the spread of this dangerous and socially damaging drug.

HB 2004 appropriates \$14,702,419 for drug prevention and treatment programs as part of the Legislature's spending plan. Regrettably, it does so without considering the availability of fiscal resources. The Legislature's disregard of sound budgeting principles requires that I carefully consider these appropriations, together with monies appropriated in the regular State budget, to ensure that the State's budget is balanced. This will need to be done in the context of addressing the legitimate "ice" abatement goals of our community.

This bill uses monies from three funding sources to pay for the \$14.7 million in proposed expenditures. The largest amount, over \$13 million, would be appropriated from general funds that are not included in the State's financial plan. Accordingly, these appropriations will stress available

resources and must be weighed against other statewide priorities.

The second source is the Emergency Budget Reserve Fund (EBRF). A total of \$1.15 million would be taken out of this account. The EBRF was created to provide the State a critical reserve of monies during an emergency period, a severe economic downturn, or an unforeseen and drastic reduction in State revenues. The Emergency Fund was not intended to provide money for valid programs that are ongoing in nature, such as substance abuse treatment facilities. These centers should not have to wait anxiously from year to year not knowing until the eleventh hour whether they will be accommodated by dipping into the emergency reserves. Furthermore, funding drug prevention and treatment operations in this manner erodes the emergency account. Bond rating agencies point out that maintenance of this fund at about 5 percent of general fund revenues, or approximately \$190 million, is considered the level for an effective reserve. The fund's current balance of \$54.3 million is considerably below this prudent goal.

The third source of funding is the Environmental Response Revolving Fund. \$300,000 would be removed from this fund to examine the effects of "ice" labs. Using these monies for this purpose is, at best, a "stretch" since the purpose of this revolving fund was to earmark money for cleaning up oil spills.

I am also concerned that some of the appropriations made in this bill are inadequate to fulfill the Legislature's mandates. For example, funding appropriated to the Department of Public Safety to expand its canine drug interdiction program would only cover the costs of one dog and not the handler. Similarly, the Department of Public Safety has also pointed out that \$125,000 will not be sufficient to implement drug assessments for the inmate population they must process.

Despite these concerns, my Administration recognizes the importance of drug prevention and treatment programs. HB 2004 appropriates funds for the expansion of the highly successful drug court program, which is supported by the Law Enforcement Community. This bill also provides funding for the neighborhood-based Weed and Seed Program. However, support of this latter program may be problematic as the bill requires that a representative of the Attorney General chair a steering committee that already exists and must be chaired by the United State Attorney General, not the State Attorney General. Furthermore, the bill requires that the program establish an account for legislative appropriations, federal funds, and private contributions as a condition of receiving legislative funding. We must point out this provision cannot be implemented because the federal government prohibits the co-mingling of federal funds with other funds. I urge the Legislature to take the necessary actions next year to correct these flaws in the Weed and Seed Program funding mechanism contained in this bill.

For the foregoing reasons, I will allow House Bill No. 2004 to become Act 40, effective April 30, 2004, without my signature.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 216, informing the House that on April 30, 2004, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution;

and transmitting her statement of concerns relating to the measure as follows:

H.B. No. 1800, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." (ACT 041)

"EXECUTIVE CHAMBERS  
HONOLULU  
April 30, 2004

#### STATEMENT OF CONCERNS TO HOUSE BILL NO. 1800

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

I will allow House Bill No. 1800, "A Bill for an Act Relating to the State Budget," to become law on April 30, 2004, without my signature. This action is taken pursuant to Section 16 of Article III of the State Constitution.

This bill provides \$7.9 billion in total operating appropriations, including \$3.9 billion in general fund appropriations for fiscal year 2004-2005. This bill also proposes expending \$1.3 billion for capital improvement projects, of which \$566 million would be funded through the issuance of general obligation bonds.

House Bill No. 1800 represents the largest part of the fiscal puzzle that is being pieced together in the final days of the Legislative session. But it does not represent the total picture, and therein lies the problem. There are over 50 appropriations bills and over 15 revenue bills in various stages of enactment that will impact the State's bottom line. Until all these various proposals are acted upon, taxpayers will not know what the total price tag will be.

Further, House Bill No. 1800 reflects only half the fiscal equation. It is a spending plan. It does not provide an approach or a plan that takes into consideration the long term financial health of our State, especially the projected deficits of the following fiscal biennium.

Our State is at a critical juncture in its economic recovery. A hallmark of my Administration has been fiscal responsibility. As such, in December 2003 my office provided a clear, well thought out, and prudent budget. It also included a balanced financial plan that covered a six-year period between now and fiscal year 2009. This budget was subsequently updated in mid-April to reflect what the State could responsibly afford in collective bargaining raises for the HGEA and other bargaining units still under negotiation at that time.

In its rush to pass House Bill No. 1800, the Legislature ignored our mid-April budget plan. The Legislature also made budget adjustments that had no logic, such as deleting 54 permanent and 27 temporary full-time federally funded positions. This bill also eliminates funding for the John A. Burns School of Medicine which is scheduled to open in Kakaako in the spring of 2005. Additionally, House Bill No. 1800 adversely impacts funding for a court-mandated program and did not fund repairs for the Molokai irrigation system. As a result of the Legislature's hasty action, we were asked by the Chairman of the Senate Ways and Means Committee to submit a "fix-it" budget bill, which we did last week.

We are now at the deadline to take action on House Bill No. 1800. Ironically, this is the same day the Legislature is considering the "fix-it" budget bill my Administration submitted on April 26, 2004.

What this sequence of events illustrates is that the Legislature has acted without a comprehensive, multi-year financial framework. Continuing in this vein is simply not the responsible thing to do. Furthermore it leads to short term fixes that result in long term adverse consequences.

It is the Governor's role to exercise fiscal discipline in the management of State resources. I take this role seriously. This means that not all of the programs funded in House Bill No. 1800 can or will receive the amounts appropriated in this bill. It means that some high profile and popular programs may be reduced and others may have to wait while more urgent or legally mandated programs are funded first. And it means that not all the organizations expecting grants-in-aid and CIP projects will get the dollars they lobbied for this year.

We are on the verge of a bright future in the State of Hawaii. For the first time in years economic indicators are looking strong, unemployment is at a low of 3.8 percent, the business community is optimistic, the outside financial community has given us good bond ratings, and our citizens feel a bit better off. As former Governor Ariyoshi aptly pointed out, "We have the opportunity to manage when times are good. We can only react when times are bad."

It is in these good times that it becomes essential to manage the State's resources in a prudent, conservative, but sensitive manner. By carefully exercising the control of funds appropriated by House Bill No. 1800, I will work to maintain the reputation of sound fiscal management our state is now beginning to enjoy. It is for these reasons that I am allowing House Bill No. 1800 to become law as Act 41, effective April 30, 2004 without my signature.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 217, informing the House that the following bill was signed into law on April 30, 2004:

H.B. No. 2280, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS." (ACT 042)

Gov. Msg. No. 218, informing the House that on April 30, 2004, pursuant to Section 16 of Article III of the State Constitution, she is transmitting the following bill with specific appropriation items stricken or reduced and her official statement of objections to those specific appropriation items contained in the bill, as follows:

H.B. No. 2743, HD 2, SD 1, CD 1: entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS."

"EXECUTIVE CHAMBERS  
HONOLULU  
April 30, 2004

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2743

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2743, entitled "A Bill for an Act Relating to Non-General Funds."

The stated purpose of this bill is to transfer moneys from certain special and revolving funds to the general fund, including setting up a mechanism to "automatically" take money out of the Tobacco Settlement Special Fund and the State Parking Revolving Fund at the end of each fiscal year.

This bill is a manifestation of the questionable financial practices that have plagued the State for too long. Using moneys out of special funds to pay for ongoing expenses, such as arbitrated pay raises, is further evidence that the State is living beyond its means. This is not unlike a family taking money out of the children's college fund or an IRA account to pay its grocery bills. This practice must cease if we are to ensure the State's long-term fiscal health and well-being.

While I believe this practice should not continue over the long term, I realize that without some use of these moneys, the biennium budget will remain out of balance. Of the transfers of money made by this bill, I object to the following transfers, because I believe that these transfers will most severely compromise the ability of the State to carry out legally mandated programs:

1. The \$800,000 transfer from the Animal Quarantine Special Fund to the general fund. While the Legislature determined that there was \$800,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, I believe that a reduction of that magnitude would deplete this fund by fiscal year 2006 and cause the quarantine operations to close down. The impact on the health of our community by this action cannot be overstated.

2. The \$900,000 transfer from the Agricultural Loan Reserve Fund to the general fund. While the Legislature determined that there was \$900,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, this action would cripple the Department of Agriculture's ability to provide loans to farmers in the event of natural disasters, such as the recent floods experienced on all islands.

3. The \$3,000,000 transfer from the Special Land and Development Fund to the general fund. While the Legislature determined that there was \$3 million in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, taking this action would severely impact our ability to manage our parks, recreational, and conservation areas.

4. The \$12,500,000 transfer from the State Highway Fund to the general fund. This fund provides moneys critical to the repair and maintenance of our state highways. The recent flooding that has caused serious disrepair to our roadways is ample evidence of the need for these moneys. Additionally, money in this fund can be utilized to match federal highway dollars in a 20 percent to 80 percent ratio. Thus, taking \$12.5 million in highway funds is equivalent to the State losing \$50 million.

Section 5 of Article VII of the State Constitution provides that "[n]o public money shall be expended except pursuant to appropriations made by law." The removal of money from the special and revolving funds constitute expenditures of that money from those special and revolving funds and must be authorized by "appropriations made by law." While this bill uses the term "transfer" to authorize the removal of money out of various special and revolving funds, these authorizations to remove money by "transfers" are "appropriations made by law" within the requirement of Section 5 of Article VII of the State Constitution. Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended

by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same." Because of the foregoing objections, I have taken the following actions pursuant to my line item veto authority:

1. Stricken out the \$800,000 special fund appropriation out of the Animal Quarantine Special Fund on page 1, line 6 and changed it to \$0.

2. Stricken out the \$900,000 special fund appropriation out of the Agricultural Loan Reserve Fund on page 1, line 12 and changed it to \$0.

3. Stricken out the \$1,500,000 special fund appropriation out of the Special Land and Development Fund effective July 1, 2004 on page 5, line 15 and changed it to \$0.

4. Stricken out the \$1,500,000 special fund appropriation out of the Special Land and Development Fund, effective January 1, 2005, on page 6, line 1 and changed it to \$0.

5. Stricken out the \$11,000,000 special fund appropriation out of the State Highway Fund, effective January 1, 2004, on page 6, line 7 and changed it to \$0.

6. Stricken out the \$1,500,000 special fund appropriation out of the State Highway Fund, effective June 29, 2005, on page 6, line 13 and changed it to \$0.

For the foregoing reasons, I am returning House Bill No. 2743 with the special fund appropriations for fiscal year 2004-2005 set forth above, totaling \$17,200,000, stricken from the bill.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

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ORIGINAL

HOUSE OF REPRESENTATIVES  
TWENTY-SECOND LEGISLATURE, 2004  
STATE OF HAWAIIH.B. NO. 2743  
H.D. 2  
S.D. 1  
C.D. 1

## A BILL FOR AN ACT

RELATING TO NON-GENERAL FUNDS.

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

## PART 1

SECTION 1. The legislature determines that there is in the animal quarantine special fund at least \$800,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the animal quarantine special fund to the general fund the sum of ~~\$800,000~~ <sup>\$0.22</sup> or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 2. The legislature determines that there is in the agricultural loan reserve fund at least \$900,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the agricultural loan reserve fund to the general fund the sum of ~~\$900,000~~ <sup>\$0.22</sup> or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 3. The legislature determines that there is in the stadium special fund at least \$600,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the stadium special fund

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to the general fund the sum of \$600,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 4. The legislature determines that there is in the state motor pool revolving fund at least \$1,000,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the state motor pool revolving fund to the general fund the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 5. The legislature determines that there is in the state identification revolving fund at least \$300,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the state identification revolving fund to the general fund the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 6. The legislature determines that there is in the medicaid investigations recovery fund at least \$500,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the medicaid investigations recovery fund to the general fund the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2004-2005.

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SECTION 7. The legislature determines that there is in the research subaccount of the tourism special fund at least \$200,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the research subaccount of the tourism special fund to the general fund the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 8. The legislature determines that there is in the foreign-trade zones special fund at least \$400,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the foreign-trade zones special fund to the general fund the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 9. The legislature determines that there is in the Aloha tower fund at least \$750,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the Aloha tower fund to the general fund the sum of \$750,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 10. The legislature determines that there is in the Hawaii community development revolving fund at least \$10,000,000 in excess of the requirements of the fund. On

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July 1, 2004, the director of finance is authorized to transfer from the Hawaii community development revolving fund to the general fund the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 11. The legislature determines that there is in the dwelling unit revolving fund at least \$10,000,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the dwelling unit revolving fund to the general fund the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 12. The legislature determines that there is in the human resources development special fund at least \$150,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the human resources development special fund to the general fund the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 13. The legislature determines that there is in the environmental response revolving fund at least \$500,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the environmental response revolving fund to the general fund the

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1 sum of \$500,000 or so much thereof as may be necessary for  
2 fiscal year 2004-2005.

3 SECTION 14. The legislature determines that there is in  
4 the environmental management special fund at least \$2,000,000 in  
5 excess of the requirements of the fund. On July 1, 2004, the  
6 director of finance is authorized to transfer from the  
7 environmental management special fund to the general fund the  
8 sum of \$2,000,000 or so much thereof as may be necessary for  
9 fiscal year 2004-2005.

10 SECTION 15. The legislature determines that there is in  
11 the special land and development fund at least \$1,500,000 in  
12 excess of the requirements of the fund. On July 1, 2004, the  
13 director of finance is authorized to transfer from the special  
14 land and development fund to the general fund the sum of  
15 ~~\$1,500,000~~ <sup>\$0.22</sup> or so much thereof as may be necessary for fiscal  
16 year 2004-2005.

17 SECTION 16. The legislature determines that there is in  
18 the special land and development fund at least \$1,500,000 in  
19 excess of the requirements of the fund. On January 1, 2005, the  
20 director of finance is authorized to transfer from the special  
21 land and development fund to the general fund the sum of

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1 ~~\$1,500,000~~ or so much thereof as may be necessary for fiscal  
2 year 2004-2005.

3 SECTION 17. The legislature determines that there is in  
4 the state highway fund at least \$11,000,000 in excess of the  
5 requirements of the fund. On July 1, 2004, the director of  
6 finance is authorized to transfer from the state highway fund to  
7 the general fund the sum of ~~\$11,000,000~~ <sup>\$0.22</sup> or so much thereof as  
8 may be necessary for fiscal year 2004-2005.

9 SECTION 18. The legislature determines that there is in  
10 the state highway fund at least \$1,500,000 in excess of the  
11 requirements of the fund. On June 29, 2005, the director of  
12 finance is authorized to transfer from the state highway fund to  
13 the general fund the sum of ~~\$1,500,000~~ <sup>\$0.22</sup> or so much thereof as may  
14 be necessary for fiscal year 2004-2005.

15 PART 11

16 SECTION 19. Section 28-15, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18 " (c) All unencumbered and unexpended moneys in excess of  
19 ~~(\$1,000,000)~~ \$500,000 remaining on balance in the tobacco  
20 enforcement special fund at the close of June 30 of each year  
21 shall lapse to the credit of the state general fund.

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SECTION 20. Section 107-11, Hawaii Revised Statutes, is amended to read as follows:

'§107-11 Parking; control by comptroller. (a) The comptroller may assess and collect reasonable fees for parking for all government officials and employees, install parking meters, and restrict and otherwise control parking on all state lands within the comptroller's jurisdiction.

(b) The comptroller may make such rules ~~and regulations~~ as may be found necessary to carry out the objects and provisions of this section relating to the control and restriction of parking on all lands of the State which are within the comptroller's jurisdiction. The rules ~~and regulations~~ shall be ~~(promulgated)~~ adopted as provided in chapter 91.

(c) Any person who violates any of the rules adopted by the comptroller shall be fined not more than \$50 for each violation; provided that a person violating any provision of part III of chapter 291, or any rule adopted thereunder, shall be guilty of a traffic infraction under chapter 291D and shall be fined or otherwise penalized in accordance with part III of chapter 291.

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1 The comptroller is authorized to confer the powers of  
2 police officers, including the power to serve and execute  
3 warrants, arrest offenders, and serve notices and orders, to  
4 employees of the department of accounting and general services  
5 who are engaged as special officers to enforce this section.

6 (e) There is hereby created a fund to be known as the  
7 "state parking revolving fund" which shall be used to carry out  
8 the purposes of this section. Such amounts shall be expended by  
9 the comptroller from the fund, as may be necessary, to defray  
10 the cost of paving parking areas, the purchase and installation  
11 of parking meters and the operation thereof, and of other  
12 parking facilities on state land within the comptroller's  
13 jurisdiction. The state parking revolving fund shall be  
14 ~~utilized~~ used to conform with the special fund depository  
15 requirements under section 39-62 for all revenues and user taxes  
16 received as the result of the issuance of any state parking  
17 facility undertaking or loan program revenue bonds.

18 (f) All fees, charges, and other moneys collected pursuant  
19 to this section, and all revenues and user taxes received  
20 pursuant to section 39-62 as the result of the issuance of any  
21 state parking facility undertaking or loan program revenue bonds  
22 shall be deposited in the state parking revolving fund.

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1 (g) All moneys in excess of \$500,000 remaining on balance  
2 in the state parking revolving fund on June 30 of each fiscal  
3 year shall lapse to the credit of the state general fund. On  
4 July 1 of each year, the director of finance is authorized to  
5 transfer any excess funds in the state parking revolving fund to  
6 the state general fund.  
7  
8 PART III  
9 SECTION 21. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.  
SECTION 22. This Act shall take effect on June 30, 2004.

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[This section left blank.]

Gov. Msg. No. 215, transmitting the following bill without her approval, and her statement of objections relating to the measure as follows:

H.B. No. 2003, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES."

"EXECUTIVE CHAMBERS  
HONOLULU  
April 30, 2004

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2003

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2003, entitled "A Bill for an Act Relating to the [Illegal] Use of Controlled Substances."

The purpose of this bill is to implement the recommendations of the Joint House-Senate Task Force on Ice and Drug Abatement that was created to address the epidemic proportion of crystal methamphetamine ("ice") use in Hawaii. This omnibus measure contains provisions that meet this purpose. However, it also contains provisions that would exacerbate the problem of "ice" abuse in Hawaii.

Favorable provisions of this bill include increasing the prison sentence for those who manufacture drugs in the presence of a child, amendments to the drug paraphernalia law that would make it easier for law enforcement officials to prosecute these cases, and amendments that provide the Hawaii Paroling Authority with discretion in determining whether parole should be revoked for violations involving illegal drugs. In addition, the bill partially restores sentencing judges' discretion to impose a jail sentence with regard to certain drug convictions. The bill also addresses the need for substance abuse treatment by mandating parity in health insurance plans allowing substance abuse to be treated like other medical conditions.

Although these provisions are a step in the right direction, they are unfortunately outweighed by other egregious provisions. For example, there are provisions in this bill that would actually reduce the penalty for manufacturing "ice" and make the penalty for manufacturing small quantities of "ice" less than the penalty for manufacturing small quantities of other dangerous drugs. As "ice" manufacturing is a more serious problem in Hawaii than the manufacture of other dangerous drugs, this change in the law would be particularly inappropriate. Currently, manufacturing less than one-eighth of an ounce of methamphetamine is a class A felony with a mandatory minimum term of not less than ten years during which time the convicted person is not eligible for parole. Under this bill, that crime is reduced to a class B felony with a mandatory minimum term of only three years. Moreover, manufacturing that same quantity of any other dangerous drug remains a class A felony. Thus, if this bill were enacted into law, manufacturing small amounts of every dangerous drug except "ice" would be a class A felony. This would not represent good public policy.

Furthermore, the bill even reduces the mandatory minimum sentence for manufacturing large quantities of "ice" from ten years with no possibility of parole to a sentence of five years. This is unacceptable. This is also inconsistent with one of the avowed purposes of this bill: to "deter the proliferation of drug trafficking" with regard to "ice." If we are to successfully

intervene in the availability of "ice," these provisions should not be allowed to become law.

This bill is also objectionable because it overturns the Hawaii Supreme Court's decision (*State of Hawaii v. Smith*, 103 Haw. 228, 81 P.2d 408 (2003)) that requires drug users with multiple felony convictions to be sent to jail. To the contrary, this bill provides drug users with multiple felony convictions the possibility of not serving even one day in jail. This is a matter of poor public policy, because other criminals with multiple prior offenses would be given a mandatory prison sentence.

Other objections to this bill include its disregard of the counties' home rule. As currently drafted, the bill infringes upon the zoning powers of the counties by exempting drug rehabilitation homes from land use ordinances that establish guidelines from these homes. The bill provides that, with regard to any drug rehabilitation home accommodating up to ten persons, "no conditional use, permit, variance, or special exception shall be required for a residence used as a drug rehabilitation home." The bill also provides that such a drug rehabilitation home "shall be considered a residential use of property and shall be a permitted use in residentially designated zones including . . . zones for single-family dwellings" (emphasis added). There is no provision that allows homeowners and residents any procedure to challenge a decision to place a drug rehabilitation home in their neighborhoods.

This bill also amends the zero tolerance in public schools law by mandating that students caught, for example, selling drugs be assessed for treatment and given treatment, if needed, rather than being suspended from school (except for a possible ten-day "crisis suspension"). The provision ties the hands of the Department of Education in disciplining students who possess, sell, or use drugs. Furthermore, the Department may be unable to implement the proposed revision, because not all schools have certified substance abuse treatment counselors on staff and because there may well be an inadequate number of programs to which students can be referred.

Further, the provisions, as written, would result in two students who have engaged in exactly the same behavior to be punished differently. A student who sells drugs who DOES NOT need drug treatment is still subject to the "zero tolerance policy." However, a student who sells drugs who DOES need drug treatment is NOT subject to the "zero tolerance policy." In fact, the student with the drug problem is better off for disciplinary purposes than the student without the drug problem, because the bill states that "the child shall not be excluded from school and all disciplinary action shall be deferred" (emphasis added). The bill further provides that upon completion of the treatment program, all records of disciplinary action relating to the original offense shall be expunged. We should not enact legislation that, in effect, tells our children that being addicted to drugs is an effective way avoid discipline or maintain a clean disciplinary record.

Moreover, we should not say that a student who deals large quantities of drugs, for example, cannot be suspended just because the student needs treatment. And, the provision appears to bar the zero tolerance policy even for a student who is caught selling drugs a second or third time.

House Bill No. 2003, in short, is a collection of provisions that are internally inconsistent, result in conflicting outcomes, and are, in some instances, inconsistent with good public policy. There are certain laudable provisions in the bill. I would hope they could be reenacted without those provisions that are steps backward rather than forward.

For the foregoing reasons, I am returning House Bill No. 2003 without my approval.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

Representative Saiki moved to override the veto of H.B. No. 2003, HD 1, SD 1 as contained in Gov. Msg. No. 215, seconded by Representative Lee.

Representative Stonebraker rose, stating:

"I'd like to vote no on the override."

The Chair responded, stating:

"Roll call will be requested for all of us on this vote since it is an override."

Representative Thielen rose, stating:

"Thank you, Mr. Speaker. Mr. Speaker, this is a procedural question. I would like to know whether or not the Governor's Statement of Objections to HB No. 2003 will be printed in their entirety in the Journal."

At 7:36 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:36 o'clock p.m.

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

"Thank you, Mr. Speaker. The House Clerk confirmed that the Governor's Statement of Objections to House Bill 2003 will be included in their entirety and in the Journal. I wanted to make sure that this would happen. Mr. Speaker, I'm speaking against the override of the Governor's veto.

"Thank you. I wanted to make certain that this would happen because it is tremendously important that the Members in this Chamber read this now if they have it before them on their desk. But that they read the Governor's veto message to see why it is important that that veto stand. To act and override the Governor's veto without having gone through in detail her reasons for vetoing the bill, I think would be a serious mistake.

"Mr. Speaker, I'm not sure if all of the Members have had an opportunity to look at that, but it might be appropriate to take a recess so that they could read this before they cast such an important vote on this matter."

The Chair responded, stating:

"I believe the Members of this House have had adequate time in reviewing the Governor's Message that was recorded prior. So at this point, the Chair will not call a recess, Representative Thielen.

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

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



"Mr. Speaker, Hawaii needs help and this Legislature has responded with a measure that for the first time provides a comprehensive package of laws to deal with the ice epidemic. This bill is a product of months of hard work by Members of this Legislature.

"Last year, the Ice Task Force spent nearly 80 hours meeting with people all over the State. We took their concerns and crafted a measure that became HB No. 2003, the omnibus ice bill. The measure before you represents hours of hard work, creative thinking, struggle, and most importantly compromise. No one got everything they wanted. But in the end, the people of Hawaii got what they so desperately need, a concrete plan to fight the ice epidemic. And now this bill faces a veto by the Administration.

"This past year, the Administration also attempted to come up with a plan to fight the ice problem. Like our own Ice Task Force, they went out, gathered community input. They held a drug summit at the Sheraton Waikiki. The result, entitled, A New Beginning, consists of 11 recommendations and a 10-step action plan that begins with, 'clarify the vision,' and ends with, 'draft an action plan.' In other words, the Administration has nothing but a plan to do more planning.

"Governor Lingle, Lieutenant Governor Aiona, where is your plan? Instead, in her veto message, the Governor and Lieutenant Governor voiced four criticisms of the ice bill that they claim made bad policy. None of their criticisms are valid. None of their criticisms justify this veto. None of their criticisms are worthy of defeating this bill.

"First the Lieutenant Governor said in a press conference that this bill encourages illicit drug manufacturers because it reduces the penalties for ice manufacturing. What the Lieutenant Governor failed to point out is that this bill creates four new offenses with harsh penalties for drug activities relating to ice and amends the drug paraphernalia law to discourage sales of these items.

"The Governor failed to mention that the new meth trafficking offense creates much harsher penalties for ice dealers than the current law. If an ice dealer sells more than an eighth of an ounce of ice, that dealer will serve a minimum of 5 years in prison. If a dealer hurts someone in the process, that dealer serves 10 years. If a dealer has any prior felony drug conviction, that dealer has a life sentence with a 15-year minimum. The same penalties, Mr. Speaker, apply to ice manufacturers.

"While the Governor criticizes the penalties for manufacturers, the Public Defender criticizes harsh penalties for dealers. During the Ice Task Force hearings, we heard from law enforcement that the biggest problems were the drug dealers. That ice entered Hawaii from across the ocean, therefore we focused on deterring the proliferation of ice by creating harsher penalties for ice dealers and impose the same penalties for manufacturers. This was a sound policy decision.

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

Representative Hamakawa continued, stating:

"Thank you. Second, the Governor criticizes the change to the law that diverts non-violent, first-time, drug offenders to treatment rather than prison. When Act 161 was passed, it was never the intent of the Legislature that repeat offenders would be automatically excluded from treatment diversion. Unfortunately, the statute was not clear and this led to confusion in the court.

"The Supreme Court ruled that repeat offenders are not eligible for treatment diversion. This bill restores the original legislative intent. But more importantly, Mr. Speaker, this bill gives the court discretion to determine whether a person should be sent to drug court, drug treatment, or prison.

"The Governor did not fault this part of the bill. Yes, Governor, it is possible, for a non-violent, drug offender with a prior offense to be sent to drug court rather than to jail. As a matter of policy, these matters are better left to the court's discretion after a thorough review of the offender's history and drug addiction, rather than by the Legislature or the police or the prosecuting attorney.

"Third, the Governor complains that the 'clean and sober' homes are exempt from county regulations and violates homerule. Nothing in this bill is intended to usurp the county's authority in this area. This bill only treats clean and sober homes in the same way as any other licensed facility regulated by the county that serves the mentally ill, the disabled, or the elderly.

"Families, treatment providers, and recovering addicts asked for more facilities for 'clean and sober' homes. They felt that to be successful in recovery, the drug addict needed to be placed outside of the environment that led to the drug use. This bill, Mr. Speaker, responds to that need.

"Fourth, the Governor objects to the amendment to the zero tolerance policy that requires students to be suspended for nearly a year if caught with drugs. Families and treatment providers complained about the student discipline policy that put kids on the street rather than helping them with their drug abuse.

"Adolescent treatment and prevention is our highest priority, Mr. Speaker. We must end drug addiction by preventing our youth from walking down the path of addiction.

"In a previous bill, we allocated \$3 million for school based treatment programs. How can we justify turning students onto the street who are suffering from drug abuse or addiction? Suspension of students for drug addiction is fundamentally wrong.

"Mr. Speaker, HB No. 2003 provides a comprehensive plan to attack ice on all fronts, through prevention, treatment, and punishment. It is a real package of concrete measures. Not a plan to do more planning.

"It provides a procedure for civil commitment, which will allow people to intervene when a family member is addicted to ice but won't seek treatment. It requires health insurers to treat substance abuse just like any other physical disease or illness. It provides needed coverage for drug treatment. It protects our children by creating longer prison sentences for those who manufacture ice in the presence of children and for those who use minors to sell their drugs. In addition, HB No. 2003 provides special protections for citizens who fight back against drug houses in their neighborhoods. It also calls for the Department of Public Safety to mobilize community effort.

"Mr. Speaker, I personally attended all of the hearings and most of the site visits conducted by the Task Force. I heard the community speak. I listened to their ideas, their problems, their suggestions, and their pain. I don't know who the Governor and Lieutenant Governor spoke to or what they heard. But I do know that everyone I listened to said that we are in a crisis. They say that our government failed to act. They say that this failure to act caused the ice problem to grow to epidemic proportions. They say that we must do something now. We

cannot wait another year. We can't wait for another study, more committees to review data, or for more input.

"The Governor and Lieutenant Governor failed to come up with a plan after the Drug Summit. Unlike the Lieutenant Governor, the Legislature came up with a plan. It's contained in this bill, Mr. Speaker. HB No. 2003 attempts to address the most critical issues. Nobody likes everything about this bill."

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

Representative Hamakawa continued, stating:

"But that's the nature of compromise. As legislators, we know that we can't always agree on even the simplest measures, but Hawaii can't wait for a 100% agreement on how to stop the ice epidemic. HB No. 2003 is not intended to be the entire solution. It is intended to be the first big step toward abating the ice epidemic. Most importantly, it is a plan to respond to the community's concerns.

"Governor Lingle, Lieutenant Governor Aiona, it's time that you join the fight against ice, but since you are not willing to join us, then don't stand in the way of what the people of Hawaii wants. I urge my colleagues to override the Governor's veto. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition to this effort to override the Governor's veto.

"Mr. Speaker, this bill is fake reform and should be opposed on that basis. Beyond that it is basically a bluff on the subject of being tough on the crackdown on ice. And let me just go over some of the points that will back up that assertion.

"The most important flaw in this bill is Section 11 and the Governor referred to it in her veto message which the Chair of Judiciary Committee somewhat passed over. This bill is objectionable because it overturns the Hawaii Supreme Court's decision, *State of Hawaii v. Smith*, that requires drug users with multiple felony convictions to be sent to jail. To the contrary, this bill provides drug users with multiple felony convictions the possibility of not serving even one day in jail.

"Mr. Speaker, we are talking about people who come before the judge for crimes other than committing drugs. They are headed for jail because their multiple felony convictions mean that they will go to jail according to the law. The law that is presently in effect.

"Under Section 11, we overturned the ability to send that person to jail or to prison if they happen to possess crystal methamphetamine. They are then diverted from jail, where they should be going, to treatment, simply because they have crystal methamphetamine in their possession. This is what Judge Marie Milks called the 'get-out-of-jail-free' card. She was upset about it. Her appeal went to the Supreme Court. And the Supreme Court upheld Marie Milks' view that this was a mistake. And for some reason, the folks writing this law that you are about to vote for overturns the wisdom of the Supreme Court, the wisdom of Judge Marie Milks, saying look if you're a multiple felony, if convicted for multiple felonies, you're headed for jail, you should go to jail. You can get your treatment in jail, but you should be off the street. You shouldn't be robbing the homes of law-abiding citizens while you get your treatment. You've already proven you're a criminal, you belong in jail. That's where you should be. Point

number one as to why this is a fake reform. A bluff on the reform subject.

"Point number two. This bill does a lot about how much ice you have and how that's going to send you to jail under certain circumstances. You have to be selling. It has to be possession with an intent to distribute. If you don't have the intent to distribute it, mere possession will not put you in jail, contrary to the Model Penal Code that was in effect from 1996 to 2001 and it is still in effect for repeat offenses in this area. So where as prior, you were definitely going to prison for possession. Current, you're going to prison if you're possessing on the second charge or longer, now you have the ability not to go to prison.

"On the question of whether somebody with possession of drugs is headed for prison when it comes before the City Prosecutor, the City Prosecutor, Peter Carlisle said, 'Look, if it's only possession and we're required to prove intent to distribute in order to send the person to prison, in two out of three cases we won't even go through the effort to book them on intent to distribute. It's just going to be too hard to prove.' So when it looks tough, it really isn't."

"Point number 3. People who are headed for prison under previous conditions are now going to be sent to treatment. These are people on probation or parole who commit violations that would otherwise send them to prison. Now this bill that you're voting on tonight, will require that they go to prison."

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

Representative Fox continued, stating:

"This is another way that the current law that would take ice users, who are criminals, and I'm talking about only ice users who are criminals. People who've been previously convicted and who are violating the terms of their parole or violating probation, instead of giving them treatment in prison where they should get their treatment, they're going to be put back on the streets. Would they show up for treatment? Maybe they don't go again. What does the law do? It lets them off yet again. It's just unbelievable that we would have such an irresponsible law headed for enactment.

"Now, we've heard many words tonight about how the Governor and Lieutenant Governor has failed to provide strong measures to deal with ice. That is just absolutely false. The most important thing to deal with ice was to pass a law to enable us to wiretap the same way the federal government does. We thought we had a consensus on this. That bill is not moving. The Lieutenant Governor and the Governor are alarmed that that provision is not moving. And this is absolutely relevant to my point about how weak this bill is."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. I'm sorry, the statements are out of context."

Representative Fox continued, stating:

"I'm sorry, the context is that the Lieutenant Governor and the Governor are doing something to fight ice. They had a good bill. You guys shot it down. It should be part of this package. It could have been right in HB No. 2003. It could have been right there.

"And finally, the main provisions that would enable the State to keep up with the federal government and do the same sort of convicting that the federal government can do when people

grant permission under 'Walk and Talk' and 'Knock and Talk' to be searched, voluntary granting of permission, perfectly legal in the U.S. Supreme Court, we wanted to even it up so the same took place under State law, that was part of the Governor and Lieutenant Governor's package. We would have really been fighting ice if we had those provisions. Unfortunately we're not. We've got a fake reform bill. It's a bluff reform bill. Things are going to get worse under this bill, not better. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In very strong support.

"Mr. Speaker, at the hearing we talked about 'Walk and Talk' and I asked the Attorney General if he had ever seen anybody go through 'Walk and Talk', he said no. If he knew anybody that had ever gone through 'Walk and Talk', he said no. And I described what happened to my family, and I would like to have what I said that when we voted on this bill before put into the record," and the Chair "so ordered."

Representative Herkes continued, stating:

"When we went around the State and talked to police departments, we said, 'When you go through security, you waive your right to search and seizure, why don't we catch those guys going outbound?' They said, 'Oh, we're not a bit interested in outbound. All we're interested in is inbound.' I said, 'So you don't care?' And I asked this of every police department in this State. They don't care how many drugs go from Oahu to Kauai. No, all they're interested in is inbound. And that really bothered me.

"And then the other thing that we talked about and we put in, which the Chair of Judiciary didn't mention in his speech, was the drug dogs. And we've already talked about that. How much more effective they are than 'Walk and Talk'. 'Walk and Talk', only one out of ten at most, but we haven't heard about those nine families that are impacted by 'Walk and Talk' that aren't carrying any drugs and the impact on them because they're just so relieved to have it behind them that they don't complain.

"And we also heard about earlier, where you can mask the smell of ice and the drug dogs can't detect it. Well we had the demonstration right upstairs with a drug dog that hit on ice. And I think what we've done in this bill, where we've really addressed the demand side rather than overcompensating on the supply side, is the right way for this State to go. And I urge the Members to vote for this bill."

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

"Thank you, Mr. Speaker. In opposition to the override.

"Mayor Harris and some of your Body was up there today and heard it. But Mayor Harris and his Administration object to this bill. And contrary to what we heard on the Floor a few minutes ago, they stated it does circumvent the County ordinances, even those relating to health and safety. They said they wouldn't be able to inspect electricity, water, sanitation. They couldn't say there were too many cars on the street blocking traffic because there wasn't enough parking spaces. And all this relates to these houses. Without any City input, they couldn't make sure they were okay as far as fire codes, occupancy limits, none of that. They would have absolutely no say with this bill. So I think that your Body should be alarmed at that too. And I don't see how you can pass something out that the City says and I'm sure the other counties are going to

have the same problem, they won't be able to maintain any regulations at all.

"We have areas right now that cannot be patrolled by police. Like the Villages of Kapolei, which I'm sure you're aware of. And we have a lot of trouble there because people can speed race through crosswalks when the children are there and police cannot do anything. They cannot investigate crime. They can't do anything because that is not their jurisdiction. It's considered private property because it's State property. Well these houses are the same kind of thing. The City has no jurisdiction over them. That includes police, Mr. Speaker.

"Now also, the Attorney General, the prosecutors, the courts, and the public defenders all urge that this measure be vetoed. All. From both sides. That's from the law enforcement side, from the prosecuting side, from the public defender's side. I've never seen that before in my life. I've just never seen that where all sides are opposed to a measure. So I know you're going to do it, you're going to override the veto, but I think that there's going to be consequences to pay for it. And you're going to hear about it in the future. You may be here to correct it. Or we may be here to correct it. But it's going to be corrected. Thank you, Mr. Speaker."

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

"I rise in support of the motion.

"But first of all, I just wanted to address some of the prior comments. I'm actually flabbergasted when I hear people talk about the wisdom of the Supreme Court. Because already in this Session, what we've done is take up two constitutional amendments because we don't agree with the Supreme Court. Later on in that same argument, we talk about 'Walk and Talk' and how we can't have it. That's a Supreme Court case, that's Quino. And basically Quino never said we can't have 'Walk and Talk.' All they said was if you're going to do it, you have to do it according to the Constitution because people seem to forget our Hawaii State Constitution is different than the federal Constitution. We have specific, specific privacy protections. That's in Article I, Section 6. That is not found in the federal Constitution. Privacy is deemed under this idea called a 'penumbra'. But when our Founding Fathers ..."

Representative Fox rose to a point of order, stating:

"Point of order, Mr. Speaker. Could the speaker address you?"

The Chair addressed Representative B. Oshiro stating:

"Representative Blake Oshiro, could you address me since I'm handsome. No, I'm only kidding."

Representative B. Oshiro continued, stating:

"I'm sorry. But it actually, the federal Constitution talks about this idea of a 'penumbra'. And that's really an implied right. But in Hawaii, we have it as a specific right because we wanted to make sure our citizens are protected. And that's why the Judiciary Committee was very careful when it came to ideas such as wiretap. Because in SB 2447, what we did was we crafted the bill because we needed to make sure it met our constitutional privacy protections. The bill as submitted basically just inserted the federal government statute. You can't just do that because our Constitution is different. So we made changes and unfortunately, for some reason, the Senate has not agreed with our changes and that's why the bill has stopped. It's not that we in the House have made any attempts

to refuse this idea. We've given in. We've modified the bill to meet our constitutional protections.

"Now I wanted to address the criticisms of Section 7. Basically, I think people have talked about how they can't believe the Prosecutor hates the bill. They can't believe that the PDs don't like this bill. That some of the defendant advocates don't like this bill. And they've never heard this idea that all these people come together don't like a bill and therefore we're still going to override it because we believe that it is good public policy. I've heard that many of times in this Body when we say if everybody doesn't like a bill, maybe it's actually pretty good. And that idea is never more solidified when it comes to criminal procedure. Because what you have are two people on totally opposite sides. They will always have contrasting views. The prosecutor on this side will always say we need mandatory minimums, we need more tools, we need to be assured that these people are locked away. You will have the public defender on the other side saying we need to protect the rights of the citizens because it's not only the defendant, it's everybody. We need to fund Act 161 because that's the only way we're going to be breaking the cycle of addiction.

"So we have these two totally different ideas, mandatory minimums on one side, and mandatory drug treatment on the other side. What this bill does is find a middle ground because I think what we've all come to realize is when we have a prosecutor before us, when we have a public defender before us, the best person to be the judge is not us, it's actually the Judge. So that's what we've done. We've empowered the Judges. We've empowered the Paroling Authority. So that when the individual comes before them, they can take a look at that specific case and see if that person really has a commitment, the drive, the dedication necessary to overcome this addiction. And the courts are given the tool of Drug Court so that even if the person messes up a little bit, you still have a 'carrot and a stick' in Drug Court. You can send the person back into jail for one to two days, bring them out, and tell them, did you learn your lesson? Are you going to be okay? Then maybe clean themselves up. You watch them, you monitor them, that's what Drug Court is. And although someone had said the courts oppose this bill, when you read the Judiciary's testimony on House Bill Number 2003, they say the exact opposite. What they say is ..."

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

Representative B. Oshiro continued, stating:

"Thank you. They say that this bill does some great things because it puts the power in the hands of the person that knows best, the Judge. And that is really what we're trying to do by this bill. And so I really must address the criticisms of Section 11. I think that is one of the best parts of this bill. We tried to find a careful balance because it is quite difficult.

"I also wanted to address the criticism having to do with us perhaps minimizing the sentences. I think people need to take a closer look at what we did and reframe the perspective. Because what we did was we took a look at the federal law. Basically, 21 USC, Section 844. And what we did was we followed the federal model in the way that they regulate and criminalize drug offenses because what we realized was our existing sections of the criminal code really don't properly address the problems that we are facing in our communities. When the Ice Task Force went out, what they heard was, sure there are manufacturers out there but the primary problems are the drug houses. The primary problems are the dealers, the traffickers that are pushing out this drug. Because they are getting it imported from many places throughout Mexico, California, over in the Asian Pacific region. And that's how the

drug is coming in. There are some manufacturers, but not as much as there is trafficking.

"And that is why we needed to reframe the way that we did our criminal code. And if people take a careful look at what we tried to do, we tried to target that behavior and elevate that kind of criminal offense to the same level as you would for a manufacturer because currently in the law, it is not. So I think that if you really take a look at the law, in light of how the federal government does it, what we've done is strengthen it. And what we more so did was we provided harsher penalties than even the federal government does in their statute. So for those reasons, I stand in strong support and I urge my colleagues to support this."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the override.

"I just don't know how speakers can say that we're getting tougher on ice. Currently, the law, before this bill passes, manufacturing less than one-eighth of an ounce of methamphetamine is a Class A felony with a mandatory minimum term of not less than ten years during which time the convicted person is not eligible for parole. Under this bill, Mr. Speaker, that crime is reduced to a Class B felony. We are not getting tougher on people dealing and manufacturing ice. We are going the opposite direction. Moreover, manufacturing that same quantity of any other dangerous drug, I would imagine that's even marijuana, that will remain a Class A felony, with the exception of ice. And ice, it will only be a Class B felony.

"This bill is touted as the tool to deter the proliferation of drug trafficking. I don't see anything in here that really abates drug trafficking. The things that we needed for that were 'Walk and Talk', was the wiretap law. We have some tough penalties for people manufacturing with children. This is not something that happens very often. As the Vice Chair of Judiciary said, there's not that much manufacturing going on here, it's trafficking, it's dealing. Lots of dealers, lots of small dealers, who right now, with the law the way it's written, will have probation and go to drug treatment.

"Another really troubling thing about this bill is the disregard of the counties' homerule. Other speakers have touched on it, but I think it is well to read what it actually is doing. As currently drafted this bill infringes upon the zoning powers of the counties by exempting drug rehabilitation homes from land use ordinances that establish guidelines for these homes. The bill provides that with regard to any drug rehabilitation home accommodating up to ten persons, no conditional use permit, variance, or special exception shall be required for a residence used as a drug rehabilitation home.

"The bill also provides that such a drug rehabilitation home shall be considered a residential use of property and shall be permitted a permitted use in residentially designated zones including zones for single family dwellings.

"The bill calls for a public hearing. This doesn't get very specific about it, but it clearly states that these homes are exempted from the City and County ordinances. Right now, the ordinance in the City and County, just if you had, never mind a rehabilitation home, just to have five unrelated people, that's the maximum you can have in a home. This takes it up to ten. I don't think that there are a lot of our people in the State of Hawaii, that are not spending their time down here are aware that we are even considering doing this. As a Representative, I would get numerous calls in the past for homes, say an Oxford House home, and people couldn't believe that they didn't have

to go through some special process in order to put a home like that in their neighborhoods. So all of a sudden now, we got it up to ten people. And really people can't do anything about it. We have decided what the highest best use is.

"I could support this bill if I saw anything in it that I thought was going to stop the selling, the dealing, stop the drugs. But I don't see anything here. There's nothing for law enforcement. It's just sort of a 'feel good' bill. And it's not going to do anything that my constituents are asking for. I don't know about other legislators going to meetings, but at all the town hall meetings that I went to, people were asking for us to do something to stop these drug houses, stop the dealing, stop the guy down the road from stripping cars and staying up all night. And this doesn't do it. Thank you."

Roll call having been approved, the motion to override the veto of H.B. No. 2003, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," as contained in Gov. Msg. No. 215, was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 35: Representatives Abinsay, Arakaki, Chang, Evans, Hale, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kaho'ohalahala, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Mindo, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tamayo, Wakai and Waters.

Noes, 13: Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Marumoto, Meyer, Moses, Ontai, Stonebraker and Thielen.

Excused, 3: Representatives Caldwell, Leong and Pendleton,

At 8:12 o'clock p.m., the Chair noted that the motion to override the veto of H.B. No. 2003, HD 1, SD 1, as contained in Gov. Msg. No. 215 was carried.

Gov. Msg. No. 190, transmitting the following bill without her approval, and her statement of objections relating to the measure as follows:

H.B. No. 1797, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY."

"EXECUTIVE CHAMBERS  
HONOLULU  
April 27, 2004

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1797

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1797, entitled "A Bill for an Act Relating to Optometry."

The purpose of this bill is to allow optometrists to use and prescribe therapeutic pharmaceutical agents, including steroidal agents, for all disorders of the human visual system, to administer injections for anaphylaxis, and to treat glaucoma. Since many serious systemic illnesses affect the eye, the bill would allow optometrists to prescribe a wide range of medication.

This bill is objectionable because it constitutes a significant relaxation of current restrictions and raises health and safety concerns. The training that optometrists receive is less than the rigorous instruction physicians are required to receive to gain prescriptive authority in the State of Hawaii. For example graduates of University of Hawaii's John A. Burns School of Medicine, after four years of extensive medical training, are required to undergo an additional year of residency before they are allowed to independently prescribe medications.

Optometrists are required to complete a four-year degree program and to undergo additional instruction to use and prescribe a restricted class of medications. This bill would remove the restrictions on how optometrists use these medications for the treatment of serious eye diseases, such as corneal ulcers in children, or prolonged eye inflammations.

Time is of the essence in treating eye infections. If treated inappropriately or belatedly, the result could be severe complications, including blindness. According to the Hawaii Ophthalmological Society (HOS), there are 33 states that do not allow optometrists to prescribe oral steroids, 31 states that prohibit optometrists from prescribing oral anti-fungal medications, 18 states that prohibit optometrists from prescribing oral antibiotics, 27 states that prohibit optometrists from prescribing oral anti-virals, and 22 states that prohibit optometrists from prescribing non-steroidal anti-inflammatory medications.

While more narrow modifications of current law with appropriate safeguards might be acceptable, this bill goes too far in deleting the restrictions that have been in place on the use of topical steroidal agents and anti-viral agents. I, therefore, urge ophthalmologists, optometrists, and their respective boards, and the John A. Burns School of Medicine to establish appropriate guidelines for future legislative consideration. Because of the serious health and safety concerns associated with the sweeping relaxation of restrictions proposed by this bill, its enactment would not be in the best interest of the people of Hawaii.

For the foregoing reasons, I am returning House Bill No. 1797 without my approval.

Respectfully,

/s/  
LINDA LINGLE  
Governor of Hawaii"

Representative Saiki moved to override the veto of H.B. No. 1797 as contained in Gov. Msg. No. 190, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition.

"This was a well-thought out veto. This is based on the fact that to put the responsibility over inserting medicine in the eyes of patients based on the decision of people who are not trained medical practitioners, not medical doctors. To have that whole situation, the whole range of application of medicines for diseases of the eyes to be handled completely outside the field of medical doctors by a panel of optometrists, no ophthalmologist on the panel whatsoever, is an extreme measure.

"What we need instead is for the parties to come together. They are basically both very interested in proper care of the eyes. They should be able to work together as they have in many other states and come up with a compromised position that will take care of the needs of our population. It is very dangerous to have the people who aren't the medical doctors making the determination of what can and cannot be done. This really should involve the field of medical doctors as well as the people who are in the non-medical doctor profession. They should be brought together and come up with a common policy that they can both support.

"I think one of the things that was most persuasive to the Governor was the opposition of Dr. Cadman, the head of the University of Hawaii School of Medicine. He's very concerned about this bill and strongly recommended that it be vetoed. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition.

"I have some very dear friends that are optometrists. And after the override message I discussed it with them because they were very concerned. They did not want to see. I'm talking about the veto message, I'm sorry. After it was vetoed, they were very concerned. And after I discussed with them, what the veto message contained and the fact that the Governor did talk about a panel of doctors coming together with the optometrists and the pharmacists and the UH and talking about what they need to do to allow certain medicines to be prescribed. They seemed quite happy with that.

"I can tell you, Mr. Speaker, I'd be very concerned. I have a systemic disease. And what we're talking about here is allowing optometrist to dispense medicine for systemic diseases. That's very, very dangerous. And I know in the eye, it can cause blindness. So I'd be very concerned going to an optometrist knowing that they can put something in your eye that can cause severe damage to you throughout your body, not just your eye. Thank you, Mr. Speaker."

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

"Mr. Speaker, also in opposition. I will be voting no because I think this increases the scope of the practice of optometrists by giving them powers to write prescriptions. And according to the testimony we heard from doctors, who they have a far greater degree of clinical training and even if they graduate from med school are still unable to write prescriptions until they have at least one year of pharmacological training. So I have full faith in my optometrist in prescribing my prescription glasses and my contact lenses, but when it comes to oral antibiotics and writing prescriptions, I think I would leave that to my doctor. Thank you very much."

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

"Thank you, Mr. Speaker. I'd like to speak in strong support of the override.

"Thank you, Mr. Speaker. Your Committee on Health of course held hearings on this measure, and we found out that examinations by optometrists account for approximately 70% of all routine eye examinations performed in this country. And since the optometrists are often the very first medical professional to detect an ocular problem or disease, this measure will facilitate early and timely treatment by an appropriately trained professional. In other words, Mr.

Speaker, in terms of improving the health of our people, I think this will enable what we call the primary care provider for the eye to provide more services and to treat immediately, which I think is very important. And I think even the Governor's message acknowledges that.

"The other part that I wanted to point out is that Hawaii is only one of three states in the United States in which optometrists are unable to treat glaucoma. And glaucoma is the second leading cause of blindness in the United States and the first leading cause of preventable blindness. It is estimated that over 3 million Americans have glaucoma, but only half of them know that they have it. And approximately 120,000 are blind from glaucoma accounting for 9% to 12% of all causes of blindness in the United States. So Mr. Speaker, I think in terms of prevention and early detection, this will provide much needed assistance to the people of Hawaii. And I would urge everyone to support the override. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in strong support of this override.

"Thank you. I wanted to spend a few minutes explaining why I supported this and other optometric bills in the past. In 1994, I worked as a public health educator for the Department of Health. One of my responsibilities included appearing before legislative committees. In 1994, I had the opportunity to observe the debate between the MDs and the optometrists. I concluded in 1994, and what I conclude again today, that these eye doctors, otherwise known as optometrists, are professionals who deserve our support. Not surprisingly, the debate we hear today regarding why some believe that this bill is unnecessary is similar to the debates that I observed in 1994 as a spectator to this legislative process.

"I had some time to walk across the street to the State archives and was able to reread many of the testimonies during the discussion that occurred in 1994. That year, Dr. Leslie Wall, both an MD and an OD, an optometrist, and the then Dean of the College of Optometry at Pacific University said at the CPC hearing, and I quote:

I know that this topic is an emotional one, however, I feel that careful review will substantiate the fact that with proper education and training, modern optometry is safe and cost efficient.

"Vision Services Plan, VSP also testified in support of the optometrists that year. They mentioned three items that I believe are worth mentioning today. They said that expanding the scope for optometrist will, "improve the access for good patient care." Second, "there are substantial savings for these consumers and the cost of care from optometrists compared to the cost of ophthalmologists." And third, "there's no jeopardy in the loss of any form or health and safety for these patients."

"House Bill 2456, in 1994 attempted to bring Hawaii up to national standards. In the mid-1990s, 37 states allowed optometrists to use therapeutic pharmacological agents for the treatment of eye disease. Hawaii, in 1994 was dead last. Unfortunately, the medical lobby was successful in 1994 and that bill was killed.

"As an observer to this legislative process, I was disappointed that the Legislature chose not to follow the lead of 37 other legislative bodies that allowed for an expansion of optometric privileges. Because of this, one of the very first commitments I made as a Legislator in 1994, was to introduce and support a similar bill.



"I bring up the debates in 1994 only to underscore that this issue has been with us for many years. In fact, Mr. Speaker, the debate on this topic goes back to 1985.

"In 1994, we were dead last in the nation. Today, ten years later, we are still dead last. Although we are tied with three other states.

"Today, 47 states plus the District of Columbia and Guam allow optometrists to treat glaucoma. Hawaii doesn't. And this bill, House Bill 1797 will allow optometrists in Hawaii to treat glaucoma.

"Today, 41 states, DC and Guam, allow optometrists to prescribe some form of oral medications to treat eye disease. Hawaii doesn't. And this bill will allow optometrists in Hawaii to prescribe oral medications to treat eye disease.

"Today, 26 states allow optometrists to use epi-pens for severe allergic reactions. Hawaii doesn't. And this bill will allow optometrists in Hawaii to administer epi-pens only for severe allergic reactions.

"I think the question ultimately comes down to this. What makes Hawaii optometrists less qualified than their colleagues on the mainland? Optometrists have been prescribing medication since 1976. The optometric scope of practice has increased significantly since then. And during that period, optometric malpractice has not shown any significant increases according to CNA who insures over 10,000 optometrists nationwide, including Hawaii. Obviously, the optometrists must be doing something right.

"Today, I received a copy of a letter from Marsh Affinity Group Service. This company has been marketing professional liability insurance coverage to optometrists nationwide in excess of 14 years. And this is what they say.

We do not see an identifiable correlation between topical or oral pharmaceutical drug usage and the frequency or severity of professional liability claims against optometrists."

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

Representative Takai continued, stating:

"Thank you.

We do see an identifiable correlation between the extent of such authority and the frequency or severity of professional liability claims against optometrists.

"And finally.

Because claims and premiums are so closely related to incidents of harm or injury to patients, we interpret this as a strong indication that neither the use of therapeutic drugs nor the extent of prescriptive drug treatment authority by optometrists has had a material effect on the professional liability exposure.

"People have brought up glaucoma and I just wanted to spend some additional time just on the glaucoma and I'll leave the rest for everybody else. But optometrists perform comprehensive eye exams for 70% to 80% of the population and diagnose glaucoma and glaucoma suspects daily. This disease must be treated early and aggressively to prevent future blindness.

"We asked the Hawaii Optometric Association for information regarding the states that have treated glaucoma or that can treat glaucoma. They contacted 35 of the 47 states that allow for the treatment of glaucoma. These states all say that there has been no increase in complaints.

"This is not a new idea. In fact, West Virginia was the first state to allow the treatment of glaucoma in 1976. North Carolina followed in 1977. Mr. Speaker, I can go on and on because I have the list here and I can list all the states that have done it. But short of that, I'll just say that every single state, except for Massachusetts, Vermont, and Hawaii, allow for this treatment. It's time that Hawaii does the same. It's time for us to get with the program. Mr. Speaker, I urge my colleagues to support this override.

"Mr. Speaker, one other thing, I would like to insert into the record a response by the Board of Examiners in Optometry, a letter to you, Mr. Speaker, in response to the Governor's objections. Thank you, Mr. Speaker," and the Chair "so ordered."

Representative Takai submitted the following:

"BOARD OF EXAMINERS IN OPTOMETRY  
STATE OF HAWAII  
PROFESSIONAL AND VOCATIONAL LICENSING  
DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER  
AFFAIRS  
P.O. BOX 3469  
HONOLULU, HAWAII 96801  
[www.hawaii.gov/dcca/pv/](http://www.hawaii.gov/dcca/pv/)

April 29, 2004

TO THE HONORABLE CALVIN SAY, SPEAKER OF THE HOUSE AND HOUSE MEMBERS:

**RE:BOARD OF EXAMINERS IN OPTOMETRY'S  
RESPONSE TO GOVERNOR'S MESSAGE  
OBJECTING TO H.B. No. 1797**

The Board of Examiners in Optometry ("Board") thanks you for this opportunity to submit comments to the Governor's Message objecting to H.B. No. 1797, relating to optometry. Please note that these comments do not reflect the opinion of the Department of Commerce and Consumer Affairs. The Board respectfully requests your favorable consideration of our following comments:

Governor Linda Lingle objected to H.B. No. 1797 for several reasons:

1. "The training that optometrists receive is less than the rigorous instruction physicians are required to receive to gain prescriptive authority in the State of Hawaii."

Board's Comments:

H.B. No. 1797 is an endorsement of the nationally accredited education, clinical training, and national board certification of today's optometrist. This expanded scope of practice is evidenced in 47 other states in which similar legislation has proven to be in the best interest and the safety of the public. Optometric education parallels dentistry in their length of training, and time spent in pharmacology, systemic disease, and drug interaction. General dentists prescribe independently, limited to their scope of treating and managing oral conditions.

2. "This bill would remove the restrictions on how optometrist use these medication."

Board Comments:



The removal of restrictions has occurred in most states over the past 15 years. There has been no subsequent repeal action due to inappropriate treatment or mismanagement on the part of optometrists. Optometrists are held to the same standard of care as primary care physicians. Optometrists will continue to liberally seek consultation and refer complicated ocular infections, prolonged inflammations, and surgical cases to ophthalmologists.

3. "Time is of the essence in treating eye diseases."

Board's Comments:

H.B. No. 1797 would allow well-educated and trained optometrists, who are widely distributed across this State, to save precious time through early diagnosis and the prescribing of appropriate treatment.

4. "Because of the serious health and safety concerns associated with the sweeping relaxation of restrictions proposed by this bill, its enactment would not be in the best interest of the people of Hawaii."

Board's Comments:

This bill is in line with the standard of care in the majority of states, and has been time tested for nearly 30 years in some states. Malpractice insurance rates have not significantly increased in states with similar laws. As stipulated in this bill, only those medications indicated for use in treating ocular conditions will be allowed.

The Board thanks you for this opportunity to submit its comments."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the override.

"It just amazes me that we equate an optometrist with an ophthalmologist. I mean the amount of training they've had is just so vastly different. An optometrist goes to school for about two years. I realize that they now get more training than they used to. But still, it's nothing like an ophthalmologist who goes to medical school for four years and then does resident work for another two or three years.

"I got a letter from a medical doctor just yesterday talking about the training that medical doctors get as far as prescribing drugs. And after they've been to medical school and had done at least a year of residents work, they cannot prescribe without the supervision of another doctor for at least a year.

"Now here we are going to give optometrists who are not medical doctors. They have not had any training in the entire body. So how are they to know how every drug affects the part of a body? And in this bill, they will be able to prescribe oral drugs and they will also be able to prescribe injectables. They haven't had anywhere near the training that these other physicians have had.

"This bill, when I was first elected, this optometrists' bill came up before Consumer Protection. And then that seemed ironic to me because I felt we are supposed to be protecting consumers. These consumers don't know an optometrist from an optician from an ophthalmologist. And anybody who calls himself a doctor, the average consumer thinks he's a doctor. They think they're medical doctors. But they are not medical doctors. They learn how to use all this fancy equipment and make them look in their eye and they can figure out whether you need glasses. And yes, they can now, they will be able to identify glaucoma.

"At those hearings, I will never forget, Dr. Malcolm Ng talking about a little girl that he had to remove an eye. Her mother took that girl to an optometrists, who in looking in the eye, couldn't identify, couldn't diagnose a cancerous growth in the eye of that child. He prescribed exercises for that child. Said she had a lazy eye. A problem. So as far as early detection, an optometrist is not trained to understand what he is seeing in every situation because he's not a medical doctor. By the time that child came to Dr. Ng, the one growth was too far and another one had started in the other eye.

"I think that as a member of Consumer Protection, I felt very strongly that we should be looking out for consumers. And the next year there was a big kind of a fight over opticians and optometrists. And tables had been turned a little bit. But this bill, as far as the formulary, it's kind of wide open. And there are no medical doctors that will be overseeing what the optometrists do. And I'm surprised when the Representative from Pearl City, I think, said that the optometrists have malpractice insurance and there have not been many claims. I would think once the scope of practice has been broadened so greatly, that they should carry malpractice insurance. And in the case of this little girl that Dr. Ng had to remove the eye, it's very clear that the optometrist was at fault but perhaps those parents, they were just glad she didn't die. I mean there was nothing brought against the optometrists. But if they want to be doctors, medical doctors, and do those things, they should go to medical school. They should get the degrees. There's much to be said about how the scope of optometry has been broadened so much in all the other states. But when you look at them more closely, each state, some of them only allows certain medicines, some you must have a doctor on the formulary board. They're not all the same.

"When I was in the Governor's Chamber when she vetoed this bill, afterwards I spoke to some optometrists and they were saying that they would welcome working with the ophthalmologists but the optometrists have decided to go the legislative route. Just lobby the heck out of the Legislature and get the scope of their practice broadened when they should be working with the medical doctors. And you come up with a better product. This I think we're being irresponsible. And we certainly are not watching out for consumer protection."

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

"I rise in support of the motion.

"And very briefly, I just have one point. I think the Governor's Message suggested the possibility of perhaps the doctors and pharmacists and optometrists getting together and maybe coming up with some guidelines. But I think what we've seen is that's probably not going to work. In the 2002 Session, HB No. 223, which became Act 164, what we exactly did was got rid of the Formulary Board because by the time these physicians, ophthalmologists, optometrists, and pharmacists could get together and agree on a drug that was proper to be allowed to be prescribed by optometrists it was basically an obsolete drug because pharmaceuticals are an ever-changing market. So we've already gone down that road. It's not working. So I don't believe that that was a reasonable request for modification. Thank you."

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

"Mr. Speaker, I rise to speak in support of the measure.

"I rise in support of this excellent consumer protection measure. Optometrists play an important role in the care of the eye for the great majority of our residents in Hawaii. They

receive a thorough education, which is vigorous and similar to that of dentists who prescribe independently.

"The bill in question will allow optometrists in our State to provide the accepted standard of care for infections and certain diseases of the eye. That's a very important point.

"The restrictions this bill remove have been lifted in most of the states during the past few years.

"The optometrist is the frontline practitioner in whom most island families put their trust for eye care. They are well-educated, they are well-trained. And they know when to refer patients to an ophthalmologist when it is indicated. In fact many work hand in hand with ophthalmologists.

"The majority of states, the District of Columbia, and Guam allow optometrists to treat glaucoma and administer oral medication. Half of the states permit the use of injectibles for anaphylaxis.

"As has been said by the Health Chair, examinations by optometrists account for 70% of all the eye exams performed in the United States. The optometrists may be the first medical professional to detect an ocular problem or disease. Not to give him the tools he needs is to deny the accepted standard of care for the consumer.

"By voting yes, we can make sure that the consumers have increased access to care, increased treatment options, and that these will be delivered in a timely manner. I urge the Member's support."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. My second time, still in opposition.

"I'll make it brief. I just want to try to point out something to this Body. I can't take a flu vaccine. Why? It's not because I'm allergic to the flu vaccine, but because the flu vaccine has a fixative. That fixative is sulpha based. It will kill me. An optometrist wouldn't know that. An internal medicine specialist has to catch that. He has to know that. An optometrists would never know that. A very common simple drug that he thinks could help me, would kill me. He'd never catch it. I have no problem with an optometrist doing something to help people with glaucoma. But they have to know something about the medicines that they prescribe. Not just the routine uses and troubles with it, but they have to know that in some people this is very dangerous. And they can't know that with the training they get. That's why I say, I recommend the doctors, the pharmacologists, the University, and the optometrists get together and figure out what would be safe and where they ought to pick up the phone and call a medical doctor and find out. Thank you."

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

"Yes, I'd like to rise in support.

"I'd just like to say that I support this measure. And Mr. Speaker, this bill really is in the best interest of the people of Hawaii. It's in line with the standard of care. In the majority of states, it has been time tested and safely utilized for nearly 30 years. It's interesting. Malpractice insurance rates have not significantly increased in states with similarly amplified laws. As stipulated in bill, only those medications indicated to treat ocular conditions will be allowed. I also wanted to correct one other thing on the record. Optometrists go to school for four years, and not two years.

"Mr. Speaker, in the gallery, I noticed the presence of many outstanding optometrists and I'd like to thank you for your many contributions for this State. Members, please support this measure."

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

"Thank you, Mr. Speaker. I rise in opposition. Thank you very much. And I asked that the words of the Representative from Laie be entered in this as my own.

"With all due respect to optometrists and all due respect to ophthalmologists, my thoughts are that this is about two different areas of professionalism and two different areas of education. So in these two different areas, what we see is that ophthalmologists have the medical degrees to definitely master pharmacological science. There are many medical doctors that will not even prescribe when there is an eye problem, they will not prescribe drugs, they will defer to an ophthalmologist. And they will call an ophthalmologist. And I think that was said by one of my colleagues. So medical doctors even understand how serious the eye is.

"And my last comment is just that this is a matter of public safety, this is not dermatology. You lose your eyes, you lose your vision. It's serious. Thank you."

At this time, Representative Lee called for the previous question.

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

"Mr. Speaker, just reservations. Could I give brief comments?

"The Hawaii Medical Association recommended that we take a more balanced approach and suggested we look at the California guidelines. However, I do see the need for increased access to eye care in rural areas like the Waianae Coast. Thank you."

At 8:38 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 8:40 o'clock p.m.

Roll call having been approved, the motion to override the veto of H.B. No. 1797, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," as contained in Gov. Msg. No. 190, was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 37: Representatives Abinsay, Arakaki, Chang, Evans, Hale, Hamakawa, Herkes, Hiraki, Ito, Jernigan, Kahikina, Kaho`ohalahala, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Mindo, Morita, Nakasone, Nishimoto, Ontai, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tamayo, Wakai and Waters.

Noes, 10: Representatives Blundell, Bukoski, Ching, Fox, Halford, Marumoto, Meyer, Moses, Stonebraker and Thielen.

Excused, 4: Representatives Caldwell, Finnegan, Leong and Pendleton,

At 8:43 o'clock p.m., the Chair noted that the motion to override the veto of H.B. No. 1797, as contained in Gov. Msg. No. 190 was carried.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 758 through 761) were received and announced by the Clerk:

Sen. Com. No. 758, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following Senate bill:

S.B. No. 1491, Senator Kokubun discharged as a Co-Chair and added as a member.  
SD 1, HD 1

Sen. Com. No. 759, informing the House that following bills, have this day, passed Final Reading in the Senate:

H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1  
"RELATING TO CHILD ABUSE AND NEGLECT."

H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1  
"RELATING TO UNEMPLOYMENT BENEFITS."

H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1  
"RELATING TO EXECUTIVE DEPARTMENTS."

Sen. Com. No. 760, informing the House that the Senate has, on April 28, 2004, reconsidered action taken on April 21, 2004 [and April 26, 2004], in disagreeing to the amendments proposed by the House to the following Senate Concurrent Resolutions, and has moved to agree to the amendments, and that said resolutions have this day been Adopted:

S.C.R. No. 9, "SUBMITTING TO THE  
SD 1, HD 1 LEGISLATURE OF THE STATE OF  
HAWAII FOR REVIEW OF ACTION  
TAKEN BY THE BOARD OF LAND  
AND NATURAL RESOURCES ON  
LAND EXCHANGES."

S.C.R. No. 17, "URGING THE SETTING OF AN  
HD 1 EXAMPLE TO OUR CHILDREN  
AND OUT-OF-STATE VISITORS BY  
DESIGNATING ALL AREAS OF  
THE STATE CAPITOL SMOKE-  
FREE."

Sen. Com. No. 761, transmitting H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," which was adopted by the Senate on April 29, 2004.

### ORDER OF THE DAY

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis

of a modified consent calendar. (Representatives Caldwell, Finnegan, Leong, Pendleton and Sonson were excused.)

### UNFINISHED BUSINESS

**Conf. Com. Rep. No. 23-04 and S.B. No. 2586, SD 2, HD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2586, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 24-04 and S.B. No. 2948, SD 2, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2948, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 25-04 and S.B. No. 2608, SD 1, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2608, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 26-04 and S.B. No. 2929, SD 1, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2929, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 27-04 and H.B. No. 1259, HD 1, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1259, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 28-04 and H.B. No. 2020, HD 1, SD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2020, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Mr. Speaker, I rise in support of this measure and I have written comments to insert in the Journal. But I would like to mention that this bill will make Hawaii the first state in the nation to make it a Class C felony to sell, or offer to sell travel services for the purpose of promoting prostitution. And I think we should be very proud of it. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in favor of HB 2020, HD 1, SD 2, CD 1. This bill will make Hawaii the first state in the nation to make it a class C felony to sell or offer to sell travel services for the purposes of promoting prostitution. In addition, the bill authorizes suspension or revocation of travel agency registration for engaging in these acts.

"Imposing penalties on people and businesses that profit from sex-oriented business is one step toward holding them accountable for their part in the abuse and exploitation of children and adults. Sex tourism has become a \$1 billion world-wide business involving the sexual exploitation of persons, predominantly women and young girls – involving prostitution, pornography and other commercial sex services.

"Discouragement like this is key to reducing the demand.

"By passing this bill, we in Hawaii forcefully declare unequivocal opposition to sex tourism. Exploitation can lead to serious and lifelong consequences for the physical, psychological, spiritual, moral and social development of young people and adults. Often the victims come from a background of poverty and low social standing – they may have been trafficked or sold into bondage.

"This bill is really about victims' rights. We in Hawaii have taken some strong position this year. I hope we will continue to be advocates for the victims of trafficking, as well as violent crimes such as rape and all forms of sexual abuse.

"I urge the members' support of this Women's Caucus measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2020, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 29-04 and H.B. No. 2013, SD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2013, SD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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

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

"Very simply, on behalf of the Women's Caucus and especially Representative Leong who has just arrived. We'd like to thank the Chairs of the Energy and Environment Committees and the Consumer Protection Committees in the House and the Senate for their help in passage of this measure. Apparently these substances, polybrominated diphenyl ethers

are found in concentrations in the breast milk of American women about 75 times higher than other women in other parts of the world. So thank you very much for your positive vote on this measure."

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

"Thank you. Mr. Speaker, I'm rising in strong support of the measure as well.

"Thank you. Mr. Speaker, the scary thing is that new parents often would go to the department store and purchase the nightclothes for their infants and young children and look for the tag that said it had this chemical in the nightclothes. It turns out that those children would have been much safer sleeping in just a cotton t-shirt and not wearing that chemical next to their body. I mean, it's high time that we ban this substance. And I think it is a terrible thing that we did this to parents for decades. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2013, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 30-04 and S.B. No. 2748, SD 1, HD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2748, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 31-04 and S.B. No. 2840, SD 2, HD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2840, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you very much, Mr. Speaker. I'm voting no on this measure. And I would just like to explain why.

"Thank you. And it's again because of the ceiling on the supersedeas bond. I don't believe that we should give any help to tobacco companies. I know that the bill says that we're doing it because we want to have the tobacco settlement money, but I think that's 'blood money'. And I don't think that we should give any help whatsoever to tobacco companies. 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. 2840, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Stonebraker and Thielen, voting no and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 32-04 and S.B. No. 2861, SD 1, HD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2861, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 33-04 and S.B. No. 3113, SD 1, HD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3113, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Lee.

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I just want to rise in strong support of this measure.

"And just a few comments. I want to thank this Body for supporting this. This is to assist the residents of Kalaupapa in easing their processes of voting. And if you don't know, there is no precinct site at Kalaupapa any longer. So this is to help them to receive absentee voting ballots in the mail without them having to go through the tedious process of applying for the ballots themselves. So with this, it will allow them some ease to vote. 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. 3113, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 34-04 and H.B. No. 1765, HD 1, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1765, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 35-04 and H.B. No. 2254, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2254, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 36-04 and H.B. No. 2683, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2683, SD 1, CD 1, entitled: "A

BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 37-04 and S.B. No. 3025, HD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3025, HD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition.

"Mr. Speaker, there is a body called the Land Use Commission and there's a body called the Board of Land and Natural Resources. Both bodies deal with the question of the use of land in the State of Hawaii. And they both belong working in the same part of government. The Office of Planning according to this bill cannot be in the same department working with the Board of Land and Natural Resources. And this bill is a big mistake.

"There was once a department called the Department of Planning and Economic Development. That department is long gone. It's been gone for two decades. The Land Use Commission is a relic of that earlier era when the Department of Planning and Economic Development dealt with planning. Even then it didn't make sense to have land use handled in two different departments.

"The Governor wisely put the Office of Planning under the administrative jurisdiction of the Board of Land and Natural Resources even though it technically remains in DBEDT where it was started many, many years ago.

"It is really wrong for the Legislature to step up and make something that is administratively straightened out, *kapakahi* like it once was. This bill should be voted down. Thank you."

At 8:51 o'clock p.m., Representative Kanoho requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:51 o'clock p.m.

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

"Thank you, Mr. Speaker. I wish to speak in strong support of this measure.

"Mr. Speaker, this bill is to protect the integrity of the State, of it's structural organization. That it is the Legislature's responsibility to determine that organization as best as it sees fit depending on functional responsibility. The Office of Planning has broad responsibilities covering the entire functions of all State government and therefore should not be restricted in the Department of Land and Natural Resources, whose responsibilities are more defined. But recognizing that, Mr. Speaker, the bill carefully indicates that the Office of Planning should continue to administer responsibilities having to do with the administration of coastal zone management and other responsibilities. And in fact, requires that Office of Planning continue to work with all other departments in the

administration of planning-related responsibilities. 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. 3025, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Final Reading by a vote of 37 ayes to 11 noes, with Representatives Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Meyer, Moses, Ontai, Stonebraker and Thielen, voting no and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 38-04 and H.B. No. 1770, HD 1, SD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1770, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Lee.

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:

"Mr. Speaker, I rise in support of this measure. Residents in apartments and condos are pleading for peace and quiet from blaring car alarms going off at all hours of the day. There is absolutely no reason for a passing bus, garbage truck, or thunder to set off a car alarm. A simple adjustment of a sensor will alleviate this problem. Car alarms should only go off if there is a forced entry. This bill allows residents to reclaim their neighborhoods from noise polluters. If you don't care about your neighbors then the State should penalize you with substantial fines until you begin to see how your selfish behavior is impacting those around you.

The second part of this bill addresses another alarming problem - speeding on our roadways. Allowing judges to take away a driver's license for excessive speeding will serve as a real deterrence to those thinking about putting the 'pedal to the metal'. Racers are turning their vehicles into weapons and should not be allowed to get behind the wheel until they adjust their driving habits. Any of us could be a potential victim of street racing and this bill dramatically reduces that potential.

"Both provisions of this bill promote responsibility in our communities and enhance our quality of life.

"Thank you Mr. Speaker."

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

Representative Nishimoto's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Residents in apartments and condos are pleading for peace and quiet from blaring car alarms going off at all hours of the day. There is absolutely no reason for a passing bus, garbage truck, or thunder to set off a car alarm. A simple adjustment of a sensor will alleviate this problem. Car alarms should only go off if there is a forced entry. This bill allows residents to reclaim their neighborhoods from noise polluters. If you don't care about your neighbors then the State should penalize you with substantial fines until you begin to see how your selfish behavior is impacting those around you.

"The second part of this bill addresses another alarming problem—speeding on our roadways. Allowing judges to take away a driver's license for excessive speeding will serve as a real deterrence to those thinking about putting the pedal to the metal. Racers are turning their vehicles into weapons and should not be allowed to get behind the wheel until they adjust their driving habits. Any of us could be a potential victim of street racing and this bill dramatically reduces that potential.

"Both provisions of this bill promote responsibility in our communities and enhance our quality of life.

"Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker. In support.

"Would just like to point out to the Body that elsewhere in the country serious consideration is being given to completely outlawing car alarms. And I think that would be terrific step forward. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1770, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 39-04 and H.B. No. 2023, HD 2, SD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2023, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 40-04 and H.B. No. 2674, HD 1, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2674, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 41-04 and H.B. No. 2739, HD 1, SD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2739, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 42-04 and S.B. No. 2908, SD 1, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2908, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 43-04 and S.B. No. 2377, SD 1, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2377, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 44-04 and S.B. No. 2380, SD 1, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2380, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 45-04 and S.B. No. 3156, SD 1, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3156, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 46-04 and S.B. No. 3085, SD 2, HD 2, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3085, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 47-04 and S.B. No. 2782, SD 1, HD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2782, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 48-04 and H.B. No. 2814, HD 2, SD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2814, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Again this is another initiative from Kalaupapa. But I want to say that this really comes from the residents themselves who initiated an audit of the Department of Health and the services that they receive in Kalaupapa. As a result of that Auditor's report comes this bill which now is going to require the Department of Health to account for all of the services that are rendered not only to the patients, but also to non-patients that are there at Kalaupapa. So we need to applaud the people of Kalaupapa for being empowered to know that they can make change for their own betterment. So thank you for your support."

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

"Thank you, Mr. Speaker. In very strong support of this measure.

"Mr. Speaker, a few weeks ago, your Committees on Health and Human Services took a trip to Kalaupapa along with the previous speaker to see first hand the conditions of the people living there. And I think some of our eyes were just wide open because we saw the isolation, not only the physical isolation but also the psychological isolation that the people in Kalaupapa suffer from. And even though they're not isolated because they're diseased, many of them feel like, we've just forgotten about them. They feel neglected. They feel their living conditions are not getting proper attention. I mean we were just in shock that there's just one boat that goes over once a year that carries over some needed supplies.

"And so this is just a very small way of us telling them that as isolated as they are and even though they are all getting along in their years and perhaps suffering physically, that we are with them in spirit. That even though we cannot always see them or communicate with them, they are always in our thoughts. And we're going to make sure that they are not neglected. So this bill I think, as the introducer said, is dedicated to those people. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2814, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

**Conf. Com. Rep. No. 49-04 and H.B. No. 2472, HD 2, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2472, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," passed Final Reading by a vote of 45 ayes to 3 noes, with Representatives Jernigan, Ontai and Stonebraker voting no and, with Representatives Caldwell, Pendleton and Sonson being excused.



**Conf. Com. Rep. No. 50-04 and H.B. No. 1980, HD 1, SD 1, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1980, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

"I stand in strong support of House Bill 1980.

"Mr. Speaker, this bill is the result of a summer's work where your Committee on Human Services went to all islands. All islands, I want to repeat, all islands including Lanai. We went to speak to the people in our community, of the Family Court Child Protective Services. Mr. Speaker, this measure opens the Family Court's hearings on the Family Court's protective services, and allows parents involving CPS matters to bring a non-lawyer advocate to the hearings. And I'd like to thank this Body for supporting this measure.

"I also would like to acknowledge Mrs. Apiki who is up in the gallery, and is one of the advocates of the families. She's a grandmother that went through a lot of these unnecessary cases that we heard about. And so I really appreciate this bill. And I thank the Chair of Judiciary and his Committee Members for all their help, as well as you too, Mr. Speaker. And I ask that my colleagues support it. Thank you."

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

"Mr. Speaker, also in strong support. And I really want to acknowledge my brother from Nanakuli for his efforts to bring sunshine. Although, I see there is a necessity to keep a lot of the proceedings and records confidential, I think in order to serve justice well, we need to open up the system and let people see and review what is going on. So I applaud the efforts of the Chair of Human Services to do that in a very fair way. Thank you, Mr. Speaker."

Representative Meyer rose in support of the measure and asked that the remarks of Representatives Kahikina and Arakaki 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 H.B. No. 1980, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Final Reading by a vote of 48 ayes and, with Representatives Caldwell, Pendleton and Sonson being excused.

At 9:01 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2586, SD 2, HD 2, CD 1  
S.B. No. 2948, SD 2, HD 1, CD 1  
S.B. No. 2608, SD 1, HD 1, CD 1  
S.B. No. 2929, SD 1, HD 1, CD 1  
H.B. No. 1259, HD 1, SD 1, CD 1  
H.B. No. 2020, HD 1, SD 2, CD 1  
H.B. No. 2013, SD 2, CD 1  
S.B. No. 2748, SD 1, HD 2, CD 1  
S.B. No. 2840, SD 2, HD 2, CD 1  
S.B. No. 2861, SD 1, HD 2, CD 1  
S.B. No. 3113, SD 1, HD 1, CD 1  
H.B. No. 1765, HD 1, SD 1, CD 1

H.B. No. 2254, SD 1, CD 1  
H.B. No. 2683, SD 1, CD 1  
S.B. No. 3025, HD 1, CD 1  
H.B. No. 1770, HD 1, SD 2, CD 1  
H.B. No. 2023, HD 2, SD 2, CD 1  
H.B. No. 2674, HD 1, SD 1, CD 1  
H.B. No. 2739, HD 1, SD 2, CD 1  
S.B. No. 2908, SD 1, HD 1, CD 1  
S.B. No. 2377, SD 1, HD 1, CD 1  
S.B. No. 2380, SD 1, HD 1, CD 1  
S.B. No. 3156, SD 1, HD 1, CD 1  
S.B. No. 3085, SD 2, HD 2, CD 1  
S.B. No. 2782, SD 1, HD 1, CD 1  
H.B. No. 2814, HD 2, SD 1, CD 1  
H.B. No. 2472, HD 2, SD 1, CD 1  
H.B. No. 1980, HD 1, SD 1, CD 1

**STANDING COMMITTEE REPORTS**

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1557-04) recommending that S.B. No. 1302, 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. 1302, SD 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 Caldwell, Pendleton and Sonson being excused.

**CONFERENCE COMMITTEE REPORTS**

Representatives Kahikina, Arakaki, Hamakawa and Shimabukuro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 473, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 60-04) recommending that S.B. No. 473, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60-04 and S.B. No. 473, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," was deferred for a period of 48 hours.

Representatives Hiraki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2887, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 61-04) recommending that S.B. No. 2887, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61-04 and S.B. No. 2887, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," was deferred for a period of 48 hours.

Representatives Hiraki, B. Oshiro and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2839, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 62-04) recommending that S.B. No. 2839, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62-04

and S.B. No. 2839, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," was deferred for a period of 48 hours.

Representatives Schatz and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2606, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 63-04) recommending that S.B. No. 2606, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63-04 and S.B. No. 2606, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," was deferred for a period of 48 hours.

Representatives Morita and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3170, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 64-04) recommending that S.B. No. 3170, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64-04 and S.B. No. 3170, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," was deferred for a period of 48 hours.

Representatives Arakaki, B. Oshiro and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1238, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 65-04) recommending that S.B. No. 1238, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65-04 and S.B. No. 1238, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred for a period of 48 hours.

Representatives Takumi, Magaoay and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2056, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 66-04) recommending that S.B. No. 2056, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66-04 and S.B. No. 2056, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," was deferred for a period of 48 hours.

Representatives Takumi and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2200, HD 1, presented a report (Conf. Com. Rep. No. 67-04) recommending that S.B. No. 2200, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67-04 and S.B. No. 2200, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Takumi and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the

amendments proposed by the House in S.B. No. 2425, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 68-04) recommending that S.B. No. 2425, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68-04 and S.B. No. 2425, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Takai and Magaoay, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2716, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 69-04) recommending that S.B. No. 2716, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69-04 and S.B. No. 2716, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Takumi and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2538, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 70-04) recommending that S.B. No. 2538, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70-04 and S.B. No. 2538, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," was deferred for a period of 48 hours.

Representatives Takumi and Shimabukuro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2671, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 71-04) recommending that S.B. No. 2671, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71-04 and S.B. No. 2671, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," was deferred for a period of 48 hours.

Representatives Takumi and Nakasone, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2790, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 72-04) recommending that S.B. No. 2790, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72-04 and S.B. No. 2790, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," was deferred for a period of 48 hours.

Representatives Takumi and Nakasone, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2791, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 73-04)

recommending that S.B. No. 2791, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73-04 and S.B. No. 2791, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC," was deferred for a period of 48 hours.

Representatives Takumi and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3086, HD 1, presented a report (Conf. Com. Rep. No. 74-04) recommending that S.B. No. 3086, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74-04 and S.B. No. 3086, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," was deferred for a period of 48 hours.

Representatives Kanoho, Morita and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2968, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 75-04) recommending that S.B. No. 2968, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75-04 and S.B. No. 2968, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," was deferred for a period of 48 hours.

Representatives Takumi and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2063, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 76-04) recommending that S.B. No. 2063, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76-04 and S.B. No. 2063, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Hiraki and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2358, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 77-04) recommending that S.B. No. 2358, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-04 and S.B. No. 2358, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," was deferred for a period of 48 hours.

Representatives Morita and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3092, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 78-04) recommending that S.B. No. 3092, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78-04 and S.B. No. 3092, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred for a period of 48 hours.

Representatives Schatz and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1756, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 79-04) recommending that H.B. No. 1756, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79-04 and H.B. No. 1756, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," was deferred for a period of 48 hours.

Representatives Takai and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1710, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 80-04) recommending that H.B. No. 1710, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80-04 and H.B. No. 1710, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Representatives M. Oshiro and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1786, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 81-04) recommending that H.B. No. 1786, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81-04 and H.B. No. 1786, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES," was deferred for a period of 48 hours.

Representatives Takumi and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2911, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 82-04) recommending that H.B. No. 2911, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82-04 and H.B. No. 2911, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Representatives Takumi and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1929, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 83-04) recommending that H.B. No. 1929, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83-04 and H.B. No. 1929, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred for a period of 48 hours.

Representatives Morita and Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2049, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 84-04) recommending that H.B. No. 2049, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84-04 and H.B. No. 2049, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1820, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 85-04) recommending that H.B. No. 1820, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85-04 and H.B. No. 1820, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2143, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 86-04) recommending that H.B. No. 2143, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86-04 and H.B. No. 2143, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2773, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 87-04) recommending that H.B. No. 2773, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87-04 and H.B. No. 2773, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2774, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 88-04) recommending that H.B. No. 2774, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88-04 and H.B. No. 2774, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," was deferred for a period of 48 hours.

Representatives Schatz, Morita, Chang and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2074, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 89-04) recommending that H.B. No. 2074, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89-04 and H.B. No. 2074, HD 1, SD 1, CD 1, entitled: "A BILL FOR

AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," was deferred for a period of 48 hours.

Representatives Ito and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2976, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 90-04) recommending that S.B. No. 2976, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90-04 and S.B. No. 2976, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," was deferred for a period of 48 hours.

Representatives Magaoay, B. Oshiro and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 680, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 91-04) recommending that H.B. No. 680, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91-04 and H.B. No. 680, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," was deferred for a period of 48 hours.

Representatives Morita, Schatz and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1611, HD 2, presented a report (Conf. Com. Rep. No. 92-04) recommending that S.B. No. 1611, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92-04 and S.B. No. 1611, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred for a period of 48 hours.

Representatives Takumi and Karamatsu, for the Committee on Conference, presented a report (Conf. Com. Rep. No. 93-04) recommending that S.B. No. 17, SD 1, HD 1, CD 1, as amended in CD 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93-04 and S.B. No. 17, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3182, HD 1, presented a report (Conf. Com. Rep. No. 94-04) recommending that S.B. No. 3182, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94-04 and S.B. No. 3182, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," was deferred for a period of 48 hours.

## SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Caldwell, Ching, Pendleton and Sonson were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative Lee and carried. (Representatives Caldwell, Ching, Pendleton and Sonson were excused.)

H.B. No. 2170, HD 1 (SD 1)

H.B. No. 2286, HD 1 (SD 1)

#### FINAL READING

The following bills were 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 the following House bills, seconded by Representative Lee and carried. (Representatives Caldwell, Ching, Pendleton and Sonson were excused.)

H.B. No. 2206, HD 1 (SD 1)

H.B. No. 2301, HD 1 (SD 1)

H.B. No. 2375, HD 1 (SD 1)

H.B. No. 2397, HD 1 (SD 1)

H.B. No. 2645, HD 2 (SD 2)

H.B. No. 2748 (SD 1)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

#### H.B. No. 2206, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2206, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Ito, Hamakawa and Thielen). Noes, none. Excused, 1 (B. Oshiro).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2206, H.D. 1 and H.B. No. 2206, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 48 ayes, with Representatives Caldwell, Pendleton and Sonson being excused.

#### H.B. No. 2301, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2301, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (B. Oshiro, Magaoay and Caldwell). Noes, none. Excused, 2 (Sonson and Pendleton).

Representative Saiki moved that H.B. No. 2301, HD 1, SD 1, pass Final Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'm rising to speak against the appellate jurisdiction bill.

"Thank you. Mr. Speaker, this adds another layer of bureaucracy for litigants who want to have their cases resolved. Now when you appeal a Circuit Court decision, you're going to be forced to go to the Intermediate Court of Appeals rather than being able to have the State Supreme Court hear and dispose finally, your appeal. This means that you then go through the ICA, Intermediate Court of Appeals, and then depending upon whether you agree or disagree with that decision, then you go through a fourth layer. And I think that this is really making it more cumbersome, adding cost for litigants, delaying finality. And justice delayed is justice denied. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2301, H.D. 1 and H.B. No. 2301, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Final Reading by a vote of 45 ayes to 3 noes, with Representatives Finnegan, Meyer and Thielen voting no, and with Representatives Caldwell, Pendleton and Sonson being excused.

#### H.B. No. 2375, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2375, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Morita, B. Oshiro and Waters). Noes, none. Excused, 1 (Bukoski).

Representative Saiki moved that H.B. No. 2375, HD 1, SD 1, pass Final Reading, seconded by Representative Lee.

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 believe this bill could have been strengthened and clarified with some technical amendments, and the deferred prosecution provision may not be necessary because such agreements are already allowed under current law. But, unfortunately, there was no agreement from your conferees to schedule this measure for conference. Therefore, we are accepting the Senate's draft of this measure as is.

"The illegal disposal of solid waste is a growing problem throughout our State. It is a problem that many of our communities want us to solve. Your Committee on Energy and Environmental Protection has tried to address solid waste issues in a number of different vehicles and this measure, along with the formation of an environmental crimes section in the Attorney General's Office, is an important tool to deal with illegal dumping.

"The purpose of House Bill 2375, HD1, SD1 is to make it a class C felony offense to knowingly dispose of more than ten

(10) cubic yards in volume of solid waste anywhere, other than a permitted solid waste management system, without the written approval of the Director of Health. This law will establish as a felony and punish the following actions:

- those who dump large amounts of solid waste (greater than ten (10) cubic yards in volume); and
- those who dump solid waste for which the cost of the cleanup exceeds \$1,500; and
- those who repeatedly dump solid waste and are not deterred by existing civil and criminal sanctions.

"Illegal dumping is blight within our communities and a health and safety hazard. This bill sends an important message to violators and hopefully will serve to deter future offenses. All who visit, do business in, or live in Hawaii deserve and will benefit from a cleaner environment. This bill will help to accomplish that."

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

"Mr. Speaker, in opposition.

"This is the bill that creates a felony conviction for disposal of solid waste, I believe. I'm in opposition. I've been in opposition to this all along. I think the punishment doesn't fit the crime. I think it should be a local issue. Our Neighbor Island's farmlands disposing of, and I've been through it before, disposing of tree trunks and stuff on your property, you'd be a felon. I think the bill goes far too far. It's a noble cause but it goes too far. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2375, H.D. 1 and H.B. No. 2375, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed Final Reading by a vote of 44 ayes to 4 noes, with Representatives Herkes, Jernigan, Moses and Ontai voting no, and with Representatives Caldwell, Pendleton and Sonson being excused.

#### **H.B. No. 2397, H.D. 1, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2397, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Ito, Takamine and Mindo). Noes, none. Excused, 1 (Moses).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2397, H.D. 1 and H.B. No. 2397, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND," passed Final Reading by a vote of 48 ayes, with Representatives Caldwell, Pendleton and Sonson being excused.

#### **H.B. No. 2645, H.D. 2, S.D. 2:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2645, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Takumi, M. Oshiro, Kawakami and Nakasone). Noes, none. Excused, 1 (Ontai).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2645, H.D. 2 and H.B. No. 2645, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 48 ayes, with Representatives Caldwell, Pendleton and Sonson being excused.

#### **H.B. No. 2748, S.D. 1:**

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2748, on the following showing of Ayes and Noes:

Ayes, 3 (Takamine, Nakasone and Meyer). Noes, none. Excused, 1 (Kawakami).

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2748 and H.B. No. 2748, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Final Reading by a vote of 48 ayes, with Representatives Caldwell, Pendleton and Sonson being excused.

At 9:10 o'clock p.m., the Chair noted that H.B. Nos. 2206, HD 1, SD 1; 2301, HD 1, SD 1; 2375, HD 1, SD 1; 2397, HD 1, SD 1; 2645, HD 2, SD 2; and 2748, SD 1 passed Final Reading.

### **SUSPENSION OF RULES**

On motion by Representative Saiki, seconded by Representative Lee and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House Concurrent Resolutions. (Representatives Caldwell, Pendleton and Sonson were excused.)

### **RECONSIDERATION OF ACTION TAKEN**

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and moved to agree to such amendments for the following House Concurrent Resolutions, seconded by Representative Lee.

H.C.R. No. 49, HD 1 (SD 1)  
H.C.R. No. 54, HD 1 (SD 1)  
H.C.R. No. 83 (SD 1)  
H.C.R. No. 138, HD 1 (SD 1)  
H.C.R. No. 165 (SD 1)  
H.C.R. No. 245, HD 1 (SD 1)  
H.C.R. No. 261, HD 1 (SD 1)

Representative Fox rose, stating:

"Thank you, Mr. Speaker. I would like to speak in opposition to HCR 49."

The Chair responded, stating:

"Can we hold that till the motion for adoption, at that point, Representative Fox?"



The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments proposed by the Senate, and moved to agree to such amendments for the aforementioned House Concurrent Resolutions. (Representatives Caldwell, Pendleton and Sonson were excused.)

### FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

#### H.C.R. No. 49, H.D. 1, S.D. 1:

Representative Saiki moved that H.C.R. No. 49, HD 1, SD 1, be Adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition.

"Principle of law in the United States is 'innocent until proven guilty'. This resolution develops a concept of the precautionary principle that suggest that what you're about to do is going to harm the environment unless you prove otherwise. I think that's a bit extreme of an approach to protecting the environment. Thank you."

Representative Halford 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 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 Blundell 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 Marumoto 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 Bukoski 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 Finnegan 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 House agreed to the amendments proposed by the Senate to H.C.R. No. 49, H.D. 1 and H.C.R. No. 49, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU

TO CONDUCT A REVIEW OF THE SAN FRANCISCO PRECAUTIONARY PRINCIPLE ORDINANCE," was Adopted with Representatives Caldwell, Pendleton, Say, Sonson, Souki, Stonebraker and Takamine being excused.

At 9:13 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 9:16 o'clock p.m. with Vice Speaker Luke presiding.

#### H.C.R. No. 54, H.D. 1, S.D. 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 54, H.D. 1 and H.C.R. No. 54, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO TRANSFER OWNERSHIP OF THE KANEOHE MEADOWLAND (HE'EIA WETLANDS) TO THE STATE OF HAWAII AS PUBLIC LANDS TO BE ADMINISTERED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR THE PROTECTION AND ENHANCEMENT OF THE NATURAL AND CULTURAL RESOURCES OF THE WETLANDS," was Adopted, with Representatives Caldwell, Pendleton, Say, Sonson, Souki, Stonebraker and Takamine being excused.

#### H.C.R. No. 83, S.D. 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 83 and H.C.R. No. 83, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was Adopted, with Representatives Caldwell, Pendleton, Say, Sonson, Souki, Stonebraker and Takamine being excused.

#### H.C.R. No. 138, H.D. 1, S.D. 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 138, H.D. 1 and H.C.R. No. 138, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE INSURANCE COMMISSIONER TO REVIEW REIMBURSEMENT LEVELS OF PROVIDERS FOR ALL MAMMOGRAPHY STUDIES AND FOLLOW UP DIAGNOSTIC TESTING DESIGNED TO IDENTIFY BREAST-RELATED CANCERS IN ORDER TO ASCERTAIN THE APPROPRIATENESS OF THOSE REIMBURSEMENT LEVELS," was Adopted, with Representatives Caldwell, Pendleton, Say, Sonson, Souki, Stonebraker and Takamine being excused.

#### H.C.R. No. 165, S.D. 1:

Representative Saiki moved that H.C.R. No. 165, SD 1, be Adopted, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I'd like to speak in opposition to HCR No. 165.



"I think this resolution embodies some inappropriate language. The first Be it resolved says that DLNR is directed to provide the Governor with a list of recommended nominees. I don't think in a resolution we direct people to do things. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. On the same measure, I am in opposition.

"It's a resolution again and it says to hold the Department of Land and Natural Resources accountable in the decision that they make. And I don't see how we can do that with a resolution. We could recommend it maybe, but this is saying that we are holding them accountable for the people they put on the list or don't put on the list. How do you do that? I don't understand."

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"Thank you, Madame Speaker. I'm rising in strong support of the resolution.

"It was made very clear in the proceedings of the Water, Land Use, and Hawaiian Affairs Committee that the Burial Council served an important purpose. And in land use issues where burials may be uncovered accidentally or may already be known that it is important for this Body to be constituted in the manner in which it was intended by law. But the fact that these Councils had not been fully constituted, it renders them ineffective as they have no quorum to convene their Council meetings on the Neighbor Islands, as well as here on Oahu. And without a quorum, it defers those actions for burials to the Department of Land and Natural Resources. So this resolution is intended to bring forth, to be sure that the Councils, the Burial Councils of the islands of Hawaii are constituted properly, as has been the intention of the law."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 165 and H.C.R. No. 165, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was Adopted Representatives Caldwell, Pendleton, Say, Sonson, Souki, Stonebraker and Takamine being excused.

#### **H.C.R. No. 245, H.D. 1, S.D. 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 245, H.D. 1 and H.C.R. No. 245, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE "BIG BOX" RETAILERS AND WHOLESALERS," was Adopted, with Representatives Caldwell, Pendleton, Say, Sonson, Souki, Stonebraker and Takamine being excused.

#### **H.C.R. No. 261, H.D. 1, S.D. 1:**

On motion by Representative Saiki, seconded by Representative Lee and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 261, H.D. 1 and H.C.R. No. 261, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES AND STATE RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES AND REQUESTING EACH COUNTY TO REVIEW, ANALYZE, AND CHANGE COUNTY ORDINANCES AND RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was Adopted, with Representatives Caldwell, Pendleton, Say, Sonson, Souki, Stonebraker and Takamine being excused.

At 9:20 o'clock p.m., and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:28 o'clock p.m.

### **ANNOUNCEMENTS**

Representative Chang: "Madame Speaker, I'd like to request a waiver of the 24-hour notice for Conference Committee on SB No. 2404, Making Appropriations for Expenses of the 2005 National Association of Counties Meeting in Honolulu. This will be held in room 309 at 10 p.m. tonight. Conferee Chairs are Chang, Takamine and Magaoay, and Manager, Representative Leong," and the Chair "so ordered."

At this time, Representative Lee moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representatives Caldwell, Nakasone, Pendleton, Sonson, Souki, Stonebraker and Waters were excused.)

Representative Lee moved that the House stand in recess until 9:00 o'clock a.m., Monday, May 3, 2004.

Representative Meyer: "Just a point of information. I thought we were convening at 10:00 on Monday, it's 9:00?"

Vice Speaker Luke: "9 a.m. Monday."

Representative Meyer: "Alright. Thank you. I second that motion."

The motion was put to vote by the Chair and carried, and at 9:29 o'clock p.m., the House of Representatives stood in recess until 9:00 o'clock a.m., Monday, May 3, 2004. (Representatives Caldwell, Nakasone, Pendleton, Sonson, Souki, Stonebraker and Waters were excused.)

### **CONFERENCE COMMITTEE REPORTS**

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 95-04 through 159-04) were received by the Clerk prior to 12:00 midnight this legislative day, and the following action taken:

Conf. Com. Rep. No. 95-04 and S.B. No. 2995, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 96-04 and S.B. No. 3080, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

TRANSPORTATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 97-04 and S.B. No. 2281, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 98-04 and S.B. No. 2690, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 99-04 and S.B. No. 2134, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 100-04 and S.B. No. 2440, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 101-04 and S.B. No. 3049, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 102-04 and S.B. No. 2396, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 103-04 and S.B. No. 2529, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 104-04 and S.B. No. 2045, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 105-04 and S.B. No. 2165, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND PROTECTION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 106-04 and S.B. No. 2936, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 107-04 and S.B. No. 779, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 108-04 and S.B. No. 2930, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 109-04 and S.B. No. 3230, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 110-04 and S.B. No. 1239, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 111-04 and S.B. No. 3162, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 112-04 and S.B. No. 3153, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 113-04 and S.B. No. 3148, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 114-04 and S.B. No. 3020, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 115-04 and S.B. No. 2424, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 116-04 and S.B. No. 420, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 117-04 and S.B. No. 214, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 118-04 and S.B. No. 2073, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 119-04 and S.B. No. 2355, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 120-04 and S.B. No. 2873, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 121-04 and S.B. No. 2878, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 122-04 and S.B. No. 2879, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 123-04 and S.B. No. 3106, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 124-04 and S.B. No. 3018, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 125-04 and S.B. No. 3175, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 126-04 and S.B. No. 1318, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 127-04 and H.B. No. 2667, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 128-04 and H.B. No. 2703, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 129-04 and H.B. No. 2005, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 130-04 and H.B. No. 2547, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 131-04 and H.B. No. 851, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 132-04 and H.B. No. 2840, HD 1, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 133-04 and H.B. No. 1848, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 134-04 and H.B. No. 2136, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 135-04 and H.B. No. 1908, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 136-04 and H.B. No. 2002, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 137-04 and H.B. No. 2411, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 138-04 and H.B. No. 2523, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 139-04 and H.B. No. 2009, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 140-04 and H.B. No. 2883, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 141-04 and H.B. No. 2137, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 142-04 and H.B. No. 1374, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 143-04 and H.B. No. 2511, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 144-04 and H.B. No. 2396, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 145-04 and S.B. No. 2549, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 146-04 and S.B. No. 2550, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 147-04 and S.B. No. 2551, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 148-04 and S.B. No. 2556, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 149-04 and S.B. No. 2528, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 150-04 and S.B. No. 2595, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 151-04 and S.B. No. 2906, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 152-04 and S.B. No. 459, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 153-04 and S.B. No. 2404, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 154-04 and S.B. No. 2210, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 155-04 and H.B. No. 1904, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 156-04 and H.B. No. 2662, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 157-04 and S.B. No. 1491, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 158-04 and S.B. No. 3193, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERS," were placed on the Calendar for Final Reading on Monday, May 3, 2004.

Conf. Com. Rep. No. 159-04 and S.C.R. No. 127, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DELAY THE IMPLEMENTATION OF THE ELIMINATION OF THE SOCIAL WORKER SERIES," were placed on the Calendar for adoption on Monday, May 3, 2004.

## ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m., Monday, May 3, 2004.

## HOUSE COMMUNICATIONS

House Communication dated April 30, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bills on Final Reading:

H.B. No. 1259, HD 1, SD 1, CD 1  
H.B. No. 1765, HD 1, SD 1, CD 1

H.B. No. 1770, HD 1, SD 2, CD 1  
H.B. No. 1980, HD 1, SD 1, CD 1  
H.B. No. 2013, SD 2, CD 1  
H.B. No. 2020, HD 1, SD 2, CD 1  
H.B. No. 2023, HD 2, SD 2, CD 1  
H.B. No. 2254, SD 1, CD 1  
H.B. No. 2472, HD 2, SD 1, CD 1  
H.B. No. 2674, HD 1, SD 1, CD 1  
H.B. No. 2683, SD 1, CD 1  
H.B. No. 2739, HD 1, SD 2, CD 1  
H.B. No. 2814, HD 2, SD 1, CD 1  
S.B. No. 2377, SD 1, HD 1, CD 1  
S.B. No. 2380, SD 1, HD 1, CD 1  
S.B. No. 2586, SD 2, HD 2, CD 1  
S.B. No. 2608, SD 1, HD 1, CD 1  
S.B. No. 2748, SD 1, HD 2, CD 1  
S.B. No. 2782, SD 1, HD 1, CD 1  
S.B. No. 2840, SD 2, HD 2, CD 1  
S.B. No. 2861, SD 1, HD 2, CD 1  
S.B. No. 2908, SD 1, HD 1, CD 1  
S.B. No. 2929, SD 1, HD 1, CD 1  
S.B. No. 2948, SD 2, HD 1, CD 1  
S.B. No. 3025, HD 1, CD 1  
S.B. No. 3085, SD 2, HD 2, CD 1  
S.B. No. 3113, SD 1, HD 1, CD 1  
S.B. No. 3156, SD 1, HD 1, CD 1

House Communication dated April 30, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 15, 2004, for the following House bills:

H.B. No. 2170, HD 1, SD 1  
H.B. No. 2286, HD 1, SD 1

House Communication dated April 30, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on March 29, 2004 and has this day passed the following bill on Final Reading:

H.B. No. 2206, HD 1, SD 1

House Communication dated April 30, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 2, 2004 and has this day passed the following bill on Final Reading:

H.B. No. 2375, HD 1, SD 1

House Communication dated April 30, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 5, 2004 and has this day passed the following bill on Final Reading:

H.B. No. 2397, HD 1, SD 1

House Communication dated April 30, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate on April 13, 2004 and has this day passed the following bills on Final Reading:

H.B. No. 2301, HD 1, SD 1

H.B. No. 2645, HD 2, SD 2

H.B. No. 2748, SD 1

House Communication dated April 30, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 27, 2004, and has this day agreed to the amendments and adopted the following House Concurrent Resolutions:

H.C.R. No. 49, HD 1, SD 1

H.C.R. No. 54, HD 1, SD 1

H.C.R. No. 83, SD 1

H.C.R. No. 138, HD 1, SD 1

H.C.R. No. 165, SD 1

H.C.R. No. 245, HD 1, SD 1

H.C.R. No. 261, HD 1, SD 1