

## FIFTY-NINTH DAY

Friday, April 30, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:47 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Sister Stephanie Poepoe of the Church of Jesus Christ of Latter-Day Saints, after which the Roll was called showing all members present with the exception of Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Eighth Day.

On motion by Representative Ihara, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Fifty-Eighth Day was approved.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 215 and 216) were read by the Clerk and were placed on file:

Gov. Msg. No. 215, informing the House that on April 29, 1993, he signed the following bill into law:

House Bill No. 1975 as Act 85, entitled: "RELATING TO GOVERNMENTAL ASSISTANCE".

Gov. Msg. No. 216, returning House Bill No. 604, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

April 29, 1993

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 604

Honorable Members  
Seventeenth 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. 604, entitled, 'A Bill for an Act Relating to Unclaimed Property.'

The purpose of House Bill No. 604 is to exempt certain gift certificates and credit memos from the Uniform Unclaimed Property Act. Under this bill, certificates or credit memos without an expiration date would be exempt from reporting as unclaimed property. In effect, the issuer of such a certificate or memo could evade the objectives and purposes of the Uniform Unclaimed Property Act and create a private escheat law, simply by eliminating an expiration date.

Through the Uniform Unclaimed Property Act, the State becomes the custodian of unclaimed property for the benefit of the owners. The Uniform Unclaimed Property Act both preserves property for its owner and prevents the unjust enrichment of persons acquiring property they do not own. Additionally, the State is given the use of the

property until reclaimed by the owner. Presently, any gift certificate or credit memo which remains outstanding five years after becoming payable or distributable is presumed abandoned and subject to reporting. The Uniform Unclaimed Property Act assures that consumers will be able to recover the value of the gift certificate or credit memo despite the staleness of any claim or the continuing existence of the issuer. Yet, House Bill No. 604 would defeat those objectives, injecting unwarranted exception in a uniform act and creating a precedent which may undermine the effectiveness of the Unclaimed Property Program.

For the foregoing reasons, I am returning House Bill No. 604 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 874 to 882) were read by the Clerk and were placed on file:

Sen. Com. No. 874, informing the House that the Senate has reconsidered its action in disagreeing to the amendments proposed by the House to the following Senate Bills and has, on April 29, 1993, agreed to the amendments to the following bills:

S.B. No. 1397, SD 2, HD 2  
S.B. No. 1619, SD 1, HD 1  
S.B. No. 1706, HD 1

Sen. Com. No. 875, informing the House that the President has, on April 29, 1993, added Senator Fukunaga as a Co-Chair and discharged Senator Chang as a Co-Chair on the conference of Senate Bill No. 1126, SD 2, HD 1.

Sen. Com. No. 876, informing the House that the following bills passed Final Reading in the Senate on April 29, 1993:

S.B. No. 5, SD 1, HD 2, entitled: "RELATING TO STATE PLANNING";

S.B. No. 1770, HD 2, CD 1, entitled: "RELATING TO HOUSING";

S.B. No. 126, SD 1, HD 1, CD 1, entitled: "RELATING TO PHYSICAL THERAPY";

H.B. No. 1975, HD 2, SD 1, CD 3, entitled: "RELATING TO GOVERNMENTAL ASSISTANCE";

S.B. No. 189, SD 1, HD 1, entitled: "RELATING TO EMPLOYMENT SECURITY";

S.B. No. 535, SD 1, HD 1, entitled: "RELATING TO MOTOR VEHICLES";

S.B. No. 886, SD 2, HD 1, entitled: "RELATING TO JUVENILES";

S.B. No. 1422, SD 2, HD 2, entitled: "RELATING TO FAMILY LEAVE";

S.B. No. 1564, HD 1, entitled: "RELATING TO COMPTROLLER TO SUPERVISE ACCOUNTS";

S.B. No. 1624, SD 1, HD 1, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

S.B. No. 1669, SD 1, HD 1, entitled: "RELATING TO EMPLOYMENT SECURITY";

S.B. No. 1672, HD 1, entitled: "RELATING TO THE STATE HIGHER EDUCATION LOAN FUND"; and

S.B. No. 1906, SD 1, HD 1, entitled: "RELATING TO OFFICE OF YOUTH SERVICES".

Sen. Com. No. 877, returning H.C.R. No. 8, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING LEGISLATION THAT ADDRESSES THE ESCALATING PROBLEM OF VIOLENCE AGAINST WOMEN," which was adopted by the Senate on April 29, 1993.

Sen. Com. No. 878, returning H.C.R. No. 122, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ENFORCEMENT OF CHAPTER 104, HAWAII REVISED STATUTES (HAWAII'S 'LITTLE DAVIS-BACON' ACT)," which was adopted by the Senate on April 29, 1993.

Sen. Com. No. 879, returning H.C.R. No. 165, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF EDUCATION TO NEGOTIATE WITH THE UNITED STATES DEPARTMENT OF DEFENSE TO HAVE THE UNITED STATES ASSUME A FAIRER SHARE OF THE COST OF EDUCATING MILITARY DEPENDENTS AND REQUESTING THE ASSISTANCE OF THE HAWAII DELEGATION TO THE UNITED STATES CONGRESS THERETO," which was adopted by the Senate on April 29, 1993.

Sen. Com. No. 880, returning H.C.R. No. 281, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A PRE-COMMERCIAL BIOPRODUCTS DEMONSTRATION CENTER AT HILO-HAMAKUA," which was adopted by the Senate on April 29, 1993.

Sen. Com. No. 881, informing the House that the Senate has adopted H.C.R. No. 305, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HOUSING AUTHORITY, WITH THE ASSISTANCE OF THE STATE DEPARTMENT OF HEALTH TO WORK WITH OTHERS TO DEVELOP BROAD STRATEGIES FOR PROVIDING HOUSING WITH APPROPRIATE SERVICES FOR HOMELESS MENTALLY ILL PERSONS," on April 29, 1993.

Sen. Com. No. 882, informing the House that the Senate has adopted H.C.R. No. 336, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO REPORT ON THE PROGRESS MADE ON THE IMPLEMENTATION OF THE STATE'S INFORMATION NETWORK, THE HAWAII INFORMATION NETWORK CORPORATION (HAWAII INC), BY ACT 1, SESSION LAWS OF HAWAII 1988, SPECIAL SESSION," on April 29, 1993.

At 11:53 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

## ORDER OF THE DAY

### COMMITTEE REASSIGNMENT

The following concurrent resolution (S.C.R. No. 81) were re-referred as follows:

#### S.C.R. No.      Re-referred to:

81                      Jointly to the Committees on Economic Development and Business Concerns and Consumer Protection and Commerce

### SUSPENSION OF RULES

On motion by Representative Ihara, 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.

### UNFINISHED BUSINESS

**Conf. Com. Rep. No. 6 on H.B. No. 1582, SD 1, CD 1:**

On motion by Representative Chumbley, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 1582, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEAT INSPECTION," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

The Chair directed the Clerk to note that H.B. No. 1582 had passed Final Reading at 12:27 o'clock p.m.

**Conf. Com. Rep. No. 7 on H.B. No. 690, HD 1, SD 1, CD 1:**

Representative Isbell moved that the report of the Committee be adopted and H.B. No. 690, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Ishii-Morikami.

Representative Bainum rose to speak in favor of the bill, stating:

"Mr. Speaker, while there are not many co-ops being developed in our State at the present time, there are a number that are presently functioning, many of which are in the Waikiki/Kapahulu area and, as such, they have been sort of a unique animal and have not had some of the same rights as condominiums.

"This measure goes a long way in restoring these rights to those who dwell in the co-ops. I would like to thank the Chairs of the appropriate committees for their hard work in making these rights a reality for those who live in co-ops.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 690, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COOPERATIVE HOUSING CORPORATIONS," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

The Chair directed the Clerk to note that H.B. No. 690 had passed Final Reading at 12:28 o'clock p.m.

**Conf. Com. Rep. No. 8 on H.B. No. 313, HD 1, SD 1, CD 1:**

On motion by Representative Isbell, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and H.B. No. 313, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

The Chair directed the Clerk to note that H.B. No. 313 had passed Final Reading at 12:29 o'clock p.m.

**Conf. Com. Rep. No. 9 on H.B. No. 1606, SD 1, CD 1:**

On motion by Representative Bainum, seconded by Representative Stegmaier and carried, the report of the Committee was adopted and H.B. No. 1606, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

The Chair directed the Clerk to note that H.B. No. 1606 had passed Final Reading at 12:30 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 1627) recommending that S.C.R. No. 257, SD 1, be adopted.

On motion by Representative Nekoba, seconded by Representative Suzuki and carried, the report of the Committee was adopted and S.C.R. No. 257, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LAND USE COMMISSION TO FULLY CONSIDER THE ENVIRONMENTAL, SOCIAL, AND RELATED IMPACTS IN DETERMINING WHETHER TO RECLASSIFY CONSERVATION LAND TO URBAN USE IN AINA KOA VALLEY," was adopted, with Representative Thielen voting no.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1628) recommending that S.C.R. No. 107 be adopted.

On motion by Representative Stegmaier, seconded by Representative Morihara and carried, the report of the Committee was adopted and S.C.R. No. 107, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING EFFORTS FOR HAWAII TO BECOME A ROLE MODEL AND LEADER IN THE UTILIZATION AND EXPORTATION OF ALTERNATIVE, SUSTAINABLE ENERGY SYSTEMS, PRODUCTS, AND TECHNOLOGIES," was adopted.

Representative Stegmaier, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1629) recommending that S.C.R. No. 9 be adopted.

On motion by Representative Stegmaier, seconded by Representative Morihara and carried, the report of the Committee was adopted and S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING

**HAWAII'S DISTANCE LEARNING TECHNOLOGY AND THE DELTA-HAWAII PROJECT,"** was adopted.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1630) recommending that S.C.R. No. 192, as amended in HD 1, be adopted.

On motion by Representative Chumbley, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 192, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO CORRECT THE SERIOUS THREAT TO HAWAII'S AGRICULTURAL INDUSTRIES POSED BY THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)," was adopted.

Representative M. Ige, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1631) recommending that S.C.R. No. 98 be adopted.

On motion by Representative Chumbley, seconded by Representative D. Ige and carried, the report of the Committee was adopted and S.C.R. No. 98, entitled: "SENATE CONCURRENT RESOLUTION URGING ALL EXECUTIVE DEPARTMENTS OF THE STATE TO MAXIMIZE THE USE OF AGRICULTURAL PRODUCTS GROWN OR PROCESSED IN THE STATE IN OPERATIONS REQUIRING THE PREPARATION OF FOOD," was adopted.

Representative Hiraki, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1632) recommending that S.C.R. No. 202, SD 1, be adopted.

On motion by Representative Hiraki, seconded by Representative Beirne and carried, the report of the Committee was adopted and S.C.R. No. 202, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO EXPEDITE THE INSTALLATION, OPERATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF DAY-USE MOORINGS," was adopted.

Representative Takamine, for the Committee on Water and Land Use Planning, presented a report (Stand. Com. Rep. No. 1633) recommending that S.C.R. No. 223, SD 1, as amended in HD 1, be adopted.

On motion by Representative Nekoba, seconded by Representative Suzuki and carried, the report of the Committee was adopted and S.C.R. No. 223, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH AN INTERIM WORKING GROUP TO DEVELOP STATE AND COUNTY PRESERVATION PROCEDURES AND EXTENDING THE EXISTENCE OF THE TASK FORCE TO PRESERVE WAIPIO VALLEY," was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1634) recommending that S.C.R. No. 242, SD 1, HD 1, be adopted.

On motion by Representative Menor, seconded by Representative Ishii-Morikami and carried, the report of the Committee was adopted and S.C.R. No. 242, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BUSINESS COMMUNITY TO VOLUNTARILY IMPLEMENT WORKPLACE SMOKING POLICIES," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1635) recommending that S.C.R. No. 52, as amended in HD 2, be adopted.

On motion by Representative Kanoho, seconded by Representative Say and carried, the report of the Committee was adopted and S.C.R. No. 52, HD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT REGARDING MANDATORY INSURANCE COVERAGE FOR TEMPOROMANDIBULAR DISORDERS SERVICES," was adopted.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1636) recommending that S.C.R. No. 8, SD 1, as amended in HD 2, be adopted.

On motion by Representative Kanoho, seconded by Representative Say and carried, the report of the Committee was adopted and S.C.R. No. 8, SD 1, HD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR CONTRACEPTIVE SERVICES," was adopted.

#### **SUSPENSION OF RULES**

On motion by Representative Baker, seconded by Representative Thielen and carried, the rules were suspended for the purpose of reconsidering action previously taken.

#### **RECONSIDERATION OF ACTION TAKEN**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House reconsidered its action taken on April 16, 1993, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 115 (SD 1); 783, HD 1 (SD 1); 882, HD 2 (SD 1); 1638, HD 1 (SD 1); 1889 (SD 1); 2030, HD 1 (SD 2); and 2040, HD 1 (SD 2).

#### **SUSPENSION OF RULES**

On motion by Representative Baker, 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.

#### **DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK**

**By unanimous consent, H.B. No. 115, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 115, and H.B. No. 115, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 433, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 433, HD 1, and H.B. No. 433, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 446, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 446, and H.B. No. 446, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PHYSICIAN LICENSURE EXAMINATIONS," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 783, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 783, HD 1, and H.B. No. 783, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 882, HD 2, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 882, HD 2, and H.B. No. 882, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDSCAPING," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 975, HD 2, SD 2, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 975, HD 2, and H.B. No. 975, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY CIVIL FINES," having been read throughout, passed Final Reading by a vote of 44 ayes to 1 no, with Representative Thielen voting no, and Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1149, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1149, HD 1, and H.B. No. 1149, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.



**By unanimous consent, H.B. No. 1505, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1505, HD 1, and H.B. No. 1505, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSON DISPOSSESSED OR DISPLACED BY VOLCANIC ERUPTIONS," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1626, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1626, and H.B. No. 1626, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ORDINARY DISABILITY RETIREMENT UNDER THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1638, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1638, HD 1, and H.B. No. 1638, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1664, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1664, HD 1, and H.B. No. 1664, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH VIOLATIONS," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1666, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1666, and H.B. No. 1666, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1675, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1675, HD 1, and H.B. No. 1675, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final

Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1889, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1889, and H.B. No. 1889, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING REQUIREMENTS," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1896, SD 2, was taken from the Clerk's desk.**

Representative Baker moved that the House agree to the amendments proposed by the Senate to H.B. No. 1896, and H.B. No. 1896, SD 2, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Pepper rose and asked for a conflict ruling, saying that he is a current beneficiary of the Retirement System, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1896, and H.B. No. 1896, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ACTUARIAL ASSUMPTIONS OF THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 1955, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1955, and H.B. No. 1955, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 2008, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2008, HD 1, and H.B. No. 2008, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," having been read throughout, passed Final Reading by a vote of 44 ayes to 1 no, with Representative Peters voting no, and Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 2017, SD 2, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2017, and H.B. No. 2017, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 2030, HD 1, SD 2, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2030, HD 1, and H.B. No. 2030, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BOND AUTHORITY FOR PUBLIC HEALTH FACILITIES," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

**By unanimous consent, H.B. No. 2040, HD 1, SD 2, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2040, HD 1, and H.B. No. 2040, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Bunda, Hirono, M. Ige, Takamine, Taniguchi and Tom being excused.

The Chair directed the Clerk to note that H.B. Nos. 115, 433, 446, 783, 882, 975, 1149, 1505, 1626, 1638, 1664, 1666, 1675, 1889, 1896, 1955, 2008, 2017, 2030 and 2040 had passed Final Reading at 12:42 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1637) recommending that S.C.R. No. 59, SD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Ihara and carried, the report of the Committee was adopted and S.C.R. No. 59, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF TELEVISION PROGRAMMING RELATING TO HAWAII AND ITS CULTURE, HISTORY AND INDIGENOUS LANGUAGE AS A PREREQUISITE FOR THE ESTABLISHMENT OF A BROADCAST STATION OR CABLE CHANNEL DEDICATED TO SUCH PROGRAMMING," was adopted.

Representative Okamura, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1638) recommending that S.C.R. No. 100, SD 1, be adopted.

Representative Okamura moved that the report of the Committee be adopted and S.C.R. No. 100, SD 1, be adopted, seconded by Representative Ihara.

Representative Peters rose to speak against the concurrent resolution, stating:

"This resolution has noble intentions in its efforts to compensate the Hawaiian Homes Trust for federal use of the Trust lands but, unfortunately, this proposal does not provide the appropriate solution. As you know, Mr. Speaker, over the generations of existence on these islands, there are other land trusts that have been adversely affected by governmental use and their power of eminent domain -- the power to take lands from people. Hawaiian Homes is not the only trust that had been affected.

"The solution here, basically, is another example of the Hawaiian people being victimized by legislation disguised as being beneficial to Hawaiians. All you're doing is allowing one Hawaiian trust to benefit at the expense of another trust. I hope that over the years, some of the messages that were echoed on this floor would call for a fair treatment on this issue.

"Those Hawaiians and Hawaiian institutions that have been adversely affected by the use of eminent domain should be given the right of first consideration when the purposes for which those lands were taken are no longer in existence. Hawaiian Homes is just one of those activities.

"Thank you very much, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 100, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO EXPLORE USING FEDERAL LANDS NO LONGER NEEDED FOR MILITARY AND OTHER PURPOSES TO COMPENSATE THE HAWAIIAN HOME LANDS TRUST FOR UNCOMPENSATED USES OF TRUST LANDS," was adopted, with Representative Peters voting no.

Representatives Stegmaier and Bunda, for the Committees on Economic Development and Business Concerns and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1639) recommending that S.C.R. No. 81, SD 1, as amended in HD 1, be adopted.

On motion by Representative Stegmaier, seconded by Representative Ishii-Morikami and carried, the joint report of the Committees was adopted and S.C.R. No. 81, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO FOLLOW CERTAIN DIRECTIVES OF THE LEGISLATURE IN ESTABLISHING AN INFRASTRUCTURE DOCKET ON TELECOMMUNICATIONS, AND TO DEVELOP A COMPREHENSIVE TELECOMMUNICATIONS PLAN FOR THE STATE," was adopted.

#### ANNOUNCEMENTS

Representative Thielen rose and on behalf of the Minority members, wished the Majority members a very 'Happy Lei Day' and further stated:

"I know that those who were able to visit their schools this morning did so with the spirit of giving full support to education this session."

Representative Ihara then rose and on behalf of Representative Oshiro, announced a Conference Committee meeting on House Bill 173, HD 3, SD 1, at 2:00 p.m. today in Conference Room 1310.

Representative Say then rose and requested waiver of the 48-hour notice requirement to hear S.C.R. Nos. 42 and 115 at 1:30 p.m. this afternoon in Room 908, and the Chair "so ordered."

Representative Say: "I would like to announce to the House conferees that the House and Senate will convene in Conference Room 111 at 5:00 p.m., and this is in regards to House Bills 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620 and 1621."

Representative D. Ige: "I would like to announce to the conferees on House Bill 2156 which is the education reform bill that we will be reconvening at 2:00 p.m. this afternoon in Conference Room 1008, and it should be pretty much the final wrap up on all of the proposals, so I would like to invite all the members of Education to join us."

Representative Baker: "I just want to remind all of our colleagues that we will be hosting another 'signing party' tonight in the Majority Caucus Room starting from 8:00 and wrapping up at midnight. The menu will be different so please join us. It will be a way for the staff to find the members when they need their signatures."

Representative Ihara then moved to keep the Journal open until midnight this legislative day for the purpose of receiving Conference Committee Reports, seconded by Representative Thielen and carried.

At 12:48 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Conference Committee Reports.

### CONFERENCE COMMITTEE REPORTS

In accordance with the motion made earlier, the following Conference Committee Reports (Conf. Com. Rep. Nos. 14 to 99, 101 to 150 and 201 to 234) were received in the Clerk's Office:

Conf. Com. Rep. No. 14 and H.B. No. 1655, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 15 and H.B. No. 1899, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 16 and H.B. No. 2029, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 17 and H.B. No. 883, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEENAGE HEALTH," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 18 and H.B. No. 1721, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 19 and H.B. No. 1597, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 20 and H.B. No. 920, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIED PERSONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 21 and H.B. No. 200, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 22 and H.B. No. 1594, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 23 and H.B. No. 534, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 24 and H.B. No. 1598, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 25 and H.B. No. 1062, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 26 and H.B. No. 1363, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 27 and H.B. No. 1739, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 28 and H.B. No. 2012, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 29 and H.B. No. 361, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRECURSOR CHEMICALS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 30 and H.B. No. 782, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 31 and H.B. No. 568, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 32 and H.B. No. 2032, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY HOSPITALS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 33 and H.B. No. 6, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 34 and H.B. No. 1661, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 35 and H.B. No. 1662, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 36 and H.B. No. 251, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 37 and H.B. No. 1897, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 38 and H.B. No. 951, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 39 and H.B. No. 187, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 40 and H.B. No. 1671, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 41 and H.B. No. 1459, HD 1, SD 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, 1993.

Conf. Com. Rep. No. 42 and H.B. No. 539, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 43 and H.B. No. 1589, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 44 and H.B. No. 220, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FIREFIGHTER'S CONTINGENCY FUND," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 45 and H.B. No. 1797, HD 2, SD 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, 1993.

Conf. Com. Rep. No. 46 and H.B. No. 1117, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 47 and H.B. No. 620, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 48 and H.B. No. 788, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATE CODE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 49 and H.B. No. 2045, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF PRETRIAL INMATES,"

were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 50 and H.B. No. 199, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 51 and S.B. No. 2, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 52 and S.B. No. 1316, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 53 and S.B. No. 125, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL BOND AGENTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 54 and S.B. No. 536, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 55 and S.B. No. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALES TO OWNER-OCCUPANTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 56 and S.B. No. 1664, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 57 and S.B. No. 3, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 58 and S.B. No. 301, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIHAOLE VALLEY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 59 and S.B. No. 993, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 60 and S.B. No. 812, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL SENTENCING," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 61 and S.B. No. 1363, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 62 and S.B. No. 14, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 63 and S.B. No. 127, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 64 and S.B. No. 130, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

MEDICINE AND SURGERY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 65 and S.B. No. 191, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER FIREFIGHTERS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 66 and S.B. No. 525, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 67 and S.B. No. 741, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 68 and S.B. No. 124, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR FUEL," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 69 and S.B. No. 154, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS ENFORCEMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 70 and S.B. No. 363, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE NO HOPE IN DOPE PROGRAM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 71 and S.B. No. 1063, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 72 and S.B. No. 1448, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 73 and S.B. No. 1752, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 74 and S.B. No. 1905, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VACCINATION AND IMMUNIZATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 75 and S.B. No. 448, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE NO HOPE IN DOPE PROGRAM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 76 and S.B. No. 261, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 77 and S.B. No. 250, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF

THE PACIFIC MAPPING CENTER," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 78 and S.B. No. 1726, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 79 and S.B. No. 552, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 80 and S.B. No. 930, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 81 and S.B. No. 952, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAXES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 82 and S.B. No. 539, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 83 and S.B. No. 920, SD 2, HD 1, 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, 1993.

Conf. Com. Rep. No. 84 and S.B. No. 1137, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 85 and S.B. No. 530, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 86 and S.B. No. 1670, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITERACY AND LIFELONG LEARNING PROGRAM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 87 and S.B. No. 336, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGH SCHOOL ATHLETICS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 88 and S.B. No. 1410, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 89 and S.B. No. 1582, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 90 and S.B. No. 1729, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXCISE TAX," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 91 and S.B. No. 1851, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 92 and S.B. No. 1361, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 93 and S.B. No. 1874, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 94 and S.B. No. 1531, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS AND CONTRACTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 95 and S.B. No. 1715, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDER TAXES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 96 and S.B. No. 1027, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 97 and S.B. No. 1028, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 98 and S.B. No. 603, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 99 and S.B. No. 1126, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 101 and H.B. No. 570, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 102 and H.B. No. 966, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 103 and H.B. No. 1686, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 104 and H.B. No. 1467, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 105 and H.B. No. 747, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 106 and H.B. No. 179, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 107 and H.B. No. 2050, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 108 and H.B. No. 2051, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 109 and H.B. No. 1276, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEAD ACID BATTERY RECYCLING," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 110 and H.B. No. 1376, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 111 and H.B. No. 673, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 112 and H.B. No. 2026, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN AIR," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 113 and H.B. No. 1883, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 114 and H.B. No. 603, 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, 1993.

Conf. Com. Rep. No. 115 and H.B. No. 1636, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 116 and H.B. No. 1034, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 117 and H.B. No. 773, 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, 1993.

Conf. Com. Rep. No. 118 and H.B. No. 1630, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR UNLICENSED



ACTIVITY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 119 and H.B. No. 1660, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 120 and H.B. No. 1665, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 121 and H.B. No. 2028, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRE RECOVERY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 122 and H.B. No. 1971, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE SALES PRACTICES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 123 and H.B. No. 1736, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE LAWS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 124 and H.B. No. 775, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 125 and H.B. No. 1592, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 126 and H.B. No. 1730, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCREDITATION IN INSURANCE REGULATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 127 and H.B. No. 1089, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS AND FEES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 128 and H.B. No. 1628, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING FINANCIAL INSTITUTIONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 129 and H.B. No. 1885, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 130 and H.B. No. 25, 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, 1993.

Conf. Com. Rep. No. 131 and H.B. No. 1881, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO THE REGULATION OF CHARITABLE ORGANIZATIONS, PROFESSIONAL FUND-RAISING COUNSEL, AND PROFESSIONAL SOLICITORS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 132 and H.B. No. 1370, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATIONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 133 and H.B. No. 1537, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 134 and H.B. No. 1624, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 135 and H.B. No. 66, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT, CONTROL, DISTRIBUTION, AND SALE OF PETROLEUM PRODUCTS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 136 and H.B. No. 1734, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 137 and H.B. No. 1732, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MISCELLANEOUS PERMITS FOR PHARMACY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 138 and H.B. No. 464, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 139 and H.B. No. 1047, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 140 and H.B. No. 2042, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII STATE LIBRARY FOUNDATION TRUST FUND," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 141 and H.B. No. 1473, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE ELECTRIC AND TELEPHONE RATE INCREASES TO ASSIST KAUAI'S ELECTRIC AND TELEPHONE RATEPAYERS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 142 and H.B. No. 1563, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT TO ESTABLISH A PILOT PROGRAM TO CREATE AND TEST A MODEL OF WATER QUALITY SURVEYING AND SAMPLING USING VOLUNTEERS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 143 and H.B. No. 434, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 144 and H.B. No. 1374, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DIALYSIS MACHINE TO SERVE THE NEEDS OF THE RESIDENTS OF NORTH HAWAII," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 145 and H.B. No. 785, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REVISED STATUTES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 146 and H.B. No. 1771, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 147 and H.B. No. 1154, 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, 1993.

Conf. Com. Rep. No. 148 and H.B. No. 1124, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RECOVERY COSTS ASSOCIATED WITH HURRICANE INIKI," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 149 and H.B. No. 2060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 150 and H.B. No. 1694, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX REFUNDS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 201 and H.B. No. 694, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 202 and H.B. No. 1055, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 203 and H.B. No. 1208, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOMASS RESEARCH," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 204 and H.B. No. 525, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 205 and H.B. No. 1178, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NATIVE HAWAIIAN-OWNED INDUSTRIAL ENTERPRISE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 206 and H.B. No. 1327, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 207 and H.B. No. 1653, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 208 and H.B. No. 625, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA SPIRIT," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 209 and H.B. No. 924, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR A JUVENILE JUSTICE INFORMATION SYSTEM," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 210 and H.B. No. 741, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF THE PENAL CODE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 211 and H.B. No. 1988, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 212 and H.B. No. 1773, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A PROGRAM OF REGIMENTAL DISCIPLINE FOR CORRECTIONS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 213 and H.B. No. 2098, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 214 and H.B. No. 2010, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 215 and H.B. No. 2015, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 216 and H.B. No. 2014, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 217 and H.B. No. 173, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 218 and H.B. No. 628, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 219 and H.B. No. 1890, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING INSURANCE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 220 and H.B. No. 195, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 221 and H.B. No. 2024, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 222 and H.B. No. 241, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 223 and H.B. No. 203, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 224 and H.B. No. 1453, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S TRUST FUND," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 225 and H.B. No. 1152, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 226 and H.B. No. 570, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 227 and H.B. No. 2156, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 228 and H.B. No. 1610, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 229 and H.B. No. 1613, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 230 and H.B. No. 1614, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 231 and H.B. No. 1616, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 232 and H.B. No. 1621, HD 1, SD 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, 1993.

Conf. Com. Rep. No. 233 and H.B. No. 126, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," were placed on the calendar for Final Reading on Monday, May 3, 1993.

Conf. Com. Rep. No. 234 and H.B. No. 1202, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER," were placed on the calendar for Final Reading on Monday, May 3, 1993.

### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m. on Monday, May 3, 1993.

## SIXTIETH DAY

Monday, May 3, 1993

The House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 9:27 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Ezra R. Kanoho, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Ninth Day.

On motion by Representative Ihara, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Fifty-Ninth Day was approved.

At this time, the Chair introduced a group of sixth grade students from Maemae Elementary School, along with their teacher, Diane Au, and Principal, Morris Kimoto. They entertained the members of the House with a song -- Heal the World.

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 217) was read by the Clerk and placed on file:

Gov. Msg. No. 217, transmitting his statement of objections to Senate Bill No. 1616, which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

May 3, 1993

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1616

Honorable Members  
Seventeenth 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. 1616, entitled, 'A Bill for an Act Relating to the Department of Public Safety.'

The purpose of Senate Bill No. 1616 is to reassign the titles of 'sheriff' and 'deputy sheriff' to the Special Service Deputies of the Department of Public Safety. However, Senate Bill No. 1616 conflicts with the sound personnel management strategy set out in Act 211, Session Laws of Hawaii 1989. By Act 211 the Legislature consolidated most of the law enforcement and security functions and employees of the State into a Department of Public Safety to include the functions and employees of the Department of Corrections, the Office of Sheriff and security personnel in the Judiciary, the State Law Enforcement Office (except for executive security functions and employees) and the narcotics enforcement division of the Department of the Attorney General, and the law enforcement and security functions and employees of the Department of Transportation. One of the stated goals of Act 211 was to 'establish a "career ladder" for public safety employees.' Consistent with that purpose, the Legislature also provided in Section 1 of Act 211 that

position descriptions for the transferred employees be reworked, that their position classification be reviewed, and that an organizational structure be developed.

Pursuant to Act 211, the Department of Personnel Services has created a 'Deputy Sheriff' series which includes the work performed by the Marine Patrol Officers, State Security Guards and Special Services Deputies. This action goes beyond the purpose of the bill which was to give the title of deputy sheriff to only one group of law enforcement personnel. Allowing law enforcement personnel from several areas to be within the same series provides for greater promotional opportunities within the Department, and grants the Director flexibility to rotate employees in the various areas. Thus, the goal of creating a career ladder has been realized. To the extent that a major purpose of this bill is to return the title of deputy sheriff to a certain group of employees, that has been accomplished administratively and this bill is unnecessary. However, to the extent that this bill limits the group that may have the title of deputy sheriff, the bill undermines the goal of creating a career ladder for law enforcement personnel.

"Also, section 26-5, Hawaii Revised Statutes, delegates to the Department of Personnel Services the responsibility to administer the State personnel program, including, among other things, position classification. In addition, the State Civil Service Law provides in section 76-1, Hawaii Revised Statutes, that 'it is the purpose of this chapter to establish in the State and each of the counties a system of personnel administration based on merit principles and scientific methods governing the classification of positions and the employment, conduct, movement, and separation of public officers and employees.' Because matters of position classification and their relationship to other classified positions impact not only the position classification, but also the compensation plans under chapter 77, Hawaii Revised Statutes, it appears inadvisable to pluck out a classified position and to rename, by law, the classification without consulting with the personnel directors of the State and the counties.

For the foregoing reasons, I am returning Senate Bill No. 1616 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 883 to 945) were read by the Clerk and were placed on file:

Sen. Com. No. 883, informing the House that the following bills passed Final Reading in the Senate on April 30, 1993:

S.B. No. 1819, SD 1, HD 1, entitled: "RELATING TO SENTENCING";

H.B. No. 1582, SD 1, CD 1, entitled: "RELATING TO MEAT INSPECTION";

H.B. No. 690, HD 1, SD 1, CD 1, entitled: "RELATING TO COOPERATIVE HOUSING CORPORATIONS";

H.B. No. 313, HD 1, SD 1, CD 1, entitled: "RELATING TO TIME SHARING PLANS";

H.B. No. 1606, SD 1, CD 1, entitled: "RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY";

S.B. No. 1397, SD 2, HD 2, entitled: "RELATING TO THE STATEWIDE TRAIL AND ACCESS SYSTEM";

S.B. No. 1619, SD 1, HD 1, entitled: "RELATING TO THE PUBLIC UTILITIES COMMISSION"; and

S.B. No. 1706, HD 1, entitled: "RELATING TO PROFESSIONAL ENGINEERING EMPLOYEES OF THE HAWAII PUBLIC BROADCASTING AUTHORITY".

Sen. Com. No. 884, informing the House that the Senate has reconsidered its action in disagreeing to the amendments proposed by the House to the following Senate Bills and has agreed to the amendments to the following bills on April 30, 1993:

S.B. No. 1143, SD 2, HD 1

S.B. No. 555, SD 1, HD 1

S.B. No. 1608, SD 1, HD 2

S.B. No. 728, SD 1, HD 2

Sen. Com. No. 885, returning House Bill No. 182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL LANDSCAPES," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 886, returning House Bill No. 192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 887, returning House Bill No. 888, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 888, returning House Bill No. 1082, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 889, returning House Bill No. 1123, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN INCREASE IN THE LOAN AMOUNTS UNDER THE STATE DISASTER LOAN PROGRAM," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 890, returning House Bill No. 1156, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 891, returning House Bill No. 1372, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 892, returning House Bill No. 1405, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 893, returning House Bill No. 1534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 894, returning House Bill No. 1603, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 895, returning House Bill No. 1646, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 896, returning House Bill No. 1677, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 897, returning House Bill No. 1695, entitled: "A BILL FOR AN ACT RELATING TO USE TAX REPORTS," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 898, returning House Bill No. 1737, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 899, returning House Bill No. 1740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 900, returning House Bill No. 2020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on April 30, 1993.

Sen. Com. No. 901, returning H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR PAP TESTS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 902, returning H.C.R. No. 6, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT LEGISLATION THAT WOULD ENSURE THAT THE FEDERAL GOVERNMENT PROVIDE SUFFICIENT FUNDING TO FEDERALLY MANDATED PROGRAMS OVER THE PROGRAMS' ENTIRE EXISTENCE," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 903, returning H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ON-GOING MISSION OF THE PACIFIC MISSILE RANGE FACILITY AT MANA, ON THE ISLAND OF KAUAI, IN THE STATE OF HAWAII, TO MAINTAIN THE CAPABILITY TO STRENGTHEN OUR NATION'S DEFENSES THROUGH EFFECTIVE TRAINING, TESTING AND EVALUATION, AND TO MAKE THE STATE OF HAWAII A MORE VIABLE LOCATION FOR OUR ARMED FORCES," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 904, informing the House that the Senate has adopted H.C.R. No. 59, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REAUTHORIZE AND ENHANCE THE FEDERAL ENDANGERED SPECIES ACT AND TO EXPRESS THE CONCERN OF THE HAWAII STATE LEGISLATURE IN PROTECTING THREATENED OR ENDANGERED PLANTS AND ANIMALS," on April 30, 1993.



Sen. Com. No. 905, informing the House that the Senate has adopted H.C.R. No. 63, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP TAX INCENTIVES TO ENCOURAGE RECYCLING," on April 30, 1993.

Sen. Com. No. 906, returning H.C.R. No. 66, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAIIAN HOMES COMMISSION TO EXEMPT PUUKAPU PASTORAL LOTS, ISLAND OF HAWAII, FROM ALL STATE AND COUNTY PERMIT AND ZONING REQUIREMENTS, MAKING IT A PILOT PROJECT," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 907, returning H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES ARMY, NAVY, AIR FORCE, AND MARINE CORPS TO RECOMMENCE THE PERFORMING OF TWENTY-ONE GUN SALUTES AT VETERAN BURIAL CEREMONIES ON THE ISLANDS OF KAUAI, MAUI, MOLOKAI, LANAI, AND HAWAII," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 908, informing the House that the Senate has adopted H.C.R. No. 71, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PRESIDENT CLINTON AND CONGRESS TO TAKE IMMEDIATE STEPS TO RESOLVE MATTERS RELATING TO HAWAIIAN LANDS AND FEDERAL TRUST OBLIGATIONS," on April 30, 1993.

Sen. Com. No. 909, returning H.C.R. No. 83, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT CLINTON TO APPOINT ASIAN, PACIFIC, AND NATIVE AMERICANS TO TOP AND MIDDLE-LEVEL ADMINISTRATION POSTS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 910, returning H.C.R. No. 105, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT ACTION BE TAKEN TO PROVIDE NATURALIZED FILIPINO WORLD WAR II VETERANS WITH ALL RIGHTS AND BENEFITS TO WHICH UNITED STATES VETERANS ARE ENTITLED," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 911, informing the House that the Senate has adopted H.C.R. No. 119, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONTINUATION OF THE PAPAYA INDUSTRY'S FEDERAL MARKETING ORDER," on April 30, 1993.

Sen. Com. No. 912, returning H.C.R. No. 121, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT AN EXAMINATION OF THE TEACHER TRAINING PROGRAM OPPORTUNITIES AND EDUCATION AVAILABLE IN THE STATE," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 913, informing the House that the Senate has adopted H.C.R. No. 125, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE VARIOUS DEPARTMENTS, AGENCIES, AND OFFICES OF THE STATE AUTHORIZED TO EXPEND MONEYS OUT OF ANY SPECIAL, TRUST, OR REVOLVING FUND TO SUBMIT ANNUAL REPORTS TO THE LEGISLATURE ON ALL FUND TRANSACTIONS CARRIED OUT OVER THE PREVIOUS FISCAL YEAR," on April 30, 1993.

Sen. Com. No. 914, returning H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON PROGRESS BEING MADE TO ACCESS WATER RESOURCES FOR THE SETTLEMENT OF HAWAIIAN HOMESTEAD LANDS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 915, returning H.C.R. No. 176, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE FORMATION OF A TASK FORCE TO ENCOURAGE THE DEVELOPMENT OF A PRIVATE SCHOOL BUS PROGRAM," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 916, returning H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ISSUE A FORMAL APOLOGY ON BEHALF OF THE UNITED STATES TO NATIVE HAWAIIANS FOR THE OVERTHROW OF THE KINGDOM OF HAWAII," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 917, returning H.C.R. No. 183, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES HOLD FACILITATED PUBLIC INFORMATION MEETINGS CONCERNING FACILITATED MANAGEMENT OBJECTIVES AND ACTIVITIES IN THE PUU O UMI NATURAL AREA RESERVE, KOHALA FOREST RESERVE, AND THE WAIMANU VALLEY NATIONAL ESTUARINE RESEARCH RESERVE," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 918, returning H.C.R. No. 184, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE GOVERNOR APPOINT TO THE HAWAII TROPICAL FOREST RECOVERY TASK FORCE A PERSON WHO WILL REPRESENT THE INTERESTS OF HUNTERS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 919, returning H.C.R. No. 185, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO ACCOMMODATE THE NEEDS AND INTERESTS OF HUNTERS IN DEVELOPING STRATEGIES TO MANAGE PIG POPULATIONS IN THE LAUPAHOEHOE NATURAL AREA RESERVE," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 920, returning H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK'," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 921, returning H.C.R. No. 213, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE RESTORATION OF HUMAN, CIVIL, PROPERTY, AND SOVEREIGN RIGHTS OF HAWAII'S INDIGENOUS PEOPLE," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 922, returning H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY AND IMPACT OF PLACING MOTOR VEHICLE REGISTRATION EMBLEMS ON THE INSIDE OF A MOTOR VEHICLE'S REAR WINDOW," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 923, informing the House that the Senate has adopted H.C.R. No. 272, HD 1, SD 1,



entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FORMALLY RECOGNIZE THE SPECIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE HAWAIIAN PEOPLE," on April 30, 1993.

Sen. Com. No. 924, returning H.C.R. No. 275, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING 1993 AS THE YEAR OF THE WORLD'S INDIGENOUS PEOPLE," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 925, returning H.C.R. No. 284, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII VISITORS BUREAU," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 926, returning H.C.R. No. 304, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LAND USE COMMISSION TO FULLY CONSIDER THE ENVIRONMENTAL, SOCIAL, AND RELATED IMPACTS IN DETERMINING WHETHER TO RECLASSIFY CONSERVATION LAND TO URBAN USE IN AINA KOA VALLEY," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 927, informing the House that the Senate has adopted H.C.R. No. 312, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO STUDY THE MAJOR PROBLEMS FACING COMMERCIAL LAND LESSEES," on April 30, 1993.

Sen. Com. No. 928, informing the House that the Senate has adopted H.C.R. No. 314, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS AND PROPOSE ENFORCEMENT PROCEDURES FOR STATE AND COUNTY COMPLIANCE WITH UNIFORM FEDERAL ACCESSIBILITY STANDARDS AS MANDATED BY SECTIONS 103-50 AND 103-50.5, HAWAII REVISED STATUTES, AND THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES," on April 30, 1993.

Sen. Com. No. 929, informing the House that the Senate has adopted H.C.R. No. 328, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE HIGHER EDUCATION NEEDS OF NEIGHBOR ISLAND STUDENTS," on April 30, 1993.

Sen. Com. No. 930, informing the House that the Senate has adopted H.C.R. No. 339, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONTINUE TO PLACE THE HIGHEST PRIORITY ON TRAINING NURSES AT THE SCHOOL OF NURSING, AND REQUESTING A STUDY ON INCREASING THE ENROLLMENT AND GRADUATION RATES, AND OTHER FACTORS," on April 30, 1993.

Sen. Com. No. 931, returning H.C.R. No. 347, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO EXAMINE THE FEASIBILITY OF CONSOLIDATING THE MANAGEMENT AND OPERATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM, THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND, AND THE DEFERRED COMPENSATION PLAN," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 932, informing the House that the Senate has adopted H.C.R. No. 360, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING, THE DEPARTMENT OF HEALTH, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM, TO CONDUCT REVIEWS RELATING TO VARIOUS ASPECTS OF LONG-TERM HOME CARE SERVICES FOR ELDERLY IN THE STATE OF HAWAII," on April 30, 1993.

Sen. Com. No. 933, returning H.C.R. No. 363, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONTINUED SUPPORT OF LOCALLY-GROWN AGRICULTURAL AND VALUE-ADDED PRODUCTS BY THE VISITOR INDUSTRY," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 934, returning H.C.R. No. 385, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ACCEPTING THE INVITATION OF THE PACIFIC FISHERIES LEGISLATIVE TASK FORCE," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 935, returning H.C.R. No. 386, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE NATATORIUM AS A 'LIVING MEMORIAL' AND A SYMBOL OF PRIDE FOR ALL THE PEOPLE OF HAWAII," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 936, returning H.C.R. No. 389, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION, IN COOPERATION WITH THE EAST-WEST CENTER AND THE MAUI ECONOMIC DEVELOPMENT BOARD, TO COORDINATE ACTIVITIES RELATING TO HIGH-PERFORMANCE COMPUTING AND COMMUNICATIONS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 937, returning H.C.R. No. 423, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF EMERGENCY AND BUDGET STABILIZATION OR 'RAINY DAY' FUNDS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 938, returning H.C.R. No. 430, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE STATE AUDITOR TO CONDUCT A COMPREHENSIVE STUDY ON THE REVENUE AND SERVICE OPERATIONS OF ALL STATE-RUN SMALL BOAT HARBORS AND BOAT RAMPS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 939, informing the House that the Senate has adopted H.C.R. No. 451, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO RECONVENE THE DIAMOND HEAD CITIZENS ADVISORY COMMITTEE," on April 30, 1993.

Sen. Com. No. 940, returning H.C.R. No. 466, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF WHETHER TIME SHARE INTERESTS SHOULD BE CONSIDERED TRANSIENT ACCOMMODATIONS AND AS SUCH BE TREATED THE SAME AS OTHER TOURIST ACCOMMODATIONS IN HAWAII," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 941, returning H.C.R. No. 476, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU IN CONJUNCTION WITH THE HAWAII REAL ESTATE RESEARCH AND EDUCATION CENTER TO CONDUCT A STUDY ON THE ROLE OF NON-PROFIT ORGANIZATIONS IN THE DEVELOPMENT OF HOUSING IN THE STATE OF HAWAII," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 942, returning H.C.R. No. 477, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN INTERIM STUDY OF THE HOUSING FINANCE AND DEVELOPMENT MECHANISMS AND PROGRAMS OF OTHER STATES," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 943, returning H.C.R. No. 483, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SECRETARY OF THE INTERIOR TO ASSIST THE STATE DEPARTMENT OF AGRICULTURE IN PROTECTING KAUAI'S ENDANGERED BIRDS FROM THE APPLE SNAILS," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 944, returning H.C.R. No. 488, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO INTRA-STATE TOURISM PROMOTION," which was adopted by the Senate on April 30, 1993.

Sen. Com. No. 945, returning H.C.R. No. 489, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO TRAFFIC VIOLATIONS," which was adopted by the Senate on April 30, 1993.

At 9:46 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:15 o'clock a.m.

#### ORDER OF THE DAY

#### SUSPENSION OF RULES

On motion by Representative Ihara, 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.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 225 on H.B. No. 1152, HD 1, SD 1, CD 1:

Representative Say moved that the report of the Committee be adopted and H.B. No. 1152, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kawakami.

Representative Say rose to speak in favor of the bill, stating:

"Before I proceed on this particular monumental task of speaking for the budget, I would like to convey my very best thank you to the House Finance Committee staff who are upstairs right now.

"To begin my speech in support, Mr. Speaker, let me say this also to the members of the House how much I have enjoyed the opportunity and the privilege of being

the Finance Chairman for this particular legislative session.

"Mr. Speaker, we face a situation unprecedented in the history of our State. The deadly destruction of Hurricane Iniki ravaged our fragile economy on Kauai. Our already weak statewide economy was further eroded and it has been dealt a blow by blow -- from Iniki to the continuing national recession, from the decline in foreign investment, and from increased federal mandates placed upon the State.

"In light of this bleak outlook, the Council on Revenues did forecast a very, very anemic growth in our revenues. For 1993 to 1994, the growth rate was projected to be 3.9 percent, and for 1994 to 1995, the projection was 4.8 percent.

"In addition, Mr. Speaker and members of the House, we all face increasing demands for State services. We must address the needs in education, human services, and economic development. The financial challenges we all face today, Mr. Speaker, require creative responses, shared sacrifices, and a close look at our priorities. In these difficult times, I know for a fact that we cannot please everyone. We can, however, look to the basic principles of fairness, compassion, and honesty to guide us in making these tough decisions.

"We are not afraid to make those tough decisions, Mr. Speaker, and I commend the members of the Finance Committee for having the courage to bite the bullet to keep our State fiscally solvent, while balancing the important needs and interests of the people. And I thank the members of this House for their thoughtful and carefully considered efforts to meet their fiscal, social, and moral responsibilities throughout this trying sixty days.

"In this difficult economic environment, I believe that we have achieved our primary goals in formulating this budget. We have set a sound and responsible course for our future, and we have provided those resources for those program areas most critical to our future.

"Mr. Speaker and members of this House, education is unquestionably one of our most important priorities, and it is. Altogether, we will provide an additional twenty million dollars over and above what the administration requested for education. We have focused on programs that will improve the quality of education -- programs that will directly affect our classroom learning.

"Funds have been provided to hire more teachers, purchase more textbooks and more equipment to meet the needs of our youngsters. There is money to help our schools take advantage of modern technology to better prepare our youngsters for the future. There is also funds to make badly needed renovations at McKinley High School, and to build a new high school in Upcountry Maui. There is a new financial structure that will move our school-based budgeting forward, to further our commitment to school/community-based management. In short, Mr. Speaker and members of this House, we have tried to provide the resources needed to better our schools, to serve our children, and to brighten our future.

"Mr. Speaker, we have also taken steps to support quality higher education as well. More than eleven million dollars have been appropriated to alleviate the cutbacks and shortages brought on by previous years' budget restrictions.

"And we have put a lot of special emphasis on helping the schools on Kauai. We will build a new intermediate school in Kapaa, and replace and upgrade all the

facilities around the island that were damaged by Hurricane Iniki.

"But Hurricane Iniki destroyed more than schools, Mr. Speaker. It damaged one's dream, one's goal of what we are living here for. It damaged and crushed the hopes and eroded the faith of a lot of the people on the island of Kauai. Mr. Speaker and members of this House, the financial package for Kauai is offered not only to rebuild homes and businesses and infrastructure, but to rebuild lives and restore hope for those individuals. By providing tax relief, reconstruction funds, and marketing resources, we hope to speed the process of recovery from this devastating natural disaster. All of our helping hand is extended out of respect and admiration for the dignity and determination of the people of Kauai. Together, all of us will prove that the pain of hurricane destruction can be replaced by the resilience of the human spirit that we all have.

"Preserving human dignity, providing assistance to those in need, and ensuring the availability of quality health care are also high on the priority list this session. We have provided funds to maintain the viability of the State health insurance plan. We will support improvements to our hospitals in areas that need better medical facilities. We have provided more money to restore domestic shelter services and support for victims of domestic abuse.

"And, in recognition that investment in preventive programs will bring longer-term benefits, both socially and economically, we have funded new and expanded early intervention and family-based services to children and families at risk. Difficult economic times mean more stress on Hawaii's families. And these times point out to us more clearly than ever that a dollar spent now on prevention means more than spending a thousand dollars later on a cure.

"The bottom line, Mr. Speaker and members of this House, to this solution, of course, is to strengthen our economy. That can be the source of stability for the people of Hawaii -- financially, socially, and emotionally. We are all determined to act to regain our economic vitality, and to provide expanded opportunities for economic success for everyone in our State. We all agree that an economically diverse Hawaii is a strong Hawaii for all. And we have funded initiatives to diversify our economic base, to streamline our business development programs, and to expand the skills of our labor force. But the seeds of economic development and diversity require time to root and bear fruit. While we nurture new business and industry, we cannot forget just who we brought to this economic dance in the first place. That is why we have provided \$8.5-million for each year of the biennium for additional visitor industry marketing and promotion. Revenues from tourism are the stronghold and the pillar of our economy. And those revenues help to pay for better schools, human services, and our efforts to develop and attract new and different businesses. While we search for ways to secure our economic future, we will continue to support the industry that supports us today. Mr. Speaker, we are also addressing other vital needs. Programs to enhance transportation, environmental protection, culture and recreation, and public safety are all included in this budget. Funds to enable the Attorney General to more aggressively pursue civil claims eventually will save taxpayers a million dollars every year. . .

At this point, the Chair interrupted and advised Representative Say that he has exceeded his ten minutes, whereupon Representative Baker rose and yielded her time.

Representative Say thanked the Chair and continued his remarks, stating:

"And we are adding 22 new positions to help the Department of Taxation collect delinquent taxes.

"However, as I said earlier, we cannot please everyone. Prudence has dictated our decisions and our actions on this budget. Until our economic uncertainties diminish, we must continue to be careful and cautious about the expenditures we make and the programs we institute.

"But, Mr. Speaker, having heeded those warnings ourselves, I believe we have developed a restrained, responsible financial plan that balances our needs with our available resources. We have considered, and have attempted to meet the needs and to address the important concerns of the State. Faced with the unenviable and tremendously difficult task of walking that fiscal tightrope, I am pleased that we have safely completed this journey, and that we have done so in the best interests of the people of Hawaii.

"Thank you, Mr. Speaker."

Representative D. Ige then rose to speak in favor of the bill, stating:

"Mr. Speaker, Chairman Say had talked a little bit about the fiscal details on this budget but, clearly, this budget represents more than the dollars and cents that we have appropriated for the public school system. We have totally restructured the budget to put children first. We have embraced the concept of school-based budgeting, refined it and enhanced it to better serve the people of Hawaii. We have reduced the eighteen program categories of the old public school system and condensed it to five. The five program IDs are EDN 100 which represents the school-based budget. These are dollars that will be going directly to schools that cannot be diverted for any other purpose.

"Mr. Speaker, in the department's proposal to the Legislature, they had recommended that 56 percent of their budget be categorized in this category of funding. Mr. Speaker, your Committee, in conference, had decided that 74 percent of the funds appropriated to the schools should go directly to the schools -- much, much further than what the department had been willing to propose initially.

"Mr. Speaker, we also created EDN 200 which funds professional development for the dedicated professionals in our school system, and an assessment and evaluation program that is so fundamentally important as we monitor and try and ensure progress in our public school system.

"EDN 300 refers to the dreaded State and district administration. This is the part of the budget I think that all of us will agree we need to manage and shrink and try and reallocate funding from this area into the school system and other segments of the budget.

"EDN 400 represents school support which is the food services -- the hot meals and lunches -- that dedicated professionals are providing on a daily basis. We have the best school lunch program in the nation in terms of quality, in terms of price, in terms of services to the students and teachers. This program also represents our commitment to repairs and maintenance of facilities and the upkeep of the grounds.

EDN 500 is one area that I think will be growing as we approach the 21st century. It represents the school and community services, incorporates the funding for A+, our nationally acclaimed child care and education program,

as well as adult education, and this is a real critical area for a state such as ours where we have such a high immigrant population. And as we approach the 21st century, a century in which life-long learners will thrive, this segment of the budget will become more and more important for all the people of Hawaii.

"I think, Mr. Speaker, in restructuring this budget, we try to emphasize what the priorities of the public school system should be and which costs we should be managing and trying to control. We have provided maximum flexibility for those funds going directly to schools. Each and every school will have the opportunity to decide what is in their best interest, in terms of how to expend those funds.

"We've also directed the department and the State administration to ensure that no additional funding goes to the State and district offices. That segment of the budget, I think we all agree, should be shrunk over time."

"We've also, as part of this funding, initiated a program that we've called 'incentive and innovation grants' which I'll be talking a little bit more about in my presentation on House Bill 2156. But let me suffice it to say that this program really intends to put focus on student achievement and student performance and that future expansions of the public school budget should be directly related to student performance.

"Mr. Speaker, I know that there are many who will say that we have not done enough for education but let me say, in working with the Finance Committee and the Committee on Ways and Means and the Chairs, that this budget clearly does put children first. People like to talk about these phantom cuts we've made but let me say that this budget represents forty million dollars more over the biennium. And I cannot ever recall, Mr. Speaker, where this body has ever fully funded all of the requests of the Department of Education or the Board of Education. Their submissions to us represent a wish list.

"I would like to say one more thing. They have tried to focus on the needs, or tried to make a case for the needs that went unfunded. I would just like to leave you with this ... we have funded 99.13 percent of the needs presented to us on behalf of the Department of Education. I am certain, with the able management and skilled professionals at the department, that they will find ways to make up that less than one percent that we did not provide to the public school system.

"At this time, I would like to thank Joe Treeas of the Finance staff who worked very diligently in trying to restructure this budget, Mr. Speaker. We went through many iterations about trying to decide what's in the best interest of the public and he was very patient and put up with us as we proceeded through the deliberations.

"I'd also like to thank personally the Chair of the Finance Committee, and Senator Ann Kobayashi on the Senate side, for their commitment and belief in Senator McCartney and myself as we went through the awesome task of trying to restructure the largest department in State government.

"Thank you, Mr. Speaker."

Representative Lee then rose and requested that his remarks, in favor of the bill, "particularly in the area of the University of Hawaii for which the House Committee on Higher Education is responsible," be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Lee's remarks are as follows:

"Mr. Speaker, I rise to speak in support of the State Budget. I do so in order to highlight the State Budget's role as a policy tool to further the objectives of the people and the State.

"I am speaking specifically as Chair of the Committee on Higher Education and the Arts, with oversight responsibility for the University of Hawaii.

"The University is an integral part of our society. It must be responsive to society's needs.

"Hawaii takes pride in being known as 'The Health State.' We continually strive to make our health care system more responsive and cost-efficient.

"Our society has a clear need for more family practitioners and more nurses. In order to meet that need, the State Budget includes two important provisos.

"Section 87 provides \$200,000 for a family practice residency at the John A. Burns School of Medicine which will be formally established by House Bill 1363. Under the program, graduates of the School of Medicine will be able to do their residencies at Hilo Hospital, thereby easing the acute shortage of family physicians on the Big Island, or at Wahiawa General Hospital -- a rural hospital convenient to both the School of Medicine and other medical facilities on Oahu.

"Section 89 provides that funding for the School of Nursing will be maintained at \$3,573,252 in the first year of the 1993-1995 biennium and \$3,555,639 in the second year. The proviso also states that existing positions in the School of Nursing will not be reallocated, thereby insuring that the School of Nursing will be able to maintain current services for the next two years.

"Unfortunately, this proviso doesn't address the longer-range problem. More than half the qualified applicants to the School of Nursing are turned away for lack of resources. All these applicants are Hawaii residents.

"Because the School of Nursing can't produce enough nurses, Hawaii hospitals have to bring in nurses from the mainland and from as far away as New Zealand. Importing nurses is expensive. It increases the cost of health care and offers only temporary relief. Imported nurses tend to be transients who leave for higher paying jobs after staying a short time. It's time we place a higher priority on filling these skilled jobs with our own people.

"Section 89 of the State Budget is reinforced by House Concurrent Resolution 339, requesting the University of Hawaii to continue to place the highest priority on training nurses at the School of Nursing, and requesting a study on increasing the enrollment and graduation rates, and other factors.

"The Legislature has thus made its priorities known in House Bill 1363, House Concurrent Resolution 339, and the State Budget. The University of Hawaii must devote its energy and resources to training more family doctors and to offering education in nursing to more local residents."

Representative Kawakami then rose to speak in favor of the bill, stating:

"Mr. Speaker, colleagues, this is a thoughtfully prepared document which has captured the essence of the objectives of our Majority Package; namely, educational initiatives, to continue our thrust for excellence in education, economic development activities, to stimulate

renewed growth in our economy, as well as needs and human services to care for our sick, our weak, and our elderly, and to nourish our young who will become our leaders of tomorrow. These top priorities were addressed by the Chair and the money committee with great sensitivity and compassion.

"I take this opportunity, Mr. Speaker, to make a few remarks about the budget which includes millions of dollars to address the overwhelming needs of the people of Kauai who, having endured Iniki's unpredictable and indiscriminate fury, are now on the road to recovery after seven long months of laboriously rebuilding lives, families, homes and businesses. It will take several years to bring Kauai back to normalcy.

"This budget before us, along with our bills, will comprise the Iniki Package which will help to restart Kauai's economy, promoting tourism, as well as assisting the county in on-going recovery efforts in the area of public works activities, housing and economic revitalization.

"So, Mr. Speaker, on behalf of the people and Kauai's legislative team, we offer our heartfelt thanks to our colleagues, for sharing some of your resources to help a neighbor island in time of need.

"It has been a pleasure, Mr. Speaker, and a great learning experience working with Chairman Say, and viewing the budget from the inside. I thank you, Mr. Speaker, for this challenging opportunity, and to the Finance Committee members ... thank you for helping us shape the budget and for your support and commitment.

"And finally to the Finance staff ... I have the utmost respect for your dedication, for your knowledge, and the great support throughout the long days and nights, and so to everyone, I say as the Hawaiians say ... mahalo plenty!

"Thank you, Mr. Speaker."

Representative Shon then rose to speak against the bill, stating:

"In doing so, I would like to acknowledge the fine work of all those who did put it together and to prepare the document -- the Finance staff and all.

"But in a different role, in the past I probably would have given many of the remarks previously given, but I do believe every now and then, it is important to discuss a major financial plan on philosophical terms. And it is on the philosophical realm that I would like to discuss my objections.

"First, very specifically, I do believe that although the provisions of a particular provider tax are in another bill that the financial plan does incorporate these considerations and for myself, I believe that will increase the cost of health care if it is approved by the Federal government, and I cannot agree with that.

"Second, I do believe that this plan incorporates a freeze on benefits for the working poor in 1994, and I believe that the pressures to keep the freeze next year will be enormous, and the result will be more working poor will drop off the payrolls on to welfare and this will put us further into debt. I disagree with that.

"Third, although there are significant additional funds for children's mental health, I am afraid that it does fall short of the tremendous needs as a result of years of neglect. The failure to fully fund the task force's recommendations will result, I believe, in lawsuits and

action by the federal Justice Department which will ultimately be more costly for us, and this will put us further into debt. And I must disagree with that.

"Fourth, this plan, as we have all read, does not include many of the funds for the collective bargaining agreements which means that those funds will be deducted from many of the programs that we hold so dear in this budget. I greatly fear, in looking at the administrative restrictions in the past, that health and human services programs will be among those that are restricted and within that category. It will be the non-profits, not the departments, but the non-profits who are just barely hanging on that will probably take the greatest hit.

"Fifth, I do believe that in some ways, this budget fails to fully assert our independence as a co-equal branch of government. Specifically in the health area, we do know that for neighbor islands and for many other rural areas, the most effective delivery arena for health care, the most effective access point, are community-based health centers. As far as I can see, these did not receive any additional funds, particularly in areas where there are none, in areas where people have virtually no health care. We have heard the horror stories of folks who had tremendous health problems for lack of dentistry, and we did not take steps in that area. Instead, we accepted the premise that merely increasing funds in the SHIP program would do it for us. SHIP is a fine program, but for fourteen million dollars you serve less than twenty thousand on the rolls. For less than ten million dollars, the primary care centers of this State, mostly non-profits, serve over fifty-five thousand. The most cost effective way to deliver care to these areas, particularly in the neighbor islands, I believe, is in the primary care, community-based non-profit centers. We have decided to accept what I consider a very narrow view in the Administration that only the SHIP program is the answer to this, and we know that merely signing up for health insurance is not the same as receiving it. I think that in conjunction with the fact that we did not approve other measures for rural and neighbor island health care such as prescriptive privilege for nurses, that we have accepted a narrow view and have not asserted our independence, and have not said ... look, we need to do more than just what are the pet programs within the Administration's structure.

"Sixth, the financial plan in this budget looks very much like the budgets of past years where we did have surpluses. And in past years, this might have been just fine. But I just feel we're still terribly dependent on tourism and terribly dependent on rubber-stamping 90 percent of the programs and the decisions that are presented to us. I can't believe that we have restructured government, but I do believe very strongly that this was the year to begin to do that. I have high praise for what was done in education, for the lump-sum and others, but as a whole, this budget is 90-plus percent what was given to us and we have not forced the issue.

"Mr. Speaker, last night I tossed and turned quite a bit, pondering whether or not I should or could support the budget. I know it's an important step. I don't necessarily want everyone to follow me on this, but I must say that to pass this budget without a single voice from my party saying there are philosophical issues here, that I feel we have not truly confronted. ... yes, there's a little more here, a little more there, but fundamentally -- fundamentally -- are we more independent as an agency of the three parts of government? Fundamentally, have we not assumed a financial plan that says ... if you're sick, you're aged and you saved your money, you're going to have to take a tax or we're going to increase health care taxes. Some of these, to me, are so very fundamental that this is why I am standing here today



saying that, in spite of all the wonderful things that are in this document, there must be at least one philosophical no.

"Perhaps I'm incorrect in objecting to the premise that the deficits in health and human service budgets should be paid for by the clients in health and human services. If I'm wrong on that -- so be it. But I do object.

"Perhaps I'm incorrect in objecting that the endorsement of what I've always considered to be a half-baked idea in the provider tax -- the endorsement of this. Maybe I'm just being recalcitrant, but I do object, and I do think it is a philosophical difference which I hold with the Chair of Finance who I respect, and others. But it is a deep difference.

"And perhaps I'm incorrect in believing that it should not be solely the Administration who decides how they're going to cut all these programs to pay for collective bargaining. I think it's our job to give guidance in that, and I don't believe we've done that and I think we should have.

"So, Mr. Speaker, while I am filled with admiration for the hard work that went into this, I may be stubborn and recalcitrant, but I do believe that I've waited all this session for the coherent reasons why these philosophical differences should not get in the way, but I have not heard those reasons. I've not heard why taxing the sick is such a great idea. I've not heard why freezing benefits for the working poor is such a great idea. I've not heard why we should abdicate our independence and creativity in accepting most of the budget.

"For these reasons, Mr. Speaker, very regretfully, I will cast a no vote.

"Thank you."

Representative Ward then rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, it was an honor to be on the Finance Committee; it was an honor to serve with quality individuals. In fact, I would like to begin by thanking the Chair and his staff and begin by saying ... you don't know what a man's made of until you see him under pressure. And you don't know what metal is made of until you put heat on it. And I'm going to tell you, for those of you who are not on the Committee, and all of you know because you're legislators, that you get a lot of pressure as a legislator, but the Finance Chair gets about five times of what we get but, Mr. Speaker, I've never seen him once wince, I've never seen him once lose his cool, I've never seen him once lose his professionalism, his staff, and he remained calm right to the very end. We've got a good budget because we've got that character leading it. I'm very pleased to begin my remarks with that, Mr. Speaker. However, having said that, I have a few reservations.

"My reservation is with the budget process. As a lot of you know, my crossover speech had indicated that as members of the Legislature and members of the budget committee, if we don't have enough justification and information on which to make sound decisions, and I think the process was indirectly alluded to by my colleague who just spoke, we don't have hard data -- we've got soft data, we've got testimonials, we've got aggregate data -- we don't have substance in justification.

"The process can be improved. Even as the Legislative Auditor has said in February 1991, our Legislature, despite an abundance of information, is not fully informed about the issues at hand. Information is presented from

an executive perspective and the Legislature does not have sufficient staff to analyze and recast the information to serve legislative concerns. I think that frustration has been adequately expressed. I even took my last floor speech and made it into a newspaper article of which some of you were offended, but I want to apologize to you if you were offended. It was the system I was speaking to, not to you individually. I say these comments in the same way, as all of you know I very bitterly and vehemently attacked the committee system when Chairs and the processes were very dictatorial and very undemocratic. It wasn't the individuals, it was the system. I want to make my comments, Mr. Speaker, very clear that it is the system of the budget process that remarks have been made in the past and are made now in the present.

"I think the summary recommendations of the Legislative Auditor are very well taken. I think they deserve repeating and one is, and probably the biggest one, is that we should activate the OLA. You probably don't even know what OLA is ... that's the Office of the Legislative Auditor, which means we would have our own version of the budget, of which the previous representative accurately explained that we react more to the Executive budget rather than we having our own budget. Getting that office off session to analyze the budget, to crunch the numbers and come up with the data that we come up with, as we do today, would be much to our advantage. We could also use a more readable format so we can actually make numbers out of sometimes what is more mumbo-jumbo than really specifics.

"And to all of you who read the Hawaiian Airlines report from the Department of Business and Economic Development and Tourism, all of you who read the Hamakua Sugar report, all of you know that you are capable of digesting a lot of information. And quite frankly, Mr. Speaker, if we had all that information on the departments of the Executive, we would have a much better budget, a much better budget process. With Hamakua and Hawaiian Airlines, that's the correct way of going about business. They've gone over with a fine tooth comb and had more scrutiny than the Executive budget that we are now passing has had.

"What I am saying in my frustration, Mr. Speaker, is that even though the process is where it is today, there is so much more room for improvement and I think, as one freshman very aptly pointed out, the way the committee system was before, as he watched the Senate deliberate and the way it is now, he said it was a very refreshing experience to see the way they do business in committees and then know the way that we here do that. And I think eventually that this has the same process and capability.

"Again, in closing, I commend the Finance staff and the Finance Chair for a good budget in hard times that makes a lot of sense.

"Thank you, Mr. Speaker."

Representative Duldulao then rose to speak in favor of the bill, stating:

"Let me begin by saying that I am honored to serve as your Chair of the Committee on Health. Knowing the fiscal situation of our State budget from the start, we know that we only have a few bucks that can go around. And if you are not a rich person, do not do what a rich person does, and if we have to contend to working with a very tight budget, then we have to be contented to spend what we have.

"As your Chair on the Committee on Health, I am very happy and I am very pleased that this budget supports



and provides the continuance of existing health care programs and services, and appropriated funds that will guarantee the delivery of new programs that benefit our community statewide.

"Mr. Speaker and fellow colleagues, this budget has addressed maintaining existing programs that we have and not cutting back. They have addressed the dental health services, disease prevention centers, our community hospitals have been addressed, preventive health has been addressed, the child and adult mental health services have already been addressed. The State health insurance, although some say that the funding is not sufficient, at least we are not cutting the services because we have a long, long list of people wanting to get into the system. We have sensitivity in that matter, too, and there is funding in the budget.

"So for me, Mr. Speaker, in behalf of the Health Committee, we would like to thank the Finance Chair for being sensitive to the needs of our State.

"Thank you."

Representative Chun then rose to speak in favor of the bill, stating:

"I wanted to start off by thanking the House leadership and the House Human Services Committee, as well as the Finance Committee, for their support of the social services programs of the State. For your information, Mr. Speaker, and for the information of my colleagues and the public, social services this year, in general funds alone -- State funds -- we had approximately \$474-million this upcoming fiscal year and \$494-million in fiscal year 1994-1995. What people may not know is along with State funds, we also get a lot of federal funds. The Department of Human Services has tried very hard to maximize federal dollars coming to this State. And so with those federal funds, our total budget for social services is close to two billion dollars.

"I wanted to emphasize the support of the House in funding domestic violence programs. I know early on that was definitely an issue with the Administration's proposed budget, and we have fully funded that for two years. We have also made great strides to support family preservation programs as well as child protective programs.

"And finally, with regards to our elderly and our youth, we have been able to support those programs and keep them running for this State. We are the second largest portion of our State budget, and I think that says a lot, in terms of our priority, and I wanted to thank everyone again for your support, and I really do look forward, during the interim, to look at even more ways to improve our use of State dollars in the most efficient manner, and with the help of everyone, I know we can do that.

"Thank you, Mr. Speaker."

Representative Arakaki then rose to speak in favor of the bill, stating:

"It's really a pleasure to follow the Chair of the Human Services Committee and the Chair of the Health Committee and speak in favor of House Bill 1152.

"I want to start off by recognizing the hard work that both Chairs did in trying to meet the many needs that come before both committees. But I also want to speak in the context of, I guess, children which both committees are very concerned about. And I think, Mr. Speaker and members, you remember early in the session, I quoted this young woman from Kapalama School, and she

challenged us. She questioned, you know ... where are our priorities? And how can we spend monies on raising our salaries and spending money on the Capitol and not taking care of their needs, their future.

"And perhaps it's a sad commentary that we, as a Legislature, as well the media, are focused on the crises and emergencies and how we manage them. I think it is shameful to hear the constant rhetoric about children being our nation and our State's most valuable resource and when all is said and done, the commitment to our children's future is not reflected in our budgets. Is it any wonder that people doubt our sincerity when we express shock and anger with the declining SAT scores? Can we express sincere alarm over trends that show 20 percent of today's children growing up in poverty? And the figure is 17.2 percent for Hawaii which is a 21 percent increase since 1970. We have 330,000 children who are homeless nationwide, and over 3,000 here in Hawaii. We also have a total of 2.4 million children who were reported abused and neglected in 1989 -- over 3,700 for the State of Hawaii -- which is a 10 percent increase over the 1988 figure and almost a 140 percent increase since 1979.

"We heard from a famous author, Sylvia Ann Hewlett, who addressed child and family advocates at a recent conference and she spoke about the twin deficits which account for the declining child welfare. Number one, there is a resource deficit or failure to invest public monies in our children which is aggravated by a growing time deficit, or a decline in the amount of time parents spend caring for their children. And the results of our failure to invest either public resources or private time in the raising of children have left many families frustrated and overburdened, unable to do a decent job of raising the next generation.

"I am glad to say, though, that this budget contains many parts which express hope for the future. It contains part of our expression of our vision for our children and their future, the benefits of which may not be realized until most of us have left this institution.

"For a child, his or her future starts in the womb and many hopes and dreams can be dashed by inadequate prenatal care, and funds for expansion of perinatal services to those who are most at risk are provided in the budget. I am glad to say that when it comes to caring for the very young, the State of Hawaii ranks in the top five nationally among all 51 states and the District of Columbia.

"We are also providing funding for a nationally recognized Healthy Start Program which provides early prevention and intervention services for those families who are most at risk of abusing or neglecting their children. And this project will serve as a national model that other states will follow.

"And I am most pleased, Mr. Speaker, that this budget pays a heavy price for the children and adolescents who are emotionally disturbed or mentally ill. We are adding over eight million dollars in new funds and hopefully, Mr. Speaker, these dollars will also provide additional matches of federal funds so that we can establish a comprehensive system of care that would adequately provide treatment for the estimated ten thousand children and adolescents in need of mental health services.

"We are also providing \$4.8-million for the innovative Families Together initiative which, through the leadership of the Office of Children and Youth in the Department of Human Services, would coordinate ten other state agencies and their programs in preventing costly out-of-home placements and institutional care with more cost effective community-based alternatives.

"And last, but certainly not least, the budget clearly expresses a priority for children and adolescents for an important part of their lives which is their education. And perhaps these tough economic times and limited resources gave us the opportunity to go beyond rhetoric and put our money where our mouths were by providing almost forty million dollars in additional dollars for education.

"So, Mr. Speaker, there is much promise that's expressed in this budget, and I just want to close by quoting again from the song that was sung this morning by the children from Maemae School, and it says ... 'Think about the generations, and they say we want to make it a better place for our children and our children's children so that they will know it's a better world for them.' And I think they can make it a better place.

"Thank you, Mr. Speaker."

Representative Tam then rose to speak in favor of the bill, with reservations, stating:

"Before I start, let me say that my reservation is not because essentially it is in opposition to my colleagues, but because of what previous speakers have said about the process and we lack insufficient information.

"I wish to express the following before I go into my reservations. I thank you for assigning me to the Finance Committee. As a member, I was able to:

- (1) Learn more about the State budget process and makeup;
- (2) Participate in focusing on my number one concern -- the proper funding of Hawaii's public education system;
- (3) Work with Representative Calvin Say, the Chairman of the Finance Committee, who I personally consider a hardworking representative and open to communication; and
- (4) Following through with my proposal last year to formulate lump-sum budget for the Department of Education, in order to embrace school/community-based management.

"Mr. Speaker and colleagues, thank you for making my dream come true for the benefit of our educational system.

"Now I wish to express my reservations on the budget in regards to proper funding of Hawaii's public school system and educational programs. Our public schools are short of \$8.5-million for fiscal year 1993-1994 and \$11-million for fiscal year 1994-1995. According to the Department of Education, the effect of this shortfall will be the reduction or elimination of educational programs like computer education, gifted/talented classes and the fine arts. The biggest effect of the shortage will be lack of funds to take care of student enrollment increases.

"Quality education costs money! In today's world, everything has a price tag. In Hawaii, the funding support for public education is poor as national statistics show that Hawaii ranks 46th in per capita expenditures for public schools, 42nd in per pupil expenditures, and 31st in pupil/teacher ratio.

"I realize that the Legislature added \$20-million over and beyond what Governor Waihee's educational budget proposal was. We took a 'bold' step above the Governor, but we are still short of funds. The Board of Education

requested over \$698.4-million for the first fiscal year and over \$700-million in the second fiscal year.

"My vote with reservation is because there are items requested by Governor Waihee that is executive wasteful spending or what I consider 'rubbish' in the budget. I object to Governor Waihee's office pressuring the Legislature to put rubbish into the budget. As examples: (1) 35 new passenger cars at a cost of \$525,000; (2) \$7,500 non-taxable perks for 21 State directors at a yearly cost of \$157,500; and (3) the continuation of over two thousand passenger State vehicles which are used to and from work, et cetera, for executive use.

"We can save over three million dollars a year by eliminating these costs and giving mileage to employees which is taxable. By the way, Mr. Speaker and fellow colleagues, the cars being used to and from work are not properly being accounted for by employees. They are not paying taxes for it. It's a violation of federal law and State law.

"I still stand firm that the executive should not add waste to the State budget. Once again, my proposal is for the Executive to eliminate and/or reduce the wasteful spending of tax dollars on indirect government spending within Hawaii's Executive Administration and to re-direct our tax dollars towards increasing education funding before raising taxes. The wasteful spending is in (1) State passenger vehicles; (2) State department directors' non-taxable perks; (3) conferences, workshops and meetings at expensive facilities; and (4) unnecessary top administrative staff.

"During this legislative session, on behalf of the 4,400 signatures from students, parents, et cetera, petitions were submitted to Governor Waihee to eliminate wasteful spending. There has been no response as of today from the Governor during this 1993 legislative session. But all the petitions are not for nothing. Governor Waihee can administratively restrict the budget on the waste. I ask the Governor to do so after the session in order to add to the 1994-1995 education budget next legislative session.

"By the way, Mr. Speaker, we need better accounting methods in terms of overseeing the Governor by quarterly financial reports.

"I ask the Governor also to restrict the waste instead of making the Department of Education fund out of its budget the pay raises for educators. I suggest to Governor Waihee to cash bonds to pay for the raises.

"In closing, a suggestion of taking care of this shortfall for this year is for Hawaiian Electric Co. and Hawaiian Telephone Co. to delay the billings for utilities usage so that Hawaii's public schools' educational programs can be funded. It may sound funny to you but, Mr. Speaker and fellow colleagues, this was done in previous years. The Department of Education previously could not pay for its electric bill, therefore Hawaiian Electric permitted the State of Hawaii to defer its payment until later, which we did.

"In closing, I would not want to see the school year be cut short, as was done in a mainland school district.

"Thank you."

Representative Stegmaier then rose to speak in favor of the bill, stating:

"In the area of economic development, in addition to funds for promotion and marketing of tourism and tourism-related activities, the Legislature has appropriated funds to add to the construction at the Diamond Head

film studio, close to a million dollars for 1993-1994 to promote business expansion.

"There are capital improvement funds to construct a pre-commercial biomass research plant to attempt to increase Hawaii's own energy resources. In addition, the Small Business Innovation Program will be receiving sufficient funds. The SBIR, Mr. Speaker, is an extremely important program which provides funds that are matched by the federal government to small businesses doing important and innovative research, primarily in areas of high technology, here in Hawaii.

"Appropriations will go to the Pacific Congress on Marine Science and Technology which gives Hawaii a major role to play among the ocean scientists of the Pacific and puts Hawaii in a leadership role in ocean research.

"One hundred thousand dollars over the next two years has been dedicated to prepare us to host major international athletic events. Our dream is to hold the Hawaii/Pacific Games by the turn of the century.

"There are funds to support Hawaii firms to be involved in the exporting of U.S. goods to Asia. The development of Hawaii-based, Hawaii-run trading companies has great potential for the future.

"Nine hundred thousand dollars has been appropriated for multi-media software development. Mr. Speaker, we truly are playing a leadership role in telecommunications and software development.

"In addition, there are funds for job creation programs, for long-term economic development efforts in the Hilo/Hamakua region, and for stimulation of business activities on Molokai.

"All in all, Mr. Speaker, in a biennium when revenues are short, we dealt with areas such as Hamakua and Kauai which are dealing with economic crises, and we have promoted additional enterprises and projects which will eventually bear great fruit for our society.

"Thank you."

Representative Ishii-Morikami then rose to speak in favor of the bill, stating:

"Mr. Speaker, Hurricane Iniki caused massive devastation and demoralized many on the island of Kauai. The Hurricane Iniki Relief Package in this State budget provides relief for the people of Kauai and truly brings the people of Hawaii together. Even if our islands are separated physically by water, the State's hurricane relief funding in this measure truly shows the support of all of the people throughout the State for Kauai. It makes us one people.

"Mr. Speaker, I want to especially thank the Chairman of the Finance Committee from Palolo for his compassion, his caring, and his commitment in providing financial relief for Kauai.

"I also want to thank the members of the Finance Committee and all the members here in the House. Each member of this House has been willing to accept less for his/her district in order to provide financial assistance to Kauai which is still struggling along.

"The representatives of Kauai are grateful to our forty other colleagues for their support in giving the residents of Kauai new hope and encouragement.

"Thank you, Mr. Speaker."

Representative Thielen then rose to speak in favor of the bill, with some reservations, stating:

"I also would like to thank the Finance Committee and its Chair and I sincerely would like to thank the staff of the Finance Committee. I know they worked long hours in this building. I am hoping that they are going to put on sunscreen when they first hit daylight and wear some dark glasses for the first couple of days as they acclimate back to normal life.

"There are two areas about which I am concerned.

"The first is the area of ocean resources. We're an island state and yet when you go through the budget, if you blink, you'll miss any appropriations or recognition of our ocean resources. I don't think that that is in Hawaii's best interest because of our location in the middle of the Pacific and our dependence upon the resources of our ocean.

"The second area is in education. There's been a lot of words stated about education and what we have done, that we have added twenty million above what the Governor requested. Well, my answer to that is that the Governor did not request enough money for education. Yes, we've put back twenty million more than he requested but what does that translate into in each of our districts? For example, on the Windward side, it means that 22 positions have been restricted because of this, and these are regular instruction positions, Mr. Speaker. I don't know how this translates to the rest of my colleagues that do not represent Windward districts, but education still is hurting, Mr. Speaker.

"I see an area that we could look to to give education some more money. On page 119 and page 290 in the budget, we're giving protocol allowances to department heads and other government officials in the amount of \$7,500 each -- no strings on how it is spent. That totals almost \$200,000. That's an area right there that we could have put into preserving some of these regular instruction positions.

"The Aikahi School newspaper recently had a poem which is very short but very heartfelt and, Mr. Speaker, I would like to read this into the Journal, and these will be my closing remarks on the budget, and the poem states: 'Education cuts never heal, Cuts that deeply we all feel; For today's comforts, From tomorrow we steal; Give our children a choice, They are the future's voice.'

"Thank you, Mr. Speaker."

Representative Ward then rose and asked to make a brief correction to his remarks, saying:

"I stated OLA means the Office of Legislative Auditor, and we all know that one exists. The real solution is the Office of Legislative Analysts. I misspoke, Mr. Speaker."

Representative Alcon then rose to speak in favor of the bill, stating:

"Mr. Speaker, despite the fact that there were some people who had some reservations about the bill, I think they are misguided. With the limited amount of money that we have, Mr. Speaker, we cannot satisfy everybody. The Finance Committee, through the leadership of the Chairman, Mr. Speaker, tried its best and just to inform you and the rest of my colleagues, Mr. Speaker, the Chairman did not even have an iota of CIP in his district. He just wanted to spread it to everybody -- tried to satisfy everybody -- and yet, there are some of us who severely criticize him for being nice.

"Mr. Speaker, the students in Kalihi thank you, the parents in Kalihi thank you, my constituents from Kalihi thank you, and I think every person in the State of Hawaii thank you and the rest of the House members.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1152, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Shon voting no.

The Chair directed the Clerk to note that H.B. No. 1152 had passed Final Reading at 11:19 o'clock a.m.

At 11:20 o'clock a.m., Representative Baker asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:25 o'clock a.m., the Chair announced that "we're going to be taking a number of items out of order -- Conference Report Nos. 223, H.B. 203, HD 1, SD 2, CD 1; 220, H.B. 195, HD 1, SD 2, CD 1; 219, H.B. 1890, HD 1, SD 1, CD 1; and 227, H.B. 2156, HD 2, SD 2, CD 1.

**Conf. Com. Rep. No. 223 and H.B. No. 203, HD 1, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 203, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Tom rose to speak in favor of the bill, stating:

"Mr. Speaker, I'll try to keep my remarks brief but I did want to use this time with the budget as a vehicle to extend my thanks and gratitude to certain individuals who I know positively impacted the Judiciary budget of what it is today.

"I'd like to, first of all, thank my friend, my colleague -- Chairman Say. You know, people have talked about Chairman Say's quiet ways -- his quiet ways -- and yet he is a man who dealt with issues with a lot of toughness, a lot of compassion, a man who never asked for much, and he had to make the tough decisions. But you know, Mr. Speaker, I want to say this about Calvin. I can proudly say that all of these things said about him today, I have known about for the past six years because many times I'd spend time with him, and he always talked to me about his dreams, about a better future, about better ways that we could stretch the dollar and make every penny count, and the fears that he had ahead. Well, Mr. Speaker, everytime I had a question on the budget, I'd always go to him, and I'm proud to say that today, this year, he's had that opportunity to not only teach me a lot, but to teach many of our colleagues. Thank you, Calvin.

"I want to thank my Vice Chair to the left of me -- Ron Menor -- and I want to thank the Judiciary Committee because we had a lot to say about the budget, too, in bills that we passed. You know, Mr. Speaker, I know you attended some of the hearings, sneaked behind me so that I couldn't see you, but you know what ... we had a lot of laughter, we had a lot of tears, we had a lot of discussions -- sometimes heated -- but we always did one thing at the end ... we always respected one another's views -- always. We never came out mad and we faced some tough decisions -- decisions that we couldn't use money as an excuse to resolve, decisions that we had

philosophical differences on, but we always made it work, and I thank each and every member of the Judiciary Committee because, man-o-man this year, any kind of accolades that come, it goes to all of you because you had to make the tough decisions.

"I want to specially thank you, Joe. I want to thank Leadership and I don't think there's another person in this room today who can say that he proudly spent chairing the Judiciary Committee under two great Speakers -- Henry Peters and Joe Souki. I could say that, and I will always be grateful to the both of you for giving me this chance.

"I want to thank Frank Arakaki. Without him, I'd be lost on the floor, or I wouldn't be able to go to the bathroom when I needed to, and I especially want to thank Lane and Les Ihara, Sr. You know, Jr. ... we think we got a prize here. I got a better prize in my office -- the father! But I want to especially thank my committee clerk, Kathleen Kondo, who's going to go to Stanford Law School next year, and I'm proud of you, Kathleen. She got accepted to more than Stanford, let me tell you that -- like Michigan and others. She put this committee together. I just went where she told me to go. And to my attorneys -- Richard Dvovich and James Nagle -- two people who have had, not between them, but just on them -- singly -- almost twenty years of experience per man. I couldn't ask for two smarter people to make me look a lot better than I really am.

"With that I want to say, yes, the Judiciary budget does reflect the attitude that we are going to attack and be successful in the case backlog with more judges because that's what it's going to take. We can't do it on love alone or hope alone, and Calvin knew that ... I told him that. And he knew and he understood. But now we've got a new Chief Justice and I know that the partnership between us -- the Legislature and the new Chief Justice Moon -- is going to be vitally important so that together we can work as partners in scoping the future of the Judiciary. Let me tell you something ... we may make the laws here but what the Judiciary represents is that place where any of us can go to have our day in court and see justice done. That's really important because we work and talk about justice here, too, but it's going to take a partnership to make it work for all of the people of the State of Hawaii.

"Again, thank you very much. We've got a great biennial budget, and I'm real proud to be a colleague with all of you.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 203, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 203 had passed Final Reading at 11:33 o'clock a.m.

**Conf. Com. Rep. No. 220 and H.B. No. 195, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 195, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 195 had passed Final Reading at 11:34 o'clock a.m.

**Conf. Com. Rep. No. 219 and H.B. No. 1890, HD 1, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1890, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Bunda rose to speak in favor of the bill, stating:

"First of all, Mr. Speaker, I'd like to thank my staff, especially my attorney, Aileen Chikasuye, and my Co-Chairman, Calvin Say, who provided me, not only with the needed technical expertise, but also with the moral support to come forward with what we all hope will be viewed as a bold and creative measure like this one. I'm also appreciative of the many people from the private sector who came forth to give us their input. In addition, I'd like to thank Governor Waihee and his administration, especially Linda Takayama and Clifford Higa, for their technical and legal help that enabled us to flesh out this bill.

"But most of all, I'm deeply grateful to Senator Ikeda for recognizing that we had not time for fighting and for bickering. She understood that we had a problem to solve. Though she was steadfast in what she thought was right, she was still open enough to accept the House's position.

"House Bill 1890 is very, very complicated and highly technical. It was not created in a vacuum of narrow self-interests. We listened, Mr. Speaker. We listened to the administration, to the counties, to the regulators. We listened to the insurance industry and to the mortgage lenders. We listened to the experts and we listened to the voices of the people in our communities and to the voices of our counterparts in the Senate. We listened, we understood and we acted. And amazingly, Mr. Speaker, we got it through. We didn't push off our responsibility to any authority or another bureaucratic entity.

"Mr. Speaker, I still have some concerns about the City and County entering into the insurance business, or putting its financial strength behind a poor concept. But I've come to understand that there is room for competition, and that competition would, in the long run, stabilize rates.

"We cannot compare this measure to the Convention Center, or to Hawaiian Sovereignty, or to any other controversial item before us. This measure is a result of an unexpected \$1.6-billion dollar catastrophe. The effects of Hurricane Iniki were devastating. We needed to rebuild infrastructure, both for our tourist industry and for our whole economy -- from banking to the construction industry.

"The sheer magnitude of the Iniki disaster forced this Legislature to act quickly. Mr. Speaker, under normal circumstances, we could have done many things in order to get prepared. We could have visited various mainland locales with similar problems and used their model legislation. We could have tapped into our national legislative organization for extensive information about what other states have done. But unfortunately, Mr. Speaker, we quickly discovered that no other state has enacted legislation applicable to our unique situation, and we had to find our own creative solutions.

"Mr. Speaker, this bill is the appropriate response to the insurance crisis. It provides the necessary tools

needed to meet the overriding goal of giving consumers better options for homeowners insurance; it increases competition by attracting more insurers into the marketplace, and it retains those insurers who have stood by Hawaii's homeowners by ensuring that the required insurance is available to consumers at reasonable and competitive rates.

"Hopefully, Mr. Speaker, this measure will allow the thousands of homeowners now paying three and four times pre-Iniki rates for HPIA coverage to obtain more affordable policies from the private companies who are expected to re-enter the Hawaii market.

"This measure places us well ahead of Florida which has an elected insurance commissioner and more than one hundred insurance companies. Florida was hit with the costliest storm in U.S. history, still, no law is in place in that state. Also, Mr. Speaker, Florida's second largest insurance company -- Allstate -- recently sent cancellation notices to 300,000 property policy holders.

"Mr. Speaker, I can understand how recent insurance company actions, in limiting their exposure, have been very stressful for our public. But for us, Mr. Speaker, the decisions by some of the insurance companies to severely limit their property writings by dropping customers, left and right, have been very frustrating for us. However, we need to help companies like Island Insurance who have taken it on the chin and who have kept their word to the people of Hawaii. They have not only rolled back their automobile premium rates by 15 percent, but they have stayed in the property insurance marketplace as well.

"Mr. Speaker, through this legislation, we have successfully responded to the insurance crisis. But we must be mindful that without intervention, the problem could spread more to commercial property and commercial liability lines as well. In a real sense, we have done the job we were elected to perform. Now it's up to others vitally concerned and involved in this situation -- from regulators to insurers, from mortgage lenders to consumers -- to use the legislative tools we have provided in a fair and responsible manner, and to make the law work in the way that we intended it to work.

"Mr. Speaker, there is no simple, easy solution to this crisis. The mythical MAGIC BULLET does not exist. The only answer is to balance the interests and the concerns of all parties in recognition of the overriding interest of the people of Hawaii. House Bill 1890 does that. It provides the mechanism for action to resolve the problem we face. Now, Mr. Speaker, it's time to put aside petty squabbling, the parochial selfish notions, and take action to implement solutions. The people of Hawaii deserve and will settle for nothing less.

"Thank you, Mr. Speaker."

Representative Hirono then rose to speak in favor of the bill, with certain reservations, stating:

"I commend the Chairs who worked on this measure and our Insurance Commissioner who labored hard to address the many concerns raised about the original House Hurricane Pool bill.

"Mr. Speaker, I was among the harshest critic of the original Hurricane Pool bill because I considered it a total bail out of the insurance industry. I am happy to say that this version is not a total industry bail out which is one of the major reasons that I can rise today in support of this measure. Having said this, I would like to briefly note some of my concerns.



"First, this bill places an aggregate cap of five hundred million in losses to be borne by the private carriers. This is a major concession to the private industry in that they no longer will be faced with unlimited liability for hurricane losses. In view of this, I believe that this kind of concession should be reflected in the rates.

"Secondly, we are told that this bill will result in premium increases of approximately 50 to 60 percent. We need to monitor the effect of this bill to ensure that this, in fact, is the case. We need to consider perhaps a prior approval type of a rate mechanism to ensure that consumers will be getting the kind of rate increases under this program that we are told will result from this bill.

"Third, this is a highly complicated bill which fundamentally changes the way we deal with homeowners' insurance. We need to monitor very carefully the effect of this bill, not just this year, but next year and the year after that, and on and on. This is a permanent program.

"Fourth, there is no mandatory renewal language in this bill as was in the original House bill, and the renewal language was one that I and others have particularly pressed because the Insurance Commissioner had informed us that about seventy to eighty thousand homeowners would be affected by the lack of homeowners' insurance. She has since revised that estimate and has informed me that approximately five thousand would be in that situation and that we would, therefore, be able to manage that circumstance. We need to monitor the situation to make sure that, in fact, it is a manageable number of homeowners who are in that predicament.

"I'm sure that we can further fine-tune this measure and expect to do so next year to make sure, as our Chair noted, that the law will work as intended.

"Again, I thank the Chair for his efforts and in keeping an open mind to ensure that consumers and homeowners are truly protected in this area.

"Thank you."

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

"I would rank this measure of historic importance on the level which the State of Hawaii has started to take in such areas as land reform in 1967, the right to choice by women in 1970, and the health care insurance of 1974. This is a landmark decision which represents the best in our society and in our Legislature.

"I think we can be very proud that all the people who worked very hard at this, especially our Chairman, Representative Robert Bunda, in bringing about a solution which everyone can support, and I congratulate him, as well as all the others who have contributed toward this effort.

"I would like to insert further remarks in support of what I have said, and I wish to say ... thank you very much."

The Chair, noting that there were no objections, "so ordered."

Further remarks by Representative Lee are hereby inserted:

"Hurricane Iniki struck Kauai with all its fury. However, the fallout was statewide. Homeowners throughout Hawaii suddenly found property insurance either unavailable or unaffordable.

"House Bill 1890 addresses the homeowners' dilemma with a measure which represents a new consensus among homeowners, government and private industry. This consensus owes much to the hard work of Representative Robert Bunda, Chair of the House Committee on Consumer Protection and Commerce.

"Under the bill, the State will provide the incentive and the means for private insurers to offer hurricane insurance in Hawaii.

"The provisions of the bill are complicated and highly technical. However, the bottom line for the homeowner is the availability of hurricane coverage at an affordable price.

"In short, private insurers will provide the necessary expertise to implement and service the program. The State will administer a fund which will use part of the premiums to purchase full reinsurance coverage.

"All but one of the insurers currently underwriting property insurance in the State have said they will participate.

"No other state -- and not even the Federal government -- has come up with a solution to the hurricane insurance crisis.

"We can be proud of meeting our responsibilities to our people, with affordable homeowners' insurance in 1993, just as we did with health insurance in 1974 and the right to choice in 1970."

Representative Alcon then rose to speak in favor of the bill, stating:

"Mr. Speaker, there was an editorial in the paper this morning, and I think it was an injustice that the name of Representative Bunda who had worked so hard on this bill was omitted. I would ask **The Advertiser** to have a bigger correction tomorrow.

"Thank you."

Representative Baker then rose to speak in favor of the bill, stating:

"I would like to commend the Chair, Robert Bunda, and the Conference Committee for their diligence, their long hours and cooperative efforts in working with the Senate, as well as the administration through the office of the Insurance Commissioner, to develop what I believe is this landmark legislation.

"The homeowners' insurance crisis presented one of the most formidable challenges to the Legislature this session. Following the devastation of Hurricane Iniki, we were faced with insurance companies pulling out of the Hawaii market and the impending bankruptcy of the Hawaii Insurance Group. It was a bleak and frustrating situation for all of us. And even though we knew that other jurisdictions much larger than Hawaii were facing a similar situation, that knowledge brought us no comfort.

"Through the hard work and commitment of our colleagues, Chair Bunda, Co-Chair Say and their Conference Committee members, I am pleased to be able to speak in support of this measure. House Bill 1890, CD 1, creates a Hurricane Insurance Relief Fund which will enable homeowners to purchase hurricane coverage at an approximate increase of 50 percent to 60 percent above pre-Iniki premiums. This estimated cost is a vast improvement over the drastic five hundred percent to one thousand percent increases that some of our homeowners in our State have been forced to pay.



"And more importantly, the Fund, as it has now been created, will not imperil the State. The bill provides that the insurance companies will be annually assessed prior to a hurricane in order to build reserves, and then a post-catastrophic assessment in the event of a hurricane. Reinsurance will back up this layer of reserves in addition to another level of funding such as a bond issuance which is structured so that it will not adversely impact the State's bond rating.

"Additionally, this measure also provides flexibility to the marketplace by authorizing the counties, and the Department of Hawaiian Home Lands, to provide insurance if they determine that it is a feasible alternative. An important safeguard from my vantage point is that such coverage may not discriminate by geography and all normal insurance regulation and requirement would apply.

"In addition, rather than discourage the private sector from re-entering the market, incentives and credits have been included to encourage insurers to remain or return to the State.

"In summary, Mr. Speaker, I believe this is landmark legislation. On the national level, Florida and other coastal states such as Texas, Louisiana and South Carolina are experiencing similar crises and to date have made no progress toward solving this problem. But with House Bill 1890, CD 1, the State of Hawaii has moved forward. These states may look to us and this measure as an innovative and responsible solution to the current insurance situation, and even if our morning paper didn't properly recognize the House's leadership and efforts in crafting this measure, I believe that the collaborative efforts of our folks in the House and Senate, in conjunction with the administration, are truly commendable.

"I join with all of my colleagues in supporting this measure."

Representative Ishii-Morikami then rose to speak in favor of the bill, stating:

"Hurricane Iniki created Hawaii's insurance crisis, causing tremendous anxiety among our homeowners and regulators throughout the State.

"The measure before us is the result of many hours of hard work and diligent negotiations to resolve various versions of the bill offered by the House, the Senate, and the Insurance Commissioner. It would not have been possible without the leadership and commitment of our Consumer Protection Chair, Robert Bunda, the Chair of the Senate Consumer Protection Committee, and the Insurance Commissioner. This meeting of the minds, Mr. Speaker, has resulted in a measure that addresses the issues raised by the insurance crisis. Only through this energy can we continue to represent our constituency in difficult issues.

"I urge all of my colleagues to vote in favor of this measure.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1890, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1890 had passed Final Reading at 11:51 o'clock a.m.

**Conf. Com. Rep. No. 227 and H.B. No. 2156, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2156, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative D. Ige rose to speak in favor of the bill, stating:

"Mr. Speaker, there is no other issue before this Legislature that has generated more discussion, more ideas, more debate, and more innovative recommendations than education. We began our work this session in improving the public school system with a very simple strategy -- CHILDREN FIRST! In the many hours of public hearings, informational briefings, and the Conference Committee deliberations, we asked all that came before us to do the same -- to put CHILDREN FIRST. Today, we stand before you with the most comprehensive restructuring of the public school system in the history of the State of Hawaii.

"CHILDREN FIRST means transforming a 150 year-old institution to meet the needs of the 21st century. We must restructure our schools to prepare our students for life in the next century -- a century rooted in the information age and driven by unprecedented change. The key to our children's success is their becoming lifelong learners, critical thinkers, and masters of information technologies.

"CHILDREN FIRST means empowering schools and communities by providing greater flexibility and autonomy.

"We have restructured the budget to maximize flexibility and resources that go directly to the school. We have made it easier to implement project Ke Au Hou, which seeks to transfer resources from State and district administrative offices directly to the schools. We have cut through bureaucratic red tape by exempting the department from the quarterly allotment system and granting the authority to create and fill temporary positions with a minimum of paperwork. We have encouraged schools to be innovative, efficient, and effective by allowing schools to carry-over savings from one fiscal year to the next. No longer will schools be driven by the 'use it or lose it' philosophy that is so pervasive in government and the private sector today.

"CHILDREN FIRST means providing schools with the tools they need to institute creative and innovative school programs, identify current successful programs, stabilize school leadership, and re-direct funding towards those programs proven effective in improving student achievement.

"Today, in the public school system, we have erected an arbitrary wall between the school improvement process and the budgeting process. Innovative leaders at the school level are often frustrated by a system that is just not responsive. After developing a program of restructuring their schools to be student-centered, they often find themselves at a dead-end ... there is no where to go to get it funded. They end up using the 'back door,' the Legislature, and are oftentimes chastised by their colleagues for this action.

"The incentive and innovative grant program contained in House Bill 2156 seeks to integrate school improvement planning with the budgeting and funding process. We are directing that future funding and expansion for the

department must be directed and driven by student performance and achievement.

"To be effective, school improvement programs must be integrated with student achievement from the outset, and must be continually evaluated to ensure that their effectiveness in improving student outcomes continue. Further, the school budget process should explicitly be linked to outcomes, with funding directed at those programs that are proven effective in increasing student achievement. All of these have been accomplished through House Bill 2156 and the restructuring of the budget.

"CHILDREN FIRST means a restructuring of collective bargaining agreements to ensure that the interests of students are first and foremost. We set a clear vision that schools should be free to consider a longer school day and a longer school year to meet the needs of the students.

"Quality education is highly dependent on the quality of school-level administrators and teachers. If the public school system is to pursue excellence, the system must be able to recruit highly qualified and capable individuals to meet on-going staffing needs in the schools, as well as retain qualified and capable administrators and teachers at the school level.

"In keeping with the spirit of innovation in the public schools, we must consider the restructuring of public school employees. To fully implement the reforms necessary to bring our schools into the 21st century, the current system of rewards and incentives for teachers, administrators, and other school personnel must be altered to fit a new way of thinking. If the compensation system for public school employees continues to reward old habits and old ways of thinking, there will be no incentive for employees to embrace the new system, and consequently, there will be no change.

"In this bill, Mr. Speaker, we provide an opportunity for labor and management to work collaboratively to develop performance-based, retention, and differentiated pay schemes. This will allow us to consider pay adjustments that encourage school employees to adopt student-centered approaches in all aspects of public education, focusing on improving the performance of students, and provide critical leadership during the transition.

"In addition, it is essential to attract and retain the best and the brightest individuals to the teaching profession, and to encourage the best teachers to remain in the classroom, close to the children. We must restructure the current system, which rewards teachers for moving farther and farther away from the classroom, with a system where rewards are firmly rooted in the needs of the children.

"To remove barriers that contribute to system gridlock, the Legislature is providing all parties involved in public school collective bargaining agreements for teachers with a window to consider negotiating teacher salary and classification for the next contract in hopes that we can restructure the fundamental principles that guide the teacher and the student.

"CHILDREN FIRST means providing stable leadership during these critical transition years of educational restructuring. Besides restructuring compensation plans, we must develop incentives for principals to remain at a school during this critical period.

"And, Mr. Speaker, I am glad to report that our efforts have already paid off for funding in this bill. Labor and management have come to terms on a performance-based, incentive pay program for principals. Principals who

continue to serve the same school for five consecutive years and demonstrate consistent improvement in student performance will receive a bonus. A district superintendent had commented to me, Mr. Speaker, after learning of provisions of this agreement, that performance evaluations for principals will have new meaning and importance after the passage of this bill.

"In the name of stability, Mr. Speaker, we also allow that the Superintendent of the school system may be appointed by the Board of Education for a term not to exceed four years. As we have had discussions with many, many individuals in the school system, stability and leadership are ultimately important for the transition period we are now entering.

"Mr. Speaker, as part of our program; the Legislature has given up a lot of our responsibilities in this restructuring. However, CHILDREN FIRST means establishing an assessment and accountability system that focuses on educational outcomes and student performance, on school improvement plans, and on how resources were allocated to support these objectives. It means also providing flexibility in developing assessment models so that schools may develop comprehensive and coherent assessment systems that truly assist teachers in helping students achieve their fullest potential.

"CHILDREN FIRST also means reinventing the process by which we plan, design and construct our public schools.

"A critical factor in education reform is the improvement of the physical environment of our public schools. Our educational facilities not only need to be expanded and maintained, but also equipped with technology that will assist in the transformation of our educational system from the industrial-based school model to the modern information age model. In order to achieve this transition, our students need access to the latest in information technologies.

"In this bill, Mr. Speaker, we make the State educational facilities improvement special fund permanent and provides for ninety million dollars in annual funding forever. This commitment provides a solid foundation upon which we can build a sound program to meet the overwhelming facilities needs of our schools. I would also like to note that all future buildings will be designed and constructed with the telecommunications and information infrastructure that is so critical.

"This bill also promotes two innovative mechanisms for designing. . .

At this point, the Chair interrupted and advised Representative D. Ige that he had exceeded his ten minutes, whereupon Representative Chumbley rose and yielded his time.

Representative D. Ige thanked the Chair and continued:

"Mr. Speaker, this bill also implements two critical and innovative mechanisms to improve the construction of our public schools. The design building concept that has proven so cost-effective and speeded up development of buildings in the State of Hawaii is being applied to two projects. In addition, we do provide for the innovative lease to purchase arrangement that will allow us to leverage private money rather than public money as we endeavor to build public schools, especially new developments throughout the State.

"Mr. Speaker, I am thrilled by the comprehensiveness of this program and would like to thank you for your leadership. There are many issues in this bill that made

many, many people uncomfortable, and I do appreciate your support and perseverance in hanging with the Committee as we tried to deal with and balance all of these programs on behalf of the children.

"I also would like to acknowledge Chairman Say and Chairman Kobayashi and the members of the Finance and Ways and Means Committees for their commitment to the public school system and the children of Hawaii. Also to Senator Mike McCartney who is so overwhelming in his commitment to the public school system and the children of Hawaii, and the Board of Education, the Superintendent, the unions, the Business Roundtable, the PTA, and all of the community members who came together to participate in this effort.

"I would like to close up on one note, Mr. Speaker, and I'd like to talk a little bit about process. When we asked everyone to put children first, everyone took off whatever special interest hats they may have had and really discussed the issues from the perspective of the children. It was overwhelming as we concluded about fifteen hours of final discussion in putting this bill together in Conference Committee with all parties represented -- unions, business, parents, the Board of Education, and the Department of Education -- in ironing out the final details of this bill, and it was overwhelmingly by consensus that everyone felt that the school system would be tremendously improved by this measure.

"But what disturbs me the most I guess is the comments from one of the reporters who was also at the table as we concluded negotiations. When we asked her about trying to report on the process that we used to improve the school system -- collaboration and putting the children's needs first -- she commented that her editors would never go for process, that it's not 'sexy' enough. So with that in mind, Senator McCartney and I decided to stage a fight at the beginning of next session, and hopefully then, our efforts, on behalf of the children of Hawaii, will go better recognized.

"Thank you, Mr. Speaker."

Representative Lee then rose to speak in favor of the bill, stating:

"I think the House owes a real debt of gratitude to Representative D. Ige. He was the one who brought all of the parents' suggestions and the parents' proposals together into an omnibus bill. This bill is the real culmination of the effort to reform our schools, beginning with the Berman Report in 1988, the school facilities special fund in 1989, and now all the measures and provisions which Representative D. Ige spoke about.

"I congratulate him and all the members of the House committees that worked on this bill.

"I would like to say that we have one unfinished business ahead of us, and that is governance. And maybe Representative D. Ige, you could stage your fight next year about how to reform governance of the educational system.

"Thank you, Mr. Speaker."

Representative Kawakami then rose to speak in favor of the bill, stating:

"I want to say that this bill addresses the future of Hawaii which is in the hands of our children, and without quality education, the future of our State is in jeopardy. The academic preparation of our children is essential for the prosperity of any technologically advanced society.

"Chairman D. Ige, thank you for your visionary outlook in addressing educational reform efforts and quality education.

"Thank you, Mr. Speaker."

Representative Chun then rose to speak in strong support of the bill, stating:

"I wanted to speak more to the process as our Chairman has spoken of. I believe that the reform we will be voting on are reflective of reform at the Legislature as well. I think in Senator Mike McCartney and Representative David Ige, their leadership style of cooperative and sharing ways is reflective and results in this kind of a measure.

"And I really truly hope that this is the trend. I believe that children's interests come first and they have, through their actions and not more through their words, demonstrated that commitment.

"And Senator McCartney often speaks of revolution. I think this is a step in that direction, and I thank you very much, Chairman D. Ige and Senator McCartney and the Education Committee members for taking this bold step.

"Thank you."

Representative Baker then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Baker's remarks are as follows:

"Mr. Speaker, holding fast to the belief that today's children are tomorrow's leaders, your Majority Caucus set out to dedicate ourselves to the task of redefining our commitment toward education. I believe we have accomplished that this session. I would like to take this opportunity to commend the Conference Committee Chairs and their members for their collaborative efforts to develop a comprehensive plan which strives to reshape our educational system. Although we faced stiff budgetary constraints this year, I feel that your Committee was able to craft new solutions to old problems without simply pouring more money into the education budget.

"Chair David Ige's innovative approach to refocusing our education system and resources is an example of what can be done within our entire State system. Rather than rely only on additional funding, we found new approaches to improve our educational system so that the schools can provide a better learning environment for Hawaii's children. This measure is responsible for providing innovative financing mechanisms that give schools more budgetary autonomy. It will offer schools more flexibility in directing their programs toward desired student outcomes. Individual schools will now have the flexibility in setting priorities and designing programs to more accurately serve the needs of students in their community. With this measure, we are putting authority into the hands of the people at the core of Hawaii's educational system. It is my belief that when you allow individual school administrators, teachers, and parents to participate in the learning process, these influential people become accountable for the students' progress. This measure, Mr. Speaker and colleagues, is significant in that it directs decision-making authority back into the hands of each individual community, who, in essence, are the true stakeholders of education.

"Improving school facilities is a major priority and I believe the task of bridging the gap between school facility needs and resources will be rightfully served with the

passage of this measure. I'd like to commend Representative D. Ige and his Committee for developing creative, cost-effective mechanisms for the timely construction of facilities. It is important that the schools be equipped with adequate computers, telecommunications equipment, and other items vital to bringing our school system into the next century. The children of Hawaii have the learning potential but the responsibility is ours as legislators to provide these students with the appropriate tools for learning and advancement.

"As we are all aware, cultural diversity is especially evident here in Hawaii and it is essential that our educational system accommodate the different learning needs and styles of every student. I am convinced that the incentive and innovation grant fund in this measure ensures that experimental and creative programs, if proven effective, will have a greater possibility to receive funding. Through this measure, a creative mechanism for customizing education in ways that will appeal to the various learning styles of each individual student has been accomplished. This bill is the vehicle to offer the children of this State a renewed sense of self-esteem and self-worth. It enables them to discover their true potential. Moreover, this measure represents a spirit of openness and willingness to try new approaches to learning that will move Hawaii closer to becoming a viable state with a reputation for excellence in education.

"Mr. Speaker, we must all recognize the collaborative and diligent efforts of the committee in cooperation with other stakeholders in education -- the Department of Education, the Board of Education, the teachers, administrators, parents and students. Their valiant efforts in putting forth this omnibus piece of legislation has given Hawaii a foundation for our children to become lifelong learners, because the focus is on the student. It is for these reasons, Mr. Speaker, that I rise in support of a measure which portrays the dedicated vision of this Legislature. Motivated by the desire within the community to initiate significant educational reforms that will affect the prosperity of the State of Hawaii for years to come, your Committee has developed a measure of which we can all be proud.

"E hana like kakou no ka holomua 'ana o na keiki.

"Let us work together for the betterment (improvement) of the children."

"Mahalo."

Representative Chumbley then rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Chumbley's remarks are as follows:

"Over the past several years, the Legislature has passed numerous educational reform measures. Today, Mr. Speaker, we have before us the opportunity to add to that list of progressive reforms.

"Earlier this session, I circulated buttons which read: 'CHILDREN FIRST ... EDUCATION IS MY PRIORITY.' Mr. Speaker, I am happy to say that the components of House Bill 2156, HD 2, SD 2, CD 1, not only filled my wish list, but also demonstrates the Legislature's sincere commitment to education. This comprehensive omnibus measure, designed through a collaborative effort of both houses, focuses attention to the outcome versus the process, and clearly places 'CHILDREN FIRST.'

"At this time, Mr. Speaker, I would like to thank you for the opportunity to serve as Vice Chair of the Education Committee. I am grateful for having been allowed to participate in the creation of this landmark educational reform measure. I would also like to acknowledge Education Chair, David Ige, and thank him for his open, fair and responsive style of leadership, and for his genuine commitment to education."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2156, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2156 had passed Final Reading at 12:09 o'clock p.m.

**Conf. Com. Rep. No. 10 and H.B. No. 118, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 118, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 11 and H.B. No. 52, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 52, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 12 and H.B. No. 944, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 944, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 118, 52 and 944 had passed Final Reading at 12:10 o'clock p.m.

**Conf. Com. Rep. No. 13 and H.B. No. 210, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 210, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 14 and H.B. No. 1655, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1655, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 15 and H.B. No. 1899, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1899, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 16 and H.B. No. 2029, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2029, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 17 and H.B. No. 883, HD 1, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 883, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Stegmaier rose and requested that his remarks, against the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Stegmaier's remarks are as follows:

"I am opposed to this bill because of testimony received by the committees that the program is being used to serve young people who are living at home. The avowed purpose of this program, when originally established, was to provide health services to teenagers who were runaways, living in Waikiki away from their parents and significant other adults. That purpose has not been changed. If the health center is now being used to provide medical services to teenagers not initially contemplated being served, then we need to acknowledge this change in purpose and go back to the decision of whether we want to continue the program even if it is not being what it was established to do.

"For the above reasons, I have voted against this bill as a way of expressing my opposition to its new and unacknowledged purpose."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 883, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEENAGE HEALTH," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Stegmaier voting no.

**Conf. Com. Rep. No. 18 on H.B. No. 1721, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1721, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 19 and H.B. No. 1597, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1597, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 20 and H.B. No. 920, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 920, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIED PERSONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 21 and H.B. No. 200, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 200, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 210, 1655, 1899, 2029, 883, 1721, 1597, 920 and 200 had passed Final Reading at 12:11 o'clock p.m.

**Conf. Com. Rep. No. 22 and H.B. No. 1594, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1594, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 23 and H.B. No. 534, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 534, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 24 and H.B. No. 1598, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1598, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 25 and H.B. No. 1062, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1062, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 26 and H.B. No. 1363, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1363, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING



TO MEDICINE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 27 and H.B. No. 1739, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1739, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Oshiro and Shon voting no.

**Conf. Com. Rep. No. 28 and H.B. No. 2012, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2012, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives M. Ige and Shon voting no.

**Conf. Com. Rep. No. 29 and H.B. No. 361, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 361, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRECURSOR CHEMICALS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 30 and H.B. No. 782, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 782, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1594, 534, 1598, 1062, 1363, 1739, 2012, 361 and 782 had passed Final Reading at 12:12 o'clock p.m.

**Conf. Com. Rep. No. 31 and H.B. No. 568, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 568, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 32 and H.B. No. 2032, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2032, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY HOSPITALS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 33 and H.B. No. 6, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 6, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL

SERVICE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 34 and H.B. No. 1661, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1661, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 35 and H.B. No. 1662, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1662, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 36 and H.B. No. 251, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 251, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 37 and H.B. No. 1897, HD 1, SD 2, CD 1:**

By unanimous consent, action was deferred to the end of the calendar.

**Conf. Com. Rep. No. 38 and H.B. No. 951, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 951, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 39 and H.B. No. 187, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 187, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 568, 2032, 6, 1661, 1662, 251, 951 and 187 had passed Final Reading at 12:13 o'clock p.m.

**Conf. Com. Rep. No. 40 and H.B. No. 1671, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1671, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 41 and H.B. No. 1459, HD 1, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1459, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Alcon rose and requested a conflict ruling, saying that he is a retiree, and the Chair ruled "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1459, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 42 and H.B. No. 539, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 539, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 43 and H.B. No. 1589, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1589, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 44 and H.B. No. 220, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 220, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FIREFIGHTER'S CONTINGENCY FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 45 and H.B. No. 1797, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1797, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 46 and H.B. No. 1117, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1117, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 47 and H.B. No. 620, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 620, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 48 and H.B. No. 788, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 788, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATE CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1671, 1459, 539, 1589, 220, 1797, 1117, 620 and 788 had passed Final Reading at 12:14 o'clock p.m.

At 12:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

**Conf. Com. Rep. No. 49 and H.B. No. 2045, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2045, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF PRETRIAL INMATES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 50 and H.B. No. 199, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 199, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 51 and S.B. No. 2, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 2, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 52 and S.B. No. 1316, SD 1, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1316, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 53 and S.B. No. 125, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 125, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

BAIL BOND AGENTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 54 and S.B. No. 536, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 536, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 55 and S.B. No. 819, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALES TO OWNER-OCCUPANTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 56 and S.B. No. 1664, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1664, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 57 and S.B. No. 3, SD 1, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 3, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Thielen rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, for the past seven years, the Waihee/Cayetano administration has promised to diversify the State economy which is so dependent upon tourism and the military. Three years ago, in 1990, Governor Waihee reiterated this commitment once again in his State-of-the-State address. He told the public that he, too, asked the Office of State Planning to 'prepare a policy that will require the creation of one non-tourism related job for every hotel room approved in future resort developments.'

"Mr. Speaker, that's three years ago. Now we have this bill before us -- Senate Bill 3 -- and what does the bill say? It says we should diversify our economy. If we had had leadership in the administration, Mr. Speaker, to implement rather than deliver empty promises, we would not need to today -- six years later -- ask the Office of State Planning to develop a plan for economic diversification.

"Mr. Speaker, I frankly believe that this bill is an embarrassment to those of us who are committed to improvement. We don't need to ask the Office of State Planning again to develop a plan to diversify the economy. What we need is leadership on the top floor of this building that can implement the plans already developed.

"Thank you, Mr. Speaker."

Representative Ward then rose to speak in favor of the bill, with reservations, stating:

"This particular bill is like a plate of boiled vegetables without any spice or even salt. What's missing in this State economically is the vision. We have no vision. We haven't got our place in the sun figured out yet. We complain about and we're dependent upon tourism -- we're not doing this, we're not doing that. This document should have been in place seven or eight years ago, and the vision of who we are in the Pacific should be fine-tuned, not just basically starting in the gates as this bill indicates.

"It's bland vegetables for a bland idea without a vision, and that's what we need -- the vision! We don't have it, we need it. If this gets toward it, we'll have some good; otherwise, it's bland vegetables."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 3, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2045 and 199 and S.B. Nos. 2, 1316, 125, 536, 819, 1664 and 3 had passed Final Reading at 12:21 o'clock p.m.

**Conf. Com. Rep. No. 58 and S.B. No. 301, SD 1, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 301, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Beirne rose to speak in favor of the bill, stating:

"Mr. Speaker, the people in Waiahole Valley have waited a very, very long time to go ahead and have any of their input really, really count. This time it has. What they're looking at, Mr. Speaker, is working with the Housing Finance Development Corporation versus the Department of Land and Natural Resources. They have been involved in trying to negotiate long-term leases for all of their residents, and with this bill they will be including on another hundred and six acres now being worked on.

"I salute all those that have come out to participate in the process, and I think that it is very important to also include bottoms-up planning.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 301, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIHAOLE VALLEY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 59 and S.B. No. 993, SD 1, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 993, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 60 and S.B. No. 812, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 812, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL SENTENCING," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 61 and S.B. No. 1363, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1363, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Yonamine rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Yonamine's remarks are as follows:

"Mr. Speaker, I rise to strongly urge passage of this bill. As amended, this bill strikes the very delicate and important balance between a person's right to privacy and the public's right to adequate and correct information. It recognizes the special standards that pertain to public employees whose salaries are paid by the taxpayer. The bill also provides much needed clarification on what type of employee misconduct may be disclosed and when such disclosure may occur.

"By allowing a public employee to exhaust all administrative avenues open to them before any information is released, the bill works to mitigate 'trial by public opinion.' It allows a thorough and complete review of each case based on its particular merits without the unnecessary and often impeding glare of public scrutiny.

"Yet, when an employee has been found to have committed a major transgression of departmental rules and regulations, or some other type of serious employment misconduct, there is a clear and direct mechanism that ensures such information becomes public knowledge. The bill works to ensure names of serious violators are not allowed to be merely 'swept under the rug.' Finally, it pays particular attention to the unique responsibilities of police officers by acknowledging the difference between private conduct from conduct as a government employee.

"Senate Bill 1363 will help to restore and retain vital public confidence in the conduct of its public employees. I believe it will serve to illustrate the exemplary job performance on the part of the vast majority of civil servants here in Hawaii.

"I urge passage of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1363, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 62 and S.B. No. 14, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 14, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 63 and S.B. No. 127, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 127, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 64 and S.B. No. 130, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 130, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 65 and S.B. No. 191, SD 1, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 191, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Baker rose to speak in favor of the bill, stating:

"This bill acknowledges the validity of volunteer firefighting companies or units in our rural areas because, unfortunately, in many instances we do not have enough county-operated fire stations. This legitimizes their efforts and will, in the areas that utilize volunteer firefighters, enable them to have their rates lowered.

"I think this will greatly assist, not only the Big Island, but part of my district -- the island of Molokai on the West end -- that is looking to put together a volunteer fire unit, so I compliment the Senators for introducing this measure and my colleagues in the House for moving it forward.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 191, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER FIREFIGHTERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 66 and S.B. No. 525, SD 1, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 525, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Amaral rose to speak in support of the bill, stating:

"Mr. Speaker, this measure relates to the possession of firearms and dangerous weapons and the conduct of one who is under court order or restraining orders or any exparte orders for the purpose of the protection of individuals. And this takes us, Mr. Speaker, one step closer at a time right now when we continue to see victims that have been killed by their familiars and have, in fact, restraining orders in their purses. We know how vulnerable these victims are and, at times, how meaningless restraining orders are.

"This bill sets up yet another protection for those people under the protection of the courts through restraining orders by compelling those people under the restraining orders to give up the possession or the control of their firearms until the courts can adjudicate the circumstances and at the time of the arraignment, in fact, that whether they are bound over to the circuit court for a felony or for any crime of violence, that they shall dispose of all firearms and ammunition within the defendant's possession.

"I believe this is a big step forward to safeguarding our society and, therefore, I'm in full support, Mr. Speaker.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 525, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 301, 993, 812, 1363, 14, 127, 130, 191 and 525 had passed Final Reading at 12:26 o'clock p.m.

**Conf. Com. Rep. No. 67 and S.B. No. 741, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 741, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 68 and S.B. No. 124, SD 1, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 124, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Thielen rose to speak against the bill, stating:

"My concern about this bill ... and I do thank the Chair of the Consumer Protection Committee because I know that he and the Committee members worked very hard on this measure. This bill continues the prohibition of refiners or jobbers from opening new retail gasoline stations. My one concern is that if a refiner or a jobber, if one of those Aloha Motors stations or Gas Express stations or any of the other drive-in/drive-out stations lose their leases, they will not be able to relocate even within a one-mile radius. This could really create a lack of diversity for our consumers, some of whom prefer to drive in and get their gas at that low rate.

"My only concern with this measure, Mr. Speaker, is that we should have put in a clause saying that any station in existence that, for some reason or other has to shut down that location, that station should be able to relocate to another area within a one-mile radius.

"Thank you, Mr. Speaker."

Representative Hirono then rose to speak in favor of the bill, with reservations, stating:

"Considering this is the divorce issue and considering where this bill could have ended up, I believe that this particular version of how we're going to deal with this entire issue is preferable to a bill that would

require divorce, or a bill that would require unenforceable price posting, or a bill that would involve various other convoluted approaches to this issue.

"We are now, with this bill, taking a more global approach and we are now going to ask the Attorney General to look at the petroleum industry practices for a period of two years. Again, we are delaying the decision on what to do on the issue of divorce. However, I do hope that the Attorney General, in looking at this industry, is going to be able to provide us with some clear guidance on what we ought to do to benefit both the consumers and all the other entities who are involved in this industry so that we can come up with something that is rational and fair.

"I would have been happier if this bill had contained a provision that would provide a little bit more flexibility to the manufacturers, as far as location of their stations, because we are again imposing another two-year moratorium and they have already had to live with a two-year moratorium.

"So, with those comments, I do support this measure.

"Thank you."

Representative Bunda then rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Bunda's remarks are as follows:

"I rise to speak in support of S.B. 124, SD 1, HD 1, CD 1, which extends for two years the moratorium on the opening of service stations for retail fuel outlets by refiners and distributors of petroleum products. Additionally, this bill adds teeth to the moratorium by authorizing the Attorney General to seek injunctive relief against violators, and permitting injured parties to sue for damages.

"This moratorium is necessary to preserve the status quo until we can deal effectively with the future and direction of Hawaii's petroleum industry.

"For these reasons, I ask for your support of this bill.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 124, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR FUEL," having been read throughout, passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Apo, Hiraki, D. Ige, Marumoto and Thielen voting no.

**Conf. Com. Rep. No. 69 and S.B. No. 154, SD 2, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 154, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS ENFORCEMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 70 and S.B. No. 363, SD 1, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 363, SD 1, HD 2,



CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Pepper rose and stated:

"I would like to rise to speak in favor of two bills -- Senate Bills 363 and 448, both of which relate to the No Hope in Dope Program.

"Mr. Speaker, our society still seems determined to fight the war against drugs from the supply side with enforcement and punishment as our major weapons. Sadly, these techniques have not only been a failure but have overburdened and distorted our legal system. They have led to the need for more prisons and, in some parts of the country, to corruption of our law enforcement process.

"But, Mr. Speaker, there are signs that the emphasis in the war on drugs is beginning to shift. Some federal judges are refusing to hear certain drug cases. Some think tanks are realizing that prevention and treatment are vital weapons in the war on drugs. They are beginning to realize that prevention and treatment are our only hope of a final end to the plague of drugs.

"Mr. Speaker, I have been proud to serve in the Legislature in this my first session. I have had many things happen which have provided me with a great deal of satisfaction. There are, however, some things which have been disappointing to me, of course, and one of those things is that we have not seen our way clear as a Legislature to more strongly support the prevention and treatment end of the war on drugs.

"But, Mr. Speaker, the No Hope in Dope Program represents a significant grass roots effort to fight the war on drugs in terms of prevention. I am proud to know of this program, and I am proud to support these two bills.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 363, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE NO HOPE IN DOPE PROGRAM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 71 and S.B. No. 1063, SD 2, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1063, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Isbell rose to speak in support of the bill, with reservations, stating:

"This allows HCDA to now expand to the neighbor islands which, of course, under the law they can do. But I have some concerns on page 3 about the fact that the Authority -- that HCDA -- which now will be at Hamakua can engage in any studies or coordinated activities outside of the district.

"I would like to mention that there was a recent resolution that was brought in to the House regarding the Mauna Lani Cove and a lot of people from Hamakua and people in that area supported it because they felt that it could affect and impact the people who live in Hamakua and give them more jobs even though it meant blowing a hole in the lava.

"But what I want to make sure is the coordinated efforts and activities that are engaged in by the HCDA when they are in any district, on any island, strictly adhere to what is supposed to be within that district and that this does not include that sort of activity, and it is not clear. The bill is very ambiguous and very vague in that area.

"So I just would like to be sure that that gets into the archives and the history on this bill so that when they look back on it, they can see that there was a concern, and I would like to make sure that the intent of this bill is to stick within that district.

"Thank you very much, Mr. Speaker."

Representative Thielen then rose and requested that her remarks, in favor of the bill with reservations, be inserted into the Journal, "but I would like to make one statement," and the Chair, noting that there were no objections, "so ordered."

Representative Thielen stated:

"The situation in Hamakua is an emergency and that requires long-term planning and short-term immediate action. Unfortunately, this bill is not a fast-track to bring in the private sector, and the private sector is the entity that will provide jobs -- long-term jobs -- for that region."

Further remarks by Representative Thielen are hereby inserted:

"House Bill 1975, CD 3, attempts to bail out Hamakua. That is a notable attempt. But, Mr. Speaker, this isn't even a bail out bill. It's worse. A 'bail out' conjures visions of a now sinking ship soon able to set sail by bailing out the flooding waters. Mr. Speaker, this bill bails out no such dangers for Hamakua. Instead, it ensures that all passengers involved -- the State, the employees, and the region will be shipwrecked without a future.

"If we were going to guarantee an \$8-million loan, we should be doing it for a project that prepares us for the future. According to BLNR Direction, Jack Keppeler, this \$8-million simply prepares the region for a 'soft landing after an orderly wind-down.' Rather than backing \$8-million just to provide a 'soft landing,' we could have implemented a comprehensive regional development plan propelling Hamakua into a viable economic future.

"We are taking a shortsighted, myopic approach to this problem. We should not back a loan to harvest one sugar crop. We should move comprehensively to preserve sugar since it will be important in the future for ethanol production, an alternative fuel source.

"Our loan to merely ensure an orderly wind-down is as shortsighted as our letting the OR&L Railroad route be abandoned and sold to private landowners. Four decades later, with congestion and increased traffic problems, we see the need for a comprehensive, in-place transportation system. The OR&L route would have become part of a transportation plan available for Oahu, just as sugar could become part of future ethanol production.

"Mr. Speaker, in this time of fiscal crisis, the State cannot afford to back an \$8-million loan to Hamakua. In fourteen months, if the harvest, following its five year precedent, falls short again of any profit, the Legislature will have to find money to repay the lending institution the full amount in default.

"At a time when students find their classrooms once again shortchanged of the basics, and Department of Education is short \$7-million for the first biennium, and \$10-million for the second, we are being asked to set aside \$800,000 of general funds for Hamakua and risk \$8-million if the harvest loses money.

"And are the taxpayers guaranteed super-priority liens on the loan? Will we stand ahead of Western Farm Credit Bank? Or will any profit, assuming there is profit, go to pay off the defaulted loan? We won't know until after we pass this legislation. And if we are in super-priority position and the harvest loses money, we're in first position for zero return.

"Mr. Speaker, it makes no sense to me to back a loan that creditors refuse to back because of its obvious expected loss. Revenues from the sugar harvest are expected to fall short of \$8-million, leaving the State obligated to deplete even more the already financially battered departments like Education, Mr. Speaker. Our education system needs a bail out, not Hamakua. To expend money only that barely secures jobs for the next fourteen months leaves no one a winner.

"And what about long term jobs? This bill doesn't provide the groundwork for future jobs after the harvest is completed. Instead of merely taking our resources and burying them into the ground along with the dying sugar company, we could have offered Hamakua a future and long term stability.

"But did we move with leadership? No. We are simply passing a resolution (SCR 155), requesting a study on the feasibility of establishing a rural development authority. Why do we need to study this? Why don't we act now?

"Our solution should include creating a rural development authority this session, which is experienced in overseeing transitions away from sugar toward diversified agriculture. Our solution should include inviting the private sector to use this prime ag land for agriculture, and to encourage mixed land use projects. These solutions stimulate employment and secure the region.

"I cannot support a bill that spends \$8-million on a funeral when we could use our resources to celebrate the birth of a rural redeveloped Hamakua."

Representative Ward then rose to speak in favor of the bill, with some reservations, stating:

"Mr. Speaker, if I called you 'Mr. Joe' or 'Speaker Joe,' you'd feel something missing or there was something left out that's very appropriate. What's missing is the small business component. You can't redesign the economy of Hamakua or that section of the Big Island without mentioning small business. We have no longer a Big Five, we have no longer big ag -- all we've got is Mom and Pop. That is the focus for the turnaround of that area. In fact, that's the backbone of the economy of the State, Mr. Speaker, and that is conspicuously absent in this bill.

"We've got to focus on small business ... that's going to be the saving part of redeveloping that area and it is missing, and I had to mention that because with no entrepreneurs, there's no development, and that's what Hamakua needs.

"Thank you."

Representative Takamine then rose to speak in favor of the bill, stating:

"In doing so, Mr. Speaker, in looking at the bill, as one of the previous speakers indicated, it is an extension of the HCDA concept applied to a neighbor island and applied to a specific district, that the boundaries of the said district are included in the language of the bill. And the whole idea here is to provide a mechanism by which government -- the public sector -- can work with the private sector and can work with the community so that together -- together, Mr. Speaker -- sound economic planning can be put into place.

"With that said, Mr. Speaker, I'd like to also take this opportunity to thank you and thank the members of this body for the support shown in the Hamakua Sugar situation. As we have already taken action on House Bill 1975, that measure simply provided time and certainly sets the stage for the Bankruptcy Court judge to, hopefully, provide a decision that will allow the bringing in of the crop at Hamakua. But there are many other measures -- other tools -- that this body has provided the Hamakua community with.

"The budget bill which we just passed a little while ago provides the means and the funding to address the concerns of housing and medical services for the people of the community. It also provides mechanisms and assistance again with respect to the creation of potential alternative employment opportunities. Certainly, in other bills that we will be addressing today, Mr. Speaker, there are other mechanisms, including tax adjustments, including the floating of special purpose revenue bonds, that hopefully again, will be in keeping with creating new opportunities so that when the fourteen months' harvest ends, new opportunities will exist. Mr. Speaker, these are all tools that with the support of the members of the Legislature, hopefully will be there so that the community can go to work.

"On December 18, 1992, for the Hamakua community, as well as the Big Island community, a devastating announcement was made. During the past several months, with your support, with your help, the tools necessary to deal with the situation have been put into place. I want to truly express my personal appreciation to each and every member for their help in doing that.

"In closing, Mr. Speaker, I would like to note one further thing and that is that, somewhat unfortunately, this issue from time to time has been used perhaps as a means of furthering a political agenda and there have been much references made to the Waihee/Cayetano Administration, and for the record, Mr. Speaker, I would just like to note that without the participation of the Administration in this effort, in their effort to work with the community, in an effort to work with all of the parties concerned, the kinds of opportunities, the kinds of tools that we just spoke about, would not have been put into place.

"Thank you very much, Mr. Speaker."

Representative Thielen, in response, stated:

"Mr. Speaker, the references have been made because we have known about the problem with Hamakua for five years. Five years is a long time for anyone to set a plan in action that will bring in the private sector, small business, work with the community and put in a plan, get it up and running. Instead, we waited till the eve of the Bankruptcy Court final decision to come scrambling and with some ways to put on a Band-Aid.

"This bill, Mr. Speaker, when I mentioned earlier about it not being a fast-track to resolve anything -- it isn't. And if you look at page 4 of this bill, it states that

'no community development district plan developed pursuant to this bill shall take effect until the county enacts an ordinance establishing a community facilities district. . .or a tax increment financing district. . .

"So we still have more bureaucracy to go through. That's my concern, Mr. Speaker. We've had five years advance warning. That's a pretty long warning signal and it's taken until now, Mr. Speaker, to come to grips with the issue and it still is not fast enough.

"Thank you, Mr. Speaker."

Representative Takamine, in response, stated:

"I do acknowledge the point made by the previous speaker that, certainly, we would like to accelerate the process. That is the whole idea of the mechanism so that we can create incentives -- incentives especially to the private sector.

"Mr. Speaker, I would like to note that I've learned a tremendous amount during this session just in going through what we went through, and I guess in doing that, a lesson that has been there for a long time was true in this instance also. And that is, I guess Mr. Speaker, that there are those of us who focus our attempts at creating opportunities, at working with the parties and developing programs, and there are those of us who focus on placing blame. We each make our own choices and, certainly, we live with the choices that we make.

"Thank you very much."

Representative Stegmaier then rose and stated:

"I, too, would like to speak in response to early comments made having to do with Hamakua. I hadn't realized until I began my tenure as the Economic Development Chair what actually had transpired, and yet I do have a sense of what the history is at this point. I think there needs to be some clarification and some correction of the facts.

"In 1990, the community responded very quickly to the realization that the Hamakua Sugar Company was in terrible financial straits, and within a matter of months put together a regional plan. 1991, as I understand it, was used primarily to implement that plan, to get the proper land use changes and approvals, especially on the county level. There was great hope that an investor had been found in a Japanese company -- Sokan, I believe, was the name. And until June of last year, plans were being made for Sokan to develop various kinds of enterprises that would have been very useful to the people of Hamakua, and yet there were legal challenges and other disappointments that eventually caused Sokan to withdraw. So what we're really talking about is a matter of months since that tremendous disappointment occurred.

"And I believe that under the circumstances, especially when you're dealing with involving a community and attempting to have them realize that their lifestyle, their livelihood, is coming to an end, I commend the individuals who've been involved for their perseverance, in spite of the frustrations, in attempting to plan for a future a smooth and gradual change from sugar to other kinds of activities for that area.

"I believe that that needed to be said in response to earlier negative comments that I believe were unfair.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1063,

SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 72 and S.B. No. 1448, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1448, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 73 and S.B. No. 1752, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1752, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Arakaki rose to speak against the bill, stating:

"Mr. Speaker, this bill would establish a Corrections Population Management Commission and it seems like whenever we lack the political will, although we have the solutions, we lack the will to provide the answers. We always form these commissions for studies, and I guess my primary objection is that in the past few years, we have done several things and taken action. We know what the solutions are. We hired a prison master at a hundred thousand dollars contract to deal with the problems of overcrowding. That didn't work so we got rid of him. Then we went to providing a new department -- Public Safety -- to deal with the problems with the correctional system and the overcrowding.

"Besides that, Mr. Speaker, I have rims of studies and reports, especially from the Consent Decree Panel, and they specifically signed many recommendations that the State has to follow in order to be in compliance and in order to deal with the problem of population management. So I just think that this commission is going to be a waste of the State's moneys and it probably could be put to better use by funding at least one alternative program, and I hope we can look at this next year.

"Thank you."

Representative Thielen then rose to speak in favor of the bill, with reservations, stating:

"What the bill does is it establishes a Corrections Population Management Commission and it says that that commission shall develop mechanisms to prevent inmate populations from exceeding the capacity of the corrections facility. And these maximum inmate population limits may be enforced by the Director of Public Safety. In other words, Mr. Speaker, if the prisons are overcrowded, then prisoners are going to have to be released.

"My concern is ... which comes first -- safety of the public or the need to release prisoners from the facilities?

"Thank you, Mr. Speaker."

Representative Amaral then rose to speak in support of the bill, stating:

"Mr. Speaker, prior to the crossover, I spoke against this bill and voted against this measure in part because

the function of the commission would have been to actually make the decisions about the release of prisoners.

"Now we have before us a measure which begins to analyze the program both from the corrections point of view, from the prosecutorial or law enforcement point of view, as well as from the parole point of view, and in that discussion make recommendations back to this body. I think it's a better way of managing the problem, and it gives us the time to deal with the whole problem of enhanced sentencing and how we will deal with the management of the prison population.

"I simply want to warn the commission, however, that where we note the conditions of the prison and the responsibility for maintaining a secure and a safe and healthy environment is paramount to all of us as policymakers, we note also that the public safety and the health of those in the general public is as equally paramount to us, and we ask them to keep that in mind when they are making their recommendations to us.

"I ask also that the commission note that where overcrowding was one of the problems of the ACLU consent decree, there were many other problems that we have not yet addressed such as the conduct of the guards, the rape of prisoners, and many, many more, so I hope that those also would be taken into consideration.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1752, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Arakaki voting no.

**Conf. Com. Rep. No. 74 and S.B. No. 1905, SD 1, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1905, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VACCINATION AND IMMUNIZATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 75 and S.B. No. 448, SD 1, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 448, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Alcon rose to speak against the bill, stating:

"Mr. Speaker, how could we possibly give one hundred thousand dollars to the Department of Public Safety when they need to clean their acts within? I understand, Mr. Speaker, that the peddling of the drugs within is a lot more than what is going on outside. In addition to that, Mr. Speaker, I also understand that there's a lot of black market going on within.

"Not only that, there is also a lot of falsifying overtime by correctional officers and I think, by and large, Mr. Speaker, they are not models. I think it would be well for us to just give all of this to the Police Department, or even to the Department of Education, because the Department of Public Safety is no model to me.

"Thank you."

Representative Pepper then rose and stated:

"I would like to rise to speak in favor of two bills -- Senate Bills 363 and 448, both of which relate to the No Hope in Dope Program.

"Mr. Speaker, our society still seems determined to fight the war against drugs from the supply side with enforcement and punishment as our major weapons. Sadly, these techniques have not only been a failure but have overburdened and distorted our legal system. They have led to the need for more prisons and, in some parts of the country, to corruption of our law enforcement process.

"But, Mr. Speaker, there are signs that the emphasis in the war on drugs is beginning to shift. Some federal judges are refusing to hear certain drug cases. Some think tanks are realizing that prevention and treatment are vital weapons in the war on drugs. They are beginning to realize that prevention and treatment are our only hope of a final end to the plague of drugs.

"Mr. Speaker, I have been proud to serve in the Legislature in this my first session. I have had many things happen which have provided me with a great deal of satisfaction. There are, however, some things which have been disappointing to me, of course, and one of those things is that we have not seen our way clear as a Legislature to more strongly support the prevention and treatment end of the war on drugs.

"But, Mr. Speaker, the No Hope in Dope Program represents a significant grass roots effort to fight the war on drugs in terms of prevention. I am proud to know of this program, and I am proud to support these two bills.

"Thank you, Mr. Speaker."

Representative M. Ige then rose and requested that Representative Pepper's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Ward then rose to speak in favor of the bill, stating:

"Because my colleague maligned what probably is the most inspirational, best conceived programs to keep our young people off of drugs and out of drugs, and in all due respect to the representative, it's probably one of the best programs of the department that you don't like has, and if any of you have seen it, it's where prisoners come in with the actual manacles on their wrists and that in itself is a very visual, very effective, program. But the way that they talk, kids going for dope as a way of making it is so effective, this is probably one of the best appropriations that we can make, and I think the malignment deserves for the department but not this program. This program is exemplary and excellent.

"Thank you."

Representative Alcon, in response, stated:

"How could they possibly become a model when they cannot even clean their act? The correctional officers, Mr. Speaker, according to the paper, have been selling drugs to the inmates and besides, having manacles and other paraphernalia outside, showing them to the children, is no model to me. I think that's one way to call attention to something that is very, very negative.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 448, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE NO HOPE IN DOPE PROGRAM," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Alcon voting no.

The Chair directed the Clerk to note that S.B. Nos. 741, 124, 154, 363, 1063, 1448, 1752, 1905 and 448 had passed Final Reading at 12:53 o'clock p.m.

**Conf. Com. Rep. No. 76 and S.B. No. 261, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 261, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 77 and S.B. No. 250, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 250, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF THE PACIFIC MAPPING CENTER," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 78 and S.B. No. 1726, SD 1, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1726, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Tam rose to speak against the bill, stating:

"In essence, Mr. Speaker and fellow colleagues, this is a tax bill that will:

- (1) Increase the cost of housing and pass it on to the consumer;
- (2) In the future, this conveyance tax will cause an extra burden to the State and the City and County of Honolulu and other counties as housing prices escalate; and
- (3) It will look to and demand from the State government to provide more affordable subsidized housing, resulting in more burden to Hawaii's taxpayers because of this increase to our real estate.

"Thank you."

Representative Baker then rose to speak in support of the bill, stating:

"This measure proposes to raise the conveyance tax by five cents per \$100 with half of this increase dedicated to the natural area reserve fund and the other half to be deposited to the rental housing trust fund.

"Both these funds support worthy programs that have proven beneficial over the years. In this bill, we sought

to find dedicated funding to ensure that these programs will continue into the future.

"I would like to focus my remarks on the merits of the natural area partnership and forest stewardship programs supported through the natural area reserve fund. These programs seek to protect, preserve and maintain Hawaii's fragile environment and natural resources.

"Here in Hawaii, we depend on our forests for many things, including water. The forest provide a habitat for native species, koa wood and other valuable forest products, outdoor recreation, and our world-famous natural beauty and mild climate. But these resources are seriously threatened. We are already seeing a decline in the quantity and quality of our water supplies in areas throughout the State. This decline is due in part to damage and loss of watershed forests.

"While the State has been successful in managing over 109,000 acres of State-owned conservation land through the natural area reserve system, there was no incentive to encourage private landowners to invest the time and money in doing the same with their land. In response, the natural area partnership and forest stewardship programs were established to provide private landowners the opportunity to effectively preserve the natural resources found on their property.

"The matching funds of the natural area partnership program helps landowners manage important private natural areas, including lands with intact native ecosystems and essential habitats for native species. To qualify, landowners must permanently dedicate their land to conservation.

"Similarly, the forest stewardship program provides matching funds, to private landowners who manage important natural resources such as non-native watersheds, small patches of native forests, valuable timber, or isolated populations of endangered species. In return, landowners must make a minimum 10-year commitment to the program.

"A good example of how this unique working relationship of private and public entities combining resources to protect our environment can be found in West Maui. The forests in the area provide all of the fresh water supporting West Maui's agricultural, commercial, and residential developments. The West Maui natural area reserve and forest reserve protect key State-owned lands which are separated by private holdings. Since 1988, the State, Maui Land and Pineapple Company, and other private agencies have combined funds, equipment, and personnel to protect more than eight thousand acres of private forests on the slopes of Puu Kukui.

"In May of 1990, AmFac/JMB Hawaii, Inc. joined this West Maui partnership by pledging a gift of a conservation easement over 1,200 acres of forested land to a private conservation organization, bringing the total protected land area to more than 13,000 contiguous acres.

"By supporting dedicated funding for these programs, we send a clear message that the State is equally committed to continuing these long-term working relationship to protect our environment.

"The proposed source of this funding would come from a modest increase in the conveyance tax. At its current five cents per \$100 transaction, Hawaii has the third lowest conveyancing fee in the country. At the proposed ten cents per \$100 transaction, Hawaii would still have the fifth lowest fee. The impact of such a modest increase on the average Hawaii resident would be minimal. This



increase would mean that a person buying a \$300,000 home would pay only \$150 more in conveyance taxes -- a small price to pay for the protection of the watershed forests and natural environment on which we depend.

"Based on a five-cent increase, the proposed 1.5 cents dedication to the natural area reserve trust fund would provide at least two million dollars in base funding for essential State management programs while having little to no effect on general fund revenues.

"We have a unique window of opportunity to take a strong stand for our environment in a fiscally responsible way. The working relationship with private landowners have precluded the State from having to purchase conservation lands which other states have had to do at a cost in the billions of dollars. The more we invest in effective management now, the less we will have to spend to try to restore our valuable resources in the future.

"I urge my colleagues to support this measure and take a strong stand for Hawaii's precious environment and natural resources."

Representative Lee then rose and requested a conflict ruling, saying that he is a "member of a nature conservancy which will be a beneficiary of this enhanced environment," and the Chair ruled "no conflict."

Representative Tam then rose and stated:

"Mr. Speaker, I would like to add a clarification to my opposition towards this bill.

"I'm not against conservation land or whatever, or saving the natural wildlife of the land, but the concern here is in terms of escalating real estate prices here in the State of Hawaii. We've got to take care of our young ones who hope to do it on their own, or are we going to make it harder for them.

"Thank you."

Representative Hiraki then rose to speak in favor of the bill and requested that Representative Baker's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1726, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Herkes, Menor and Tam voting no.

**Conf. Com. Rep. No. 79 and S.B. No. 552, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 552, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 80 and S.B. No. 930, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 930, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM," having been read throughout, passed Final Reading by a

vote of 50 ayes to 1 no, with Representative Arakaki voting no.

**Conf. Com. Rep. No. 81 and S.B. No. 952, SD 2, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 952, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAXES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 82 and S.B. No. 539, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 539, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative O'Kieffe rose to speak in favor of the bill, with serious reservations, stating:

"This bill is a wolf in sheep's clothing. In addition to extending the family center demonstration project which is a good program, this bill resurrects H.B. 120, HD 2, which sought to freeze welfare levels to the detriment of over 600 needy families in our State. If you will recall, this bill barely passed out of this chamber by a 27 to 24 vote. Fortunately, H.B. 120, HD 2, was killed in the Senate. Now, like some nightmarish Phoenix rising from the ashes, the language from H.B. 120, HD 2, has found new life in this bill.

"Mr. Speaker, conservative estimates of the impact of this freeze have been that over 600 needy families, including single-parent families, would be denied benefits. Now I know that the bill states that the freeze is not scheduled to go into effect until July of 1994. This means that welfare recipients would not be affected this year. I further understand that the Legislature hopes to revisit this measure next session with the intention of repealing the freeze before it takes effect.

"Mr. Speaker, let's be clear about the potential ramifications of this bill before us today. The real purpose of S.B. 539 is to use public sector accounting practices to add funds to this year's budget. It works like this, and those of you who enjoyed hurling zingers at Reagan/Bush with their voodoo economics, here is how this voodoo economics work: We pass this welfare freeze this year. It does not take effect until July of 1994. In the 1994 session, we repeal the freeze. How can we do that? Simple. 'Other Funds' to the tune of six million dollars magically appear somewhere and there is no longer a need for the freeze. In the meantime, the 'anticipated' savings of six million dollars can be used to supplement our current budget.

"What's wrong this this? Lots. Consider the following:

"It is absolutely poor public policy to steal from the future budget to balance the present budget. What kind of example are we setting for our constituents when we, in effect, mortgage future moneys because we are having present problems? This kind of strategy is doomed to fail -- all it takes is time. Where would we be today if past Legislatures had created indebtedness for this current session through voodoo accounting techniques? Here's a thought: What if next year we borrow another six million dollars from yet another succeeding year's budget to pay for next year's debt? Ultimately, under this telescoping scenario, we should have all of our children file for bankruptcy at birth. Why? There simply won't be any money left!

"Ask yourselves the question: If the current recession continues next year -- and the most recent projections by the Council on Revenues does not look optimistic -- where will we magically find the six million dollars that we are proposing to spend this year? Will our needy families eat rocks?

"What if, just what if, the Department of Human Services actually succeeds in convincing the Legislature next year that it would not be in the State's best interest to repeal this freeze once it becomes law? What if those who are promising to kill what everyone agrees is a bad idea to begin with, develop political amnesia, brought on by the intense pressure to not short-change that year's current budget? What happens to over 600 needy families?

"Does anyone realize that this six million dollars savings is 'ghost money'? It is not actualized yet. What if it never is actualized? This Legislature will be guilty of spending money which never really existed except as a smile on the Budget Director's face.

"Finally, the Senate's Ways and Means Chair has been quoted as saying that this freeze and transfer from the future is a 'tricky' ploy. Our own Human Services Chair has called it 'a numbers game.' Have we been reduced to playing a tricky shell game with nothing but air under the shells?

"Mr. Speaker, this bill will pass out today. Nonetheless, we should take responsibility for our budget problems by refusing to place fiscal liens on succeeding years. We need to look at the long-range picture rather than trying to Band-Aid short-term problems with future money. How? By starting to cut expenses. The fat is there. We need to have the courage to chop it off. We don't need Dr. Barry Miller.

"We should not resort to voodoo accounting practices to resolve economic problems. In the first place, it resolves nothing. It merely delays facing the problem. Secondly, voodoo accounting begets voodoo accounting. Once you open the box, the practice multiplies and gives legitimacy to itself.

"It is bad enough that we are contemplating this method of generating funds. What is worse is that it is being done at the very real expense of those who can least afford it -- the needy families in our State. We should not be subsidizing our inability to balance the budget on the backs of those who need the help the most.

"If it looks like a duck, walks like a duck, and quacks like a duck -- it's a duck. Let's not resort to tricky ploys and number games. The freeze has been called these things because it is these things.

"Thank you, Mr. Speaker."

Representative Chun then rose to speak in favor of the bill, stating:

"This bill extends the life of a demonstration project called Family Centers for another two years to establish a reliable base of information that could potentially revamp the way the State delivers services to support Hawaii's families. At present, there are four demonstration sites in Kona, Molokai, Kaneohe and Kalihi. Many other communities have also expressed great interest in establishing Family Centers in their communities.

"This bill also calls for the Family Center Council to come up with a plan to make this project permanent as well as request the Legislative Reference Bureau to

conduct an objective evaluation of this demonstration project.

"I would like to acknowledge and thank the Hawaii Community Services Council, Representative Dennis Arakaki, and this Legislature for providing the leadership in this regard and exploring new ways to support families, maximize existing resources, and strengthen communities in their efforts to help their families.

"This bill also contains, as has been mentioned by the previous speaker, the language that would authorize the calculation of public assistance payments at the 1990 poverty level established by the federal government beginning July 1, 1994.

"The Chairperson of the Ways and Means Committee brought this proposal to the conference table in an effort to free up six million dollars to be used to fund a number of human services and education programs that we could not otherwise fund in fiscal year 1993-1994. This was a very difficult decision for many of the conferees on this bill since many have been staunch opponents to any poverty freeze language.

"The agreement to inserting this language in this bill was premised on condition that (1) no families this year would be negatively impacted by any freeze in welfare benefits; (2) that six million dollars realized from this freeze in 1994 would fund human services and educational programs in the 1993-1994 fiscal year; and (3) that we would revisit the language next session with the intent of removing the freeze, anticipating an improvement in our State's economy.

"Mr. Speaker, for your information, the six million dollars realized by inserting this language in this bill enabled the money committees to include the following and other human services and educational programs in our biennium budget:

- (1) \$1.2-million to fund the State Youth Gang Response Team which is the model in youth gang prevention in the nation;
- (2) \$2-million of grant-in-aid for elderly services, youth outreach services, and child protective services;
- (3) Funds for the Juvenile Justice Information System which is a computer system that would help us to track more effectively juvenile delinquents, as well as to assess the effectiveness of programs to help our youth;
- (4) Funds to establish permanent athletic trainers in public schools so that more timely and appropriate care can be given to our young athletes; and
- (5) Funds that would allow for equitable pay scale classification for school principals who have very large student populations.

"There are many other programs that we were able to fund with this. I sympathize and can relate to what the previous speaker is saying. There's no doubt that we need to look at more creative ways to fund critical welfare benefits for Hawaii's most needy families, and I look forward to working with him and others to cut the fat. I agree with that ... where government spending can be cut and to look for ways to continue supporting our families.

"Thank you, Mr. Speaker."

Representative Arakaki then rose and stated:

"Mr. Speaker, with a great deal of regret, I rise to speak in opposition and vote against Senate Bill 539, SD 2, HD 2, CD 1. And I do so with very mixed feeling. You might say I have a schizophrenic attitude towards this bill. It seems like this bill is a Dr. Jekyll and Mr. Hyde type of bill with a dual personality. It has a bright and flowery side which speaks to the Legislature's desire to strengthen families and to make services accessible before problems turn into crises. But there is also a dark side -- an ominous side -- to this bill, a bill that could potentially hurt many families and has a proviso that was born in darkness with no notice given and no opportunity for discussion by the public. For all intents and purposes, from our previous hearings, we already know that there is an overwhelming majority opposed to it. It's a proposal that just won't go away. It's like our cockroach ... you think you have it killed but a few minutes later it stands up and walks away.

"It's a measure that will be looked upon as a test of our legislative will during these tough economic times. While staring in the face of limited resources and a budget that reflects so many needs, it seems that we have finally blinked. The sad part is ... it is during these tough economic times that people need us the most. The catastrophic impact of a Hurricane Iniki or the closing of a sugar plantation in Hamakua helps to amplify the depth and breadth of these basic human needs, and we responded to those. Unfortunately, it is the unknown and unreported personal tragedies that we shall ignore next year because we shall turn our backs to them this year with this measure.

"For the many single-parent mothers and disabled adults, it will no longer pay to hold on to personal dignity with a part-time job, or to accept a raise in pay because it could very well make them ineligible for the benefits that will help to put food on their table, a roof over their heads, provide child care and health care for the children. I wonder ... how many of you realize that a single mother of two children, working full time at minimum wage, is still under the federal poverty line? This measure will only serve to push more people into the throes of dependency, and in the end it will cost us more.

"For those who feel that we are forced to take this action because of limited fiscal resources, let me quote Bishop John Quinn who admonished us at the start of our session, and I quote: 'The greatest priorities are not priorities of the budget, but the priorities of human existence and their purpose...' Even our State and nation's Constitution exhorts us to consider the basic human needs and human dignity as first and only legitimate object of good government. I challenge any one to show me in our Constitution that things like tourism promotion, building a film studio, or even building a convention center, should be a priority, let alone a function of government. I just don't buy the tired argument that benefits will trickle down to the average citizen. As our Governor once said, 'Trickle down economics only result in the people at the bottom getting trickled on.' And that is exactly what we're doing with this bill.

"Two years ago, we spent six million dollars on an emergency tourism promotion appropriation. Six million dollars which ironically is the amount of money we will save and allow us to fund education and human services programs with this bill. I ask ... where did that six million dollars for tourism promotion go to? From the number of visitors we have now, I would say the only thing that it accomplished was to line the pockets of advertising firms. If trickle down really works, then why are we now forced to rob the poor to pay the needy?

"To those who are under the impression that we are instituting cost saving measures, think again and think of the consequences. We may be saving in the short term, but we will be paying the price in the future. This bill will hurt children the most because we will place more families at risk by ignoring their basic needs. Most of us here have families. We all know how tough and costly it is to raise children, even with both parents contributing. We also know and appreciate the importance and priority of meeting basic needs of our family because it establishes a foundation that provides security for each family member. Take away that security and foundation and you very often end up with dysfunction. Yes, we may be saving direct costs by not paying the benefits, but be forewarned that we better be prepared to provide more gang programs, more educational support services, more mental health services, more prisons because, sooner or later, the bill for our neglect will come due.

"It is no longer a matter of caring or compassion because I believe we all care and we all have compassion for our fellow citizens ... that is why most of us chose to serve as representatives of the people. It boils down to a matter of priorities and where we choose to invest the public's dollar. As much as I support the Family Center concept, and as much as I believe that the Chair of Human Services on my right and her counterpart in the Senate, as well as the Chairs of the Ways and Means and Finance Committees, will sincerely do their best to lift the freeze, I cannot, in good conscience, support this measure. And I must stand on principle and vote against this bill.

"As a footnote, Mr. Speaker, I hope by this time next year, that I will be standing to publicly apologize to the gracious Chairperson of Human Services on my right because my expressed skepticism will have been unfounded.

"Thank you, Mr. Speaker."

Representative Hagino then rose to speak against the bill, stating:

"There was some mention of some hope that the economy will improve next year. Those of you who believe the economy will improve next year, I hope you're correct. I have great doubts.

"There is this belief that in the next legislative session, we will take a look at undoing the freeze, but if you look at the bill, the freeze is in place and it doesn't require any negative action, but it takes an affirmative action to undo the freeze. If nothing is done, the freeze continues and the freeze is a permanent freeze. In other words, no matter how you try to couch or clothe this bill, it is a freeze -- no ifs, no buts, no maybes -- it is a freeze. You might try to clothe this bill by saying that it will provide for funds for other programs.

"You know, I particularly dislike that kind of really political chicanery. I've seen it in several bills this year where you say because we save five million by denying certain people, we provide five million dollars for some other project. The fact of the matter is all of these projects are funded through the general fund. It is one common pool. It's not a special fund allocation. So you're not taking the six million dollars in supposed savings to provide for athletic trainers. It's all coming out of one general fund, so I think it's a very, very illogical and unfair argument to say that these welfare people are funding other programs. But let's suppose they are. Let me give you an example. Suppose that I was working for a corporation and I was supposed to get a ten thousand pay raise for the coming year and my boss came to me and said, 'David, instead of giving you the

ten thousand dollar pay raise, I'm going to use that ten thousand dollars and I'm going to put a substance abuse program for workers like you who may have problems, I'm going to put in a divorce counselling program, or a family program because of workers like you that have problems. Now, don't you agree with me that that's a better way to spend your ten thousand dollar pay raise on these programs rather than giving it to you? If you were in my place, what do you think your response would be to the employer? You'd rather have the ten thousand dollars.

"We have to differentiate and I've been in this situation before, Mr. Speaker. You have to differentiate between those programs that are income/maintenance programs or income/distribution programs, and all of these other programs such as the Family Demonstration Center -- it's a very good program. We fund well over probably five, six hundred non-profit agencies that do programs. But the basic nature of government has never changed, and we cannot lose sight of it to provide an adequate income level for people, to provide for adequate salaries, to provide for adequate insurance, to provide for adequate pensions, to provide for adequate health care ... the basic mission of government has always been the same.

"And what this bill does is to take away from a basic mission of government which is income/maintenance, and to say we're siphoning it off for other kinds of programs which are not as basic as to provide people with enough money to live on. What's the use of providing these kinds of services such as the family demonstration project for a family that has no income? It is of no value whatsoever.

"So this bill, Mr. Speaker, really is a welfare freeze bill. Let's not fool ourselves. I'm sure next year they'll be ten or twelve representatives that will try to be the first representatives to introduce a bill to lift the cap, to lift the exemption to keep the welfare services exactly as it is, and to get rid of the 1994 date, but none of these bills have to pass and the freeze will go into effect. But mark my word, there'll be a rush to introduce bills to get rid of the cap. I don't believe, unless there's some great flowering of the Hawaiian economy, that this will be done.

"So let's not lose sight of what the basic mission of government is all about -- to provide for basic needs. This bill goes directly against the basic mission of government, and with that I hope that my colleagues will join me in voting against this bill.

"Thank you."

Representative Pepper then rose to speak in favor of the bill, with serious reservations, stating:

"Mr. Speaker, this is a difficult decision to make. The Family Center Program is an excellent program and is a program to help families. I have come to the conclusion that no one will be harmed this year by the passage of this bill and that, in fact, the continuation of the Family Center Program is of benefit to many of the families in our State.

"Those of us, including the previous speakers who felt that the welfare freeze was not the proper way to deal with our fiscal problems, feel very strongly about that, Mr. Speaker, and I promise you we will be back next year. We will stand together to find a more favorable, a more decent, a more equitable way of dealing with our fiscal problems.

"Thank you, Mr. Speaker."

Representative Ward then rose to speak against the bill, stating:

"If we had a line-item veto, it would be a pretty good bill. We could keep the Family Centers and we can get rid of the freeze. Unfortunately, that's not the case.

"Abe Lincoln said that you cannot strengthen the weak by weakening the strong. Likewise, I think we can say today that you cannot strengthen the strong by weakening the weak, and that's what this bill does. It weakens the weak. And I think without intending it, our colleague, in a very graphic description, was saying that this is liposuction on the poor. Liposuction, or however you say it ... it's taking the life out by taking away what otherwise is their sustenance for living.

"And, Mr. Speaker, why this is not right is because it's not the money -- it's the priorities and the policy behind that. As long as we've got brick and mortar to the extent that we've had with the State Capitol renovations, with the multi-billion dollar airport, with the twenty-two million we're throwing back into the rust removal at the Stadium ... as long as those are the priorities that we have, what we're doing today is wrong. Priorities have got to have people first. And, by the way, the job of government is not meeting the needs of the people -- it's meeting the needs of the people to take care of themselves. This is not a welfare state ... we give people welfare so they can become independent, not so they can be dependent upon us. That's another problem with government.

"Mr. Speaker, the issue is not the money -- it's the policy that's behind this. We've got to turn the brick and mortar into some of the welfare moneys that are here. That's not being done and that's why I cannot support this bill.

"Thank you."

Representative Beirne then rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, I have come to the conclusion that if you oppose this bill, the Majority will still go ahead and favor it. I am speaking with reservations because I understand that the time line will not take effect till July 1994. When I originally spoke in opposition of the original bill, Mr. Speaker, I could not see a freeze affecting many of my native Hawaiian people. However, that freeze, I felt, would have taken place right away. I was in agreement, Mr. Speaker, that if we did it with the process of, you know, a little at a time instead of one, you know, right across the board one time, it would have a tremendous impact on our people. I think that if given the opportunity of knowing one year in advance if this is coming down on them, it would give them perhaps some opportunity and some time to go ahead and prepare themselves.

"I feel, Mr. Speaker, that Senate Bill 539, however, putting it together somewhat like the omnibus bill, you know, could be deceiving I feel, and the Family Center concept on top of this, Mr. Speaker, I feel is a very good concept. I was not in agreement, however, that the Family Center bill should be expanded as a pilot program for another two years. I felt that the program already has a lot of merit to it, it's good. I understand with the shortfall that we would have to do it this way.

"I feel, at this time, Mr. Speaker, that the opportunity will be given to all those that are receiving public assistance to go ahead and plan ahead, try to do something good for themselves, and perhaps in the next legislative session, moneys, if it is available, could take

care of that problem, and I would just like to have these few words entered in the Journal.

"Thank you."

Representative Santiago then rose and stated:

"Mr. Speaker, I had not intended to speak on this measure. I thought I had said enough about it the first time it came up, but I do feel I need to share one more point. I am rising to speak in opposition to Senate Bill 539, Mr. Speaker.

"I think the overall feeling that I get from many of the people I have spoken to who support this measure is that if we freeze welfare benefits, that it's not going to have as drastic of an effect on those people who presently receive enough benefits to take care of themselves and their children.

"As I pointed out, my objection to this measure has nothing to do with the first half of the bill. I support all those programs ... I'm on record in support of those programs. But when we talk about a welfare freeze, my concern is that we're going to be, in the long run, hurting much more and costing this legislative body much, much more because those individuals who presently receive these benefits are, as I pointed out earlier, some of the most heroic people I've ever had the privilege of working with. These individuals still have an intense spirit. They still have a will and a desire to get off of the welfare roll.

"When we speak about welfare fraud, when we speak about those individuals who are just kicking back and taking advantage of all of these benefits that we provide for them as a free ride, these are not the individuals we're talking about. We're talking about the working poor -- those who stay on the rolls for less than two years. And I again am very concerned that come next year, given all of the needs that I have seen as I sat on Finance this year, it's going to take a tremendous turn around in our economy to even begin to look at lifting this freeze, and I am concerned about the future and about the long-range effects that a freeze like this will have as we break the spirits of those individuals this entire concept of welfare is intended to help.

"If that is our goal, to get and break the cycle of poverty, this is not the way to go. We have an awful lot to do, and I hope that we will see other legislative bills that would address that problem.

"Thank you, Mr. Speaker."

Representative Baker then rose to speak in favor of the bill, stating:

"Obviously, I support the first part of this measure -- the Family Center measure. I've seen this program work on the island of Molokai, which is part of my representative district, and know that it is an excellent program. But, Mr. Speaker, I want to confine my remarks to the second and perhaps the most controversial portion of this bill because that is the portion that proposes to freeze the income eligibility requirements at the 1993 federal poverty level, and it is this section that I also rise to speak in support of.

"I'd like to emphasize for my colleagues, because I think there has been a bit of emotion and perhaps some misunderstanding about the impact of this measure, this bill will not cut off current recipients' welfare benefits. Rather than broadening the safety net, it stays as deep -- it just doesn't get any wider. This measure merely stabilizes the welfare rolls by maintaining them at the level the State can accommodate.

In addition, Mr. Speaker, I feel that it's critical to look at the bigger picture -- the State budget. During difficult times such as these, we must accept the reality that programs and benefits provided by the State all must be cut back. Nobody got what they wanted this year. At the same time, we cannot put all of our dollars into programs that in effect do not generate revenues. We must find some ways to stimulate the economy. That's why we have to put money into such items as tourism promotion, agriculture, and other kinds of activities that are not only going to bring in taxes but generate other kinds of revenues.

"We do face hard choices and I sympathize with all of my colleagues who are struggling with this particular measure, but by maintaining the program at a level that the State can handle, in addition to these other provisions in our budgets and other bills that are coming before us to help provide services to this particular population, I think we can continue to have that safety net to fulfill our mission and to make sure that there's a balance in our overall budget.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"I am rising to speak against this bill -- the welfare freeze -- and it is because of the welfare freeze I am speaking against the measure.

"After graduating from the William S. Richardson School of Law, I went to work at Legal Aid and was a Legal Aid attorney for five years. I worked in the Housing/Welfare Unit and dealt with people on a daily basis, many of whom qualify under this legislation as the so-called 'working poor.' These were generally young mothers, single parents, trying to pull themselves up, trying to get off of welfare, off of public assistance, off of Aid for Family With Dependent Children. And, Mr. Speaker, in my five years there, I came to realize that there was no fat in any of the public assistance that they were getting. I mean no fat to the extent that ... can the child have an ice cream cone? Well, no, because the money has to be allocated so tightly that any of those so-called luxuries were just out the window.

"I understand the Majority Leader stating that during difficult times we must cut back, and I can understand her saying that. Yes, that's correct, during difficult times we must cut back, but why don't we cut funding sporting events? Why don't we cut back on a lot of these items that you see in the budget that we passed earlier and why, instead, are we now imposing a welfare freeze?

"I think that's wrong ... I think the priorities are wrong, Mr. Speaker, and I am very deeply troubled by that.

"Because I do not believe that we should harm the working poor we are trying very diligently to get out of that situation and to get off of the Aid for Families With Dependent Children, because I do not believe that we should freeze welfare benefits, I will vote no on this measure. There's other fat in that budget, Mr. Speaker ... there is other fat there and I think we all should look there first.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 539, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading by a vote of 38 ayes to



13 noes, with Representatives Amaral, Apo, Arakaki, Hagino, Hiraki, Hirono, M. Ige, Santiago, Shon, Takumi, Tam, Thielen and Ward voting no.

**Conf. Com. Rep. No. 83 and S.B. No. 920, SD 2, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 920, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 84 and S.B. No. 1137, SD 1, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1137, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Stegmaier rose to speak in favor of the bill, with one reservation, stating:

"The bill would establish tuition waivers for 250 students of Hawaiian ancestry at the University of Hawaii, Mr. Speaker, and the bill, of course, is meritorious since it promises to help increase the percentage of Hawaiians who are students in the University system. I believe those that are focused at the University level is misplaced. There are already tuition waivers for Hawaiian students although more are needed and this bill would address that problem. In addition, in the near future, the HOPE Program of scholarships will become available.

"But this bill does not address the real problem which is that, presently, too few Hawaiian students are applying to the University, and too many Hawaiian students are actually dropping out of college before graduating, primarily because they have not been adequately prepared for higher education. To ensure that all 250 of these tuition waivers are used, and used fully, we must stimulate Hawaiian students at a much younger age.

"The two programs -- HOPE and the Hawaii Young Scholars Program -- both focus at grade three on up and encourage disadvantaged students throughout lower school, many of whom are Hawaiians, to become prepared for University education. It is at the elementary, junior high and high school years that Hawaiian students need support and encouragement so that they will be able to be successful as students at the University later on.

"Because of this concern, which is not addressed in this bill, I support the bill but with reservations which I have mentioned.

"Thank you."

Representative Beirne then rose to speak in support of the bill, stating:

"I would like to thank you, Mr. Speaker, the Finance Chairman, Calvin Say, for the 250 tuition waivers this bill will be able to provide to our native Hawaiian students. I would like to reiterate my comments that I shared in caucus, if I may, Mr. Speaker.

"The Association of Hawaiian Civic Clubs has done a study of all tuition waivers being issued at the University of Hawaii. The report states that over four thousand tuition waivers are issued and made available to many students from the different departments on campus.

However, Mr. Speaker, only thirty are issued to the Department of Hawaiian Studies.

"Mr. Speaker, I pray the new president -- President Mortimer -- will fully study how all tuition waivers are distributed to the different departments. I certainly feel the method needs to be scrutinized more closely.

"I would like to thank also Chairman Sam Lee and all the Higher Education members for their sensitivity to the needs of the native Hawaiians and perhaps consider an amendment next session.

"In conclusion, Mr. Speaker, the percentage of native Hawaiians in our educational system could increase astronomically with incentives as tuition waivers. If they do not have the moneys, they do not go. With that desire, they may become productive citizens and leaders in our communities and in our home -- Hawaii.

"Thank you, Mr. Speaker."

Representative Ward then rose to speak in favor of the bill, with reservations, stating:

"I think this is another one of the tightwad bills on page 9 actually -- the one with the welfare freeze -- because in the beginning, this bill had 500 tuition waivers, then it went down to 10, and now it's back up to 250. And we know by the serious underrepresentation of the Hawaiian community -- including those within this body even though those who are here already are eloquent, exemplary and an inspiration for others to join them -- Mr. Speaker, education is the venue for achievement in this society. If we are to encourage the Hawaiian community and not even have to pay any money for it, this is the venue and the avenue by which it should be done.

"On the economies of scale, whether you have one Hawaiian or five Hawaiians in your classroom and you're going over twenty students, it doesn't cost you any more to do that ... I've already said that. But now that we're down to 250 and now learning that there are four thousand tuition waivers, it makes this 250 look all the more paltry. So, Mr. Speaker, it comes a little way but not the full way that we need to bring parity to the Hawaiian community.

"Thank you."

Representative Lee then rose to speak in favor of the bill, stating:

"I would like to add that the four thousand tuition waivers that now exist at the University of Hawaii ... we will never know who are obtaining those waivers. But I can assure you that the number of Hawaiians who have waivers or who attend the University system have continued to go up every year and this is because of the concerted effort by everyone in the University system, as well as by the friends of Hawaiians outside the University system.

"There was an excellent letter written the other week by a teacher at Kamehameha Schools which pointed out that the increases in Hawaiian students at the University system have been steady and been going up. They, of course, do not represent the percentages of Hawaiians in the population. They also represent, in one way, the differences among the different campuses. The University of Hawaii at Hilo and Hawaii Community College have the highest representation of Hawaiian students, and these may be students who have obtained waivers as band members, as athletic students, and in other programs. We will not know unless we do a study of it.

"The point about the bill before us is that it is an expression of the Legislature that it will do more for Hawaiian students, so it is not a paltry figure. It is a significant figure ... 250 represents a significant message by the Legislature that we would like to remove the formal barrier but, as Representative David Stegmaier stated, there are other informal barriers which we must attack in future endeavors.

"So, with that, I urge my colleagues to vote in favor of a real message that we are indeed interested in helping, specifically, Hawaiian students.

"Thank you, Mr. Speaker."

Representative Amaral then rose to speak in favor of the bill, stating:

"We have been hearing a great deal about native Hawaiian students at the University of Hawaii campus and a little bit about tuition waivers. I just wanted to put some information back on to the record.

"The bill notes, by the way, in its language that native Hawaiians comprise 23.2 percent of the total State population. The bill further notes that native Hawaiians represent 11 percent of the student population. That's system-wide. It does not note how many native Hawaiian students we have at the University of Hawaii-Manoa, but I believe that percentage is four percent.

"This issue came before us originally as seeking 500 tuition waivers, as you've already been told, and is now 250. I see it as a significant first step and the needed first step. The target here is for those who are of the blood and who are enrolled in either Hawaiian language classes, who are pursuing degrees in education so that we can have native Hawaiian role models for our children, who are financially needy, or who are participating in student recruitment programs. So it's significant that you know that these are personified classical studies in the best sense.

"It's also important to note that where we were talking about four thousand tuition awards, we were talking about Manoa alone. In fact, the University of Hawaii provides 7,353 tuition waivers regardless of financial need. Tuition waivers are provided to students in athletics, band, orchestra, national student exchanges, international student services, National Guard, military reserve, Vietnam veterans, blind persons, senior citizens, UH employees, and graduate assistants. I am proud that native Hawaiians will finally join this august group of people. We presently give 291 tuition waivers in Manoa alone for Pacific Asian Islanders regardless of whether or not they are residents. I am proud that native Hawaiians will join that body as well.

"So, Mr. Speaker, I acknowledge this a first step. I believe it is of great significance that we got at least half the amount, and I look forward to us continuing to work on this program.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1137, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 261, 250, 1726, 552, 930, 952, 539, 920 and 1137 had passed Final Reading at 1:49 o'clock p.m.

At 1:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:29 o'clock p.m.

**Conf. Com. Rep. No. 85 and S.B. No. 530, SD 2, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 530, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 86 and S.B. No. 1670, SD 2, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1670, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITERACY AND LIFELONG LEARNING PROGRAM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 87 and S.B. No. 336, SD 2, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 336, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGH SCHOOL ATHLETICS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 88 and S.B. No. 1410, SD 2, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1410, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 89 and S.B. No. 1582, SD 1, HD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1582, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 90 and S.B. No. 1729, SD 1, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1729, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Dululao rose to speak in favor of the bill, stating:

"This measure is the tobacco tax. While the attempt of this Legislature is very noble and that it curtails the use of cigarettes and it curtails addiction, I would like to state one reservation on this bill which is ... this bill fails to appropriate a funding for public health education which

will help curb the addiction of our younger generation as they will be the ones that will be candidates for addiction in the future.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1729, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXCISE TAX," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative O'Kieffe voting no.

**Conf. Com. Rep. No. 91 and S.B. No. 1851, SD 1, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1851, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 92 and S.B. No. 1361, SD 1, HD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and S.B. No. 1361, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 93 and S.B. No. 1874, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1874, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Beirne rose to speak in favor of the bill, stating:

"Mr. Speaker, we've had a lot of people from our community participate in this bill relating to Kaneohe Bay. Again, this is another area of bottom-up planning. Mr. Speaker, and I am very, very proud of the constituents, not only in the Kaneohe Bay area but also in the Kahaluu area, that get involved in the process. This bill, in fact, would help with the planning process ... to go in and take care of all of the concerns relating to Kaneohe Bay and, therefore, I would just like to have my vote counted in favor.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1874, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 530, 1670, 336, 1410, 1582, 1729, 1851, 1361 and 1874 had passed Final Reading at 3:34 o'clock p.m.

**Conf. Com. Rep. No. 94 and S.B. No. 1531, SD 1, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1531, SD 1, HD 1,

CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"I've spoken on this before and I've told people that it's myopic, it's xenophobic. Why should the people of this State have to pay five more percentage points to do business in the State of Hawaii? We're helping Hamakua, we're helping Hawaiian Airlines ... let's not get so protectionist in our mentality that everybody's going to come to the Legislature and ask for some kind of a handout.

"Again, back to policy. It's not the money -- it's what, in the long run, is going to come back to get us.

"Thank you."

Representative Thielen then rose to speak in favor of the bill, stating:

"Mr. Speaker, what this does is it gives preference to our local companies -- the people that do business within our State that have a commitment to our State, and it does give preference to them.

"I had a firsthand experience, Mr. Speaker, with what can happen when we have an out-of-state bidder come in to the State and I guess I should do this as disclosure, Mr. Speaker. I was the attorney for Hawaii Carpenters' Union in a matter involving the State Capitol and I don't know if that presents a conflict ... if you could let me know, please."

"The Chair ruled "no conflict."

Representative Thielen thanked the Chair and continued:

"Anyway, an out-of-State contractor came in to Hawaii and won the award to remove the asbestos at the State Capitol. All of a sudden that contractor was using laborers to perform what was carpenters' work. Yes, that company came in with a lower bid but that company came in with a lower bid based upon the fact it was planning to use laborers to do carpenters' work. I think around the last time I looked at the data, around 60 percent of the people that were employed by that out-of-state company were from out-of-state, I gather put up in a hotel room or whatever, maybe five/six/seven to a room, but they were not local people -- they were not our local laborers or carpenters who need the work as well. These were people flown in from Oregon, from Washington, from California -- you name it -- flown in to do the work and flown back out ... no commitment to the State.

"Mr. Speaker, I was past president of the Hawaii Children's Museum. We turned to local companies when we were trying to get a site and trying to get that Museum funded so we would have a Children's Museum for the children of Hawaii. Those local companies who were based here, who cared who made the commitment, were the ones that came forward with their donations and those of you who have had an opportunity to go to the Hawaii Children's Museum know that because of the generosity of our local companies and our local donors, we have a Children's Museum in place.

"I'm not ashamed to say that we want to give some preference -- it's a modest preference -- but some preference to our local companies who know our State labor laws, who won't violate them and who will abide by them, and I think that this is good business and good for our State, Mr. Speaker.

"So in contrast to my loyal colleague on our Minority side, I am in favor of this measure, Mr. Speaker.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1531, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS AND CONTRACTS," having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Marumoto, O'Kieffe and Ward voting no.

**Conf. Com. Rep. No. 95 and S.B. No. 1715, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1715, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Chun rose to speak in favor of the bill, stating:

"This measure establishes the health care provider tax of four percent on hospitals and six percent on nursing care facilities. An estimated \$28-million in new tax revenues will be generated. With this source of revenues to the State and contingent on federal approval, we can expect to receive an additional \$14-million in Medicaid dollars. The \$28-million generated from the provider tax, along with the new \$14-million in federal Medicaid funds, would then be given back to the hospitals and nursing facilities in the form of higher Medicaid reimbursements for medical services and begin to address the cost shifting that is presently occurring to private-pay patients, health insurance policyholders, and the taxpayers of this State.

"Last year, the taxpayers alone paid an additional \$64-million in emergency Medicaid funds to cover the Medicaid shortfall. This year, the Legislature had to appropriate another lump sum emergency of \$34-million in order to meet the increasing medical needs of our citizens.

"With the assistance of Winifred Odo and others from the Department of Human Services, Rick Kahle from the Department of Taxation, Rich Meyers and Linda Johnston who represent organizations composed of nursing care and hospital facilities, and private-pay patient representatives like Paige Anderson, Jean Paty and Lorraine Manayan, House and Senate members were able to craft the bill that is before you to ensure the greatest chances of the federal government approving this provider tax plan while being extremely sensitive to the needs of the hospitals, nursing care facilities, and the private-pay patients. There is a mechanism in this bill which enables private-pay patients to recapture the taxes they may pay during the year plus more. This mechanism is an additional six percent tax credit on health care services over and above the existing medical services excise tax credit of four percent.

"This measure gives the Director of the Department of Human Services the flexibility to work with each hospital and nursing care facility to minimize the short-term impact of this provider tax on these facilities, and where possible, present the need for these facilities to pass on this tax to patients.

"The main thrust of the legislation is to maximize federal Medicaid dollars to the State, reduce cost shifting to private-pay patients, health insurance policyholders, and the taxpayers that is presently occurring, and encouraging and supporting health care facilities to

continue providing needed medical services to all the citizens of this State.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1715, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDER TAXES," having been read throughout, passed Final Reading by a vote of 37 ayes to 14 noes, with Representatives Amaral, Apo, Hagino, Hirono, M. Ige, Marumoto, O'Kieffe, Shon, Stegmaier, Takumi, Tam, Taniguchi, Thielen and Ward voting no.

**Conf. Com. Rep. No. 96 and S.B. No. 1027, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1027, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Beirne rose to speak in favor of the bill, stating:

"I think that it's long overdue that the Office of Hawaiian Affairs' trustees get some compensation. I think that the Committee on Hawaiian Affairs, as well as those on the Senate side, have dealt with the issue very fairly. I'm glad that Senator Chang was able to see the House's position and the amount that has been settled for. I think in this matter, we would have many Hawaiians with leadership abilities that will make themselves available to go ahead and serve at this time.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1027, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 97 and S.B. No. 1028, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1028, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Okamura rose to speak in favor of the bill, stating:

"I'm proud to be able to stand today in support of this measure. Senate Bill 1028 is truly a product of the heart, and the result of a long, intense, and sometimes difficult process. Mr. Speaker, I am pleased that we have been able to offer a bill that is as thoughtful, as inclusive, and as responsive as this one is.

"This is a bill which truly empowers the native Hawaiians. For the first time in one hundred years, the Hawaiian people will have the right to choose their future. Their rights and responsibilities have been recognized. And their destiny, Mr. Speaker, will lie in their own hands.

"This bill, Mr. Speaker, represents a new and real beginning to the process of healing a hundred years of mistrust and abuse. The injustice perpetrated on the Hawaiian people a century ago has been a cancer that insidiously and all too silently has been destroying the fabric of our community.

"If we deny the rights of our indigenous people, we undermine the integrity of our entire society. This is the single most important principle at stake here, Mr. Speaker. The rights and concerns of native Hawaiians form the foundation of our community. This bill begins to shore up that foundation, using the cement of human hope. It creates the process for Hawaiian self-determination.

"It acknowledges and recognizes the unique status the native Hawaiian people bear. It facilitates the efforts of native Hawaiians to be governed by an indigenous sovereign nation of their own choosing. Under this act, the Legislature seeks counsel from the native Hawaiian people on the process of:

- \* Holding a referendum to determine the will of the native Hawaiian people to call a democratically convened convention to achieve consensus on an organic document that will propose the means for native Hawaiians to operate under a government of their own choosing;
- \* Providing for a mechanism to democratically convene a Hawaiian convention; and
- \* Describing the process for the conduct of fair, impartial, and valid elections.

"This bill establishes the Hawaiian Sovereignty Advisory Commission -- a panel of 19 people. At least two-thirds and possibly all the members will be appointed from nominations submitted by Hawaiian organizations. Members from major Hawaiian organizations such as the Office of Hawaiian Affairs, Ka Lahui Hawaii, the State Council of Hawaiian Homestead Association, and the Association of Hawaiian Civic Clubs will each be able to designate at least one member. The commission will have the authority and responsibility they need to develop the mechanism of their own choosing to consider questions of sovereignty. It will advise the Legislature on conducting special elections, apportioning voting districts, establishing the eligibility of convention delegates, conducting educational activities and a registration drive for Hawaiian voters, establishing the size and composition of the convention delegation, and establishing the dates for the special elections.

"In addition, an interagency task force will be convened to support the needs of the commission. The commission may also establish a kupuna council for guidance and support.

"This bill also makes provisions for the entire Hawaiian community to speak through the ballot box. It provides for a referendum in the 1994 general election on the question of a sovereign Hawaiian nation. The Sovereignty Advisory Commission will review proposed ballot language and suggest revisions to the question so that all Hawaiians have a voice in determining their collective future.

"Mr. Speaker, this bill empowers the entire Hawaiian community to embark upon a course to restore human dignity and pride. For the first time since the illegal overthrow of the Hawaiian kingdom, no agency of government will dictate their future course. No orders or commands will be issued. Self-determination finally will become a reality.

"That, Mr. Speaker, is our ultimate and collective goal. It is something that we did not and could not lose sight of, no matter how difficult our task has been. It is a goal that was articulated by hundreds of people who we heard in months of meetings and hearings and

discussions. Those voices from the community shaped this bill at every step of the process. Our original House Bill 1992 bears no resemblance to this legislation. We completely revamped our approach to these important issues, after listening and responding to those voices we heard.

"Among those voices were ones of native Hawaiian legislators, many of whom served as members of the Hawaiian Affairs Committee. To Representatives Peters, Kawakami, Kanoho, Amaral, and especially to Representatives Apo and Beirne ... I am truly grateful for your perspectives, your guidance, and your support.

"As we worked, Mr. Speaker, there has been controversy. There is never a shortage of critics. But the debate only points out the seriousness and the significance of the issues we face. When passion dies, Mr. Speaker, so does compassion and diversity. We will choose to recognize the power of involvement and commitment toward fulfilling our ultimate goal.

"Unless we move toward achieving that goal, Mr. Speaker, I fear we cannot seriously progress as a community and as a State. We will remain blocked by a hundred years of anger and frustration. We must search our hearts, and dig deep into our souls to acknowledge the wrongs, and make it possible to correct them. This legislation begins that process, Mr. Speaker, by empowering native Hawaiians to begin the journey toward self-determination. And it provides the qualities that have been sought for so long by so many -- the qualities of recognition, empowerment, and respect that are necessary to make the process of self-determination successful.

"Thank you, Mr. Speaker."

Representative Beirne then rose to speak in favor of the bill, stating:

"As a native Hawaiian and considered a native Hawaiian leader in my community, I have been elected to represent, as a State legislator, an advocate for my native Hawaiian people to not only serve them but to serve all of the people of Hawaii. It has been a hundred years since the overthrow of the Hawaiian government, and 34 years since Hawaii became the 50th state of the United States of America, and three months since fifteen thousand people -- Hawaiians and non-Hawaiians -- marched onto Iolani Palace, exclaiming 'Ike Pono' -- a clear and balanced understanding. The history, as told correctly, has led to the creation of many existing challenges in the Hawaiian community.

"The State Legislature has created a document detailing a mechanism for a Hawaiian convention. These past months, I have worked along with my fellow colleagues, both Hawaiians and non-Hawaiians, as well as those that are culturally sensitive -- legislators on the Hawaiian Affairs Committee -- who answered the calls of our native Hawaiian people. As legislators, with determination and continued support and commitment towards Hawaiian sovereignty and as a result of many hours of debate, frustration and compromise, we have produced a working document towards taking care of those issues of Hawaiian sovereignty. As a freshman legislator and very, very happy to be given this opportunity to serve as the representative of the 46th District, where we have had a representative that was not as sensitive to our native Hawaiian issues, I have worked for the benefit of our native Hawaiian people and the many others with an earnest and honest heart to try and see how we can handle these different issues.

"Mr. Speaker, I would like to, at this time, acknowledge our Committee Chairperson, Representative



Tom Okamura, who is not a native Hawaiian, but was very, very sensitive to those things that have been shared. He always did say to me ... 'Ulu, if I do anything wrong, or say anything to hurt anybody or do anything that is not right, bring me back in,' and I always say to him ... 'Tom, handle the Hawaiian people with kid gloves. Be very nahe nahe. Don't be arrogant, be very nahe nahe.' And, Mr. Speaker, Representative Okamura has tried very, very much and very hard to do that, and I am very, very proud at this time to have served on his committee -- the Hawaiian Affairs Committee.

"Thank you very much, Mr. Speaker."

Representative Kanohe then rose to speak in favor of the bill, stating:

"I would like to compliment and thank Chairman Okamura for his excellent and caring work under some very difficult circumstances as he responded to the voices -- the many and different voices -- of the Hawaiian people in our quest for sovereignty.

"Thank you very much, Chairman Okamura."

Representative Apo then rose to speak in favor of the bill, stating:

"Mr. Speaker, the bill before is a significant but a simple document and during the course of my remarks, I may get a little redundant in paraphrasing some descriptions that were offered earlier, but I think the issues bear repeating.

"The bill does three things:

"First and foremost, it provides that Hawaiians are asked directly whether or not they agree that a democratically-convened assembly of Hawaiians should occur to draft and organize document that would provide the basis for some model of Hawaiian sovereignty.

"Second, it provides for the establishment of an appointed commission to recommend a process that would result in a democratically-convened assembly of Hawaiians to pursue the question in essence ... if there be created a Hawaiian nation, what would it look like?

"Third, it provides an appropriation to fund the process.

"Mr. Speaker, the bill does no more and no less than provide Hawaiians the opportunity to formally engage the question of sovereignty which effort I hope will also include seeking the understanding and support of the general public.

"Mr. Speaker, I think it is important also to note what the bill does not do, or what it does not prevent other organizations from doing.

"First, it is clear that the general public particularly understand that the State of Hawaii has no authority to create a sovereign nation, or extend any form of national sovereignty to anyone, including itself. The United States Congress is the only body politic with the power to act on this question. I think it is important that we make that very clear.

"Item two, nothing prevents any pro-sovereignty individual or organization from directly petitioning Congress on the question of Hawaiian sovereignty. It is not necessary for the State to bless such an effort. Any organization spending its own money may convene a constitutional convention and propose a specific model of sovereignty directly to the United States Congress without

the participation of the State. The organization, Ka Lahui Hawaii, did this and, in fact, I might say came up with a pretty good constitution. Other organizations certainly are presented with the same opportunities. They are then faced with the choice of seeking State support or directly going to the Congress. However, if anyone suggests, as we do here, the use of taxpayers' dollars to fund a sovereignty process, then it requires that the State Legislature and the Executive branches of government be involved in determining how those dollars are spent. This is required by law and is the responsible and reasonable thing to do. The use of taxpayers' dollars demands that the general public be represented through their public officials.

"Item 3, the proposition that Hawaiian sovereignty is an issue for Hawaiians only to decide, I believe is somewhat naive. I suppose a sovereignty model that doesn't require the State, or any congressional action, is achievable by Hawaiians only. But the sovereignty concept that I've heard bantered about will require constitutional changes, and it would seem advisable that all pro-sovereignty advocates seriously consider including and engaging the general public since constitutional amendments and congressional action require their support.

"Mr. Speaker, I can't help but feel a little emotional about this issue. I recall way back in the mid-1970s, standing at Makena Beach with George Helm, Walter Ritte, Francis Kauhane, Steve Morse, Frenchy DeSoto, Richard Sawyer, Auntie Clara Ku, Auntie Emma DeFries, Dr. Emmett Aluli, Glen Davis, and many, many other unsung heroes of the Protect Kahoolawe Ohana, planning the civil disobedience landings on Kahoolawe, and while Kahoolawe was the issue of the moment, each of us knew in our hearts that it was only the first step for the much longer journey that we hope would eventually result in the forming or reforming of a nation.

"When I was honored by the people in my district by having them elect me as a member of the House in 1982, I recall those embryonic years of struggling to enact legislation that collectively would cut a trail to this day when the issue of Hawaiian sovereignty lay on the table. I cannot thank this Legislature and past Legislatures enough for their support.

"And in closing, Mr. Speaker, I really want to extend my heartfelt mahalo to Representative Okamura. The Hawaiian people thank you for your leadership, your patience, your understanding, and particularly your ability to stay calm under fire, and I ask the members of this House for their aye vote on this bill.

"Mahalo."

Representative Amaral then rose to speak in favor of the bill, stating:

"As you know, Mr. Speaker, I voted against the sovereignty bills that appeared before us earlier in the session. My opinion at that time was that the bills were well-intentioned but that they failed to fully perceive that native people of these islands are attempting to take control over their own destiny through self-determination, and that the form that that can take could very well be sovereignty.

"The original House bill sounded like just another special election. It established an election process, it determined the number of delegates, laid out apportionment procedures, and made a commitment to an unrealistic time frame, completely unacceptable mandates to people who were trying to be self-determined and trying to control their own future.

"The draft that we have before us today deleted those objectionable sections and is so structured to allow as much freedom as possible and still be accountable to the funds being used. I submit, Mr. Speaker, that this is not a perfect bill and still subject to some disagreement by some groups, but it has been reworked and refined until it is now probably the most acceptable by most.

"There will be arguments against the Office of State Planning acting as an administrative agency, saying that the commission should be independent and hire its own staff. In reality, the commission does not have the time to search for staff, nor as a volunteer group can they be responsible to supervise staff. An established agency is best able to facilitate these matters, and since OHA is not trusted by its beneficiaries to do this, and the Lieutenant Governor's Office doesn't want it, the Office of State Planning will have to be the alternative.

"Removing the words 'Hawaiian Congress' and 'constitutional intendum' with 'convention' allows the commission to insert Hawaiian language terms such as Ahalelo Hui or Aha Kanewai, or Puwalu, which more accurately describes Hawaiian conduct but still provides the means to resolve the question on the ballot. Adding a kupuna council, should the commission choose to do so, provides an added dimension of cultural wisdom and experience that can provide our Hawaiian leaders with the support they need for these heavy times ahead.

"And finally, Mr. Speaker, I wish to commend the Chairs and the members of the Conference Committee who worked so diligently on the drafts. This was a painful process for many of us, but it also provided valuable lessons along the way. I believe that with this draft, the Legislature demonstrates its support for Hawaiians, while managing to maintain its own accountability to the larger community. This draft also reveals the growing realization that a Hawaiian nation is not only a possibility but a probability, and we are right to assist until the Hawaiian nation is federally recognized.

"And finally, on a personal note, I want to thank the conferees and in particular, Chairman Okamura, for giving me the opportunity to share some of my thoughts on the bill. I am aware that the rules of the Legislature otherwise precluded my participation and it was truly generous of Chairman Okamura and the conferees to allow me to be included in some of the final discussions.

"Mahalo."

Representative Tam then rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, I am not Hawaiian -- I am a full-blooded Chinese, a U.S. citizen -- but I also have a community within my district called Papakolea, and I've been called by Papakolea residents with questions about this bill. Thank goodness for our public access here in the State of Hawaii and the Legislature, they have a copy of this bill, and they questioned me in terms of the 19 members. They can account, and so can I, for 17 of these members' qualifications. But, unfortunately, we cannot account for the qualifications of two of the members of the 19. So, therefore, the reservations with this bill.

"Mr. Speaker, my fellow colleagues, and Mr. Governor -- Governor Waihee -- I ask you to be sensitive to this for we have a future at stake.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1028, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 98 and S.B. No. 603, SD 2, HD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 603, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Bainum rose to speak in favor of the bill, stating:

"The Department of the Environment, to put it mildly, has experienced a difficult labor. By voting for this measure, the House will be reconfirming its strong commitment to the eventual delivery of the Department of Environment to and for the people for the ecosystems of Hawaii.

"This measure says loud and clearly that we are doing everything we can to be ready when the economic health of the State is ready to implement a Department of the Environment. This calls for a study with a report back in 1995 and an interim report in 1994. I recommend that we support this measure and say 'yes' to a Department of the Environment.

"Thank you, Mr. Speaker."

Representative Ward then rose on a point of information and inquired:

"If the Senate has not passed Senate Bill 603 of which the speaker just spoke on, is that bill still theoretically alive or is it dead?"

At 3:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:42 o'clock p.m., the Chair responded:

"Representative Ward, that is not a point of information."

Representative Ward answered:

"Okay, Mr. Speaker, I'll just put it in my remarks. The Senate has already kicked this one out."

Directed by the Chair to "proceed," Representative Ward stated:

"I wish to speak in favor of a bill that doesn't exist. Senate Bill 603 which, when in doubt, we tend to study something to death in that we are greatly in need of a Department of Environmental Protection and this bill, instead of making it, even with a five hundred dollar appropriation, says ... well, we're going to study it. We're going to restudy a study.

"So while I was ruled out of order, I couldn't say I think the Senate did wisely. Rather than pass something that is half-baked and not logical, they've got rid of it, and I think that's probably what we should do with it.

"Thank you."

Representative Thielen then rose to speak in strong support of the bill, stating:

"It just goes to show that we can have disagreement on our side as well, Mr. Speaker, as you do on your side.

"I really commend our Chair of the Environmental Protection Committee for all of the hard work he has done on behalf of the environment. He mentioned a few minutes ago about the Department of the Environment having a difficult birth. I think it may take over a year, possibly longer, to give birth to an elephant. It seems as if we are taking much longer in giving birth to the Department of the Environment.

"I don't think there's anyone sitting here that would disagree that Hawaii's environment is really one of our most precious resources. The other, of course, is our children. But unless we step forward with aggressive action, Mr. Speaker, and move forward to establish a Department of the Environment, the environment suffers, Hawaii suffers, our children to whom we are going to leave our islands suffer, and our tourism, in fact, suffers as well. People come to Hawaii because of its beauty. We aren't preserving that beauty ... we are doing a disservice to the very place in which we are privileged to live.

"This is a very weak bill. It only calls for a study. It doesn't establish the Department of the Environment. If we had our way from last year, when we were the Energy and Environmental Protection Committee, we would have established a department, but everytime we send that measure upstairs to the top floor, it goes nowhere.

"So, again, Mr. Speaker, it's tremendously important that we, as legislators, step forward aggressively. This is a very weak step but at least it's a step, and I would feel dismayed if these two chambers of this Legislature cannot at least step forward on the first hesitant step to once again try to establish a Department of the Environment.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 603, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 99 and S.B. No. 1126, SD 2, HD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and S.B. No. 1126, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Marumoto rose and requested that her remarks, in support of the bill with reservations, be inserted into the Journal as "I think it's a very important bill, one that is critical for us to pass this session because last year's bill was vetoed by the executive."

The Chair, noting that there were no objections, "so ordered."

Representative Marumoto's remarks are as follows:

"Mr. Speaker, I rise this afternoon in support of Senate Bill 1126, SD 2, HD 1, CD 1, with one major reservation.

"Real procurement reform, Mr. Speaker, can come only through a revamped procedure for the purchase of professional services such as architects, engineers and other consultants. Our current law is weak, subject to

abuse, and open to many different interpretations. It clearly does not reflect sound business practice or good government. While the bill provides a sorely needed uniformity throughout all State agencies, I am concerned that the bill fails to adequately address the purchase of professional services and will continue the real and perceived corruption and abuse by political insiders. Further, Mr. Speaker, the lack of a strong bill will continue the public mistrust of government and elected officials.

"Throughout this legislative session, I have urged you and my colleagues to consider the federal/county approach to purchase of professional services. All of our counties use the same approach which I feel reinforces the key to purchasing reform, and that is fair, equitable and competitive allocation of large contracts for aesthetic, professional and advisory services. Over and over again, I have asked that we base our purchasing of professional services on the principle of quality and quantity at the lowest price and at the right time to maximize the utility received for each dollar spent. This is the foundation of purchasing at the county level.

"Mr. Speaker, our counties handle purchase of professional services on a competitive basis with price, qualification, and professional experience on equal footing in determining an award. The county process involves public invitation for bids/proposals, the submission of sealed bids/proposals, and mandatory review of all bids/proposals by a technical screening committee. The contract is then awarded to the lowest responsive and qualified bidder.

"In contrast, the bill we have before us implements a prequalification list established by a screening committee. This qualification process appears tedious and may discriminate against those persons capable of providing the required service but not currently on the department's list. Further, the process prevents open competition and can become very preferential to those that remain on the list over time.

"Mr. Speaker, why not emulate a good thing? Chapter 2, Article 19 of the Revised Ordinances of Honolulu establishes the framework and I believe we should look more to our counties for these kinds of sound policies and procedures.

"I would like to conclude, Mr. Speaker, by articulating the five-point process that I envision the State using for the purchase of professional services.

- (1) The Department of Accounting and General Services compiles an annual list of present/future requirements for professional services.
- (2) The Chief Procurement Officer or Comptroller issues requests for competitive sealed proposals through advertisement in a newspaper of general circulation. Interested consultants have thirty days to submit statements of qualifications with supporting data as it relates to the proposed project.
- (3) The user department evaluates consultants based on experience/technical competence, capacity and capability to perform work, and past performance with respect to cost containment, workmanship, and ability to meet deadlines.
- (4) Based on recommendations from the user department, the technical review committee evaluates the candidates and makes

recommendations to the Chief Procurement Officer or Comptroller.

- (5) The Chief Procurement Officer or Comptroller handles all negotiations unless delegated by him or her to the appropriate user department. The technical review committee does not become involved in these price negotiations unless discussion with a consultant ends unresolved and warrants the selection of another candidate.

"Mr. Speaker, this approach heads us in the right direction. It is in no way flawless, I know, but it seeks a compromise in selecting these services competitively and with sensitivity to professional backgrounds and qualifications.

"Thank you."

Representative Ward then rose to speak in favor of the bill, with reservations, stating:

"The bill does come a long way from what we had even though the previous speaker noted it was a vetoed bill, but it's come a long way for the procurement process. One of the things that seems to be still missing is the procurement czar, as he/she is called -- that's the Chief Procurement Officer. We have none of those, and we are still the only state that doesn't have centralized purchasing which, perhaps, someday we will get. And it is also noting that the Comptroller need have no knowledge of procurement -- possibly an oversight.

"Secondly, even the Policy Committee that's comprised of five appointed members who are supposed to have business and professional experience, it prescribes no procurement experience for them either. And perhaps, worst of all, one of the committee functions is to put rules together, and not by the Comptroller but themselves.

"But lastly and perhaps my biggest reservation, Mr. Speaker, is that I've got a problem with a bill that handles tainted money, if you will, that is, money from non-bid contracts, that it's okay for some elected officials to take it, like people from the House or people from the Senate, but it's not okay to take tainted money from non-bid contracts if you're the Mayor or the Governor.

"Mr. Speaker, that is a double standard and we should have one standard for everybody who's elected -- not one for the Mayor, not one for the Governor, not one for the House, not one for the Senate -- but if there's money that is not to be accepted because it's a non-bid contract, it should be across the board for everybody. That is a major flaw of this bill. That is a major message to the people of this State that says ... look, non-bid contract money is still going to flow into the House, it's still going to flow into the Senate. I think that's a big flaw for our procurement bill.

"Thank you."

Representative Baker then rose to speak in favor of the bill, stating:

"Mr. Speaker, when we undertook this session, one of the things that we knew we wanted to do was to try to put some order and some clarity into our procurement process. We had attempted to do so last session but without positive results. This is a very awesome task. We had a study by the Auditor, and we had a number of other possible directions to take, and since the system had not been thoroughly overhauled for a number of years, it was quite an awesome process.

"I think we owe a note of thanks to the conferees on this particular measure, particularly Representative Say and the members of the House committee, for exerting the leadership necessary to move this measure forward and provide us with a very workable framework that is not only going to bring order into the contracting process, but disallow some of the kinds of abuses that people assumed went on in the past, to make sure that there's sunshine, that there's an acceptable bidding process that is clear to everyone and one that can be worked with.

"I think the issue of the non-bid contracts and whether these contractors provide campaign contributions to members of the Legislature and the executive, is really a red herring. This measure is one that gives us the framework to do so much more in terms of our procurement process. Contracts are let, making sure that everyone understands the process, that the playing field is level and fair. All of these items are addressed in this measure -- not the items mentioned by the previous speaker.

"I think this is an excellent bill. It provides us with an excellent opportunity to move forward. We do have the policies and the procedures in place to do that.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1126, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 101 and H.B. No. 570, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Conf. Com. Rep. No. 101 and H.B. No. 570, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," were recommitted to the Committee on Conference.

**Conf. Com. Rep. No. 102 and H.B. No. 966, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 966, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 103 and H.B. No. 1686, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1686, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1531, 1715, 1027, 1028, 603 and 1126 and H.B. Nos. 966 and 1686 had passed Final Reading at 4:21 o'clock p.m.

**Conf. Com. Rep. No. 104 and H.B. No. 1467, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 1467, HD 1, SD 1,

CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 105 and H.B. No. 747, HD 1, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 747, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Tom rose to speak in favor of the bill, stating:

"Mr. Speaker, the purpose of this bill is to unclog the circuit court from the overwhelming caseload of drunken driving cases scheduled for jury trial in 1997 and to bring those cases back to district court so that our laws against drunken driving can once again be enforced.

"The bill accomplishes this by reducing the penalties of first-time offenders to a maximum of five days in jail. By doing so, we are sending a clear message to the Supreme Court that the Legislature considers a first-time DUI offense to be a petty offense in the constitutional sense; that is, one that does not entitle the perpetrator to a jury trial. It is ironic, Mr. Speaker, that as a young and energetic prosecutor in 1974, my first jury trial resulted in a conviction for a defendant charged with drunken driving. Such jury trials then were rare in those days because a conviction usually brought only a slap on the wrist, a \$25 fine, although the maximum penalty provided by law was a year in jail. Today, where the maximum penalty for a first-time offender is thirty days in jail, it would border on malpractice for a lawyer not to advise his client to demand a jury trial for a DUI offense because if the demand is made, the case is almost certain to disappear among the three thousand other cases currently pending in our circuit courts scheduled for trial in 1997.

"This is the reason, Mr. Speaker, why the Legislature had to step in this year and make its intent crystal clear that all first offense drunken driving cases, whether pending or to be brought in the future, are not entitled to a jury trial. Instead, trials should be conducted before a judge in the district court.

"This measure has been carefully drafted, Mr. Speaker, to conform with the most recent Supreme Court decision in this area. In 1985, our Supreme Court noted that it might be persuaded to view a first-time offense as properly before the district court if the offender were subject to no more than a maximum term of five days in jail and that's what we have done here.

"In 1992, Mr. Speaker, in the case of State versus Jordan, the Supreme Court again visited the issue and declared that the Legislature has never clearly delineated drunk driving cases as unworthy of jury trials but instead had continued to add new penalties to the offense.

"The bill before us today could not be more explicit in its message to the Supreme Court. The Legislature has spoken ... no more jury trials for first-time offenses. The House successfully opposed an attempt by the Senate to eliminate all possibility of jail for such offenders. The elimination of the possibility of jail was neither wise nor appropriate. Drunk driving is not the equivalent of a parking ticket. The House successfully garnered agreement to pass the measure with the possibility of incarceration still intact.

"Mr. Speaker, by voting in favor of this measure, we are voting to enforce our laws against drunken driving by enforcing our laws and processing these cases through

conviction in a timely manner, and we will be saving lives and preventing needless tragedies. A vote in favor of this measure, Mr. Speaker, will be one of the most important votes we will cast in this legislative session for it will be a vote to prosecute drunken drivers and to save the lives of our friends, neighbors and loved ones.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 747, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 106 and H.B. No. 179, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 179, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 107 and H.B. No. 2050, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2050, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 108 and H.B. No. 2051, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2051, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 109 and H.B. No. 1276, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1276, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEAD ACID BATTERY RECYCLING," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 110 and H.B. No. 1376, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1376, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 111 and H.B. No. 673, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 673, HD 1, SD 1,



CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 112 and H.B. No. 2026, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2026, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN AIR," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1467, 747, 179, 2050, 2051, 1276, 1376, 673 and 2026 had passed Final Reading at 4:26 o'clock p.m.

**Conf. Com. Rep. No. 113 and H.B. No. 1883, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1883, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 114 and H.B. No. 603, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 603, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 115 and H.B. No. 1636, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1636, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 116 and H.B. No. 1034, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1034, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 117 and H.B. No. 773, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 773, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 118 and H.B. No. 1630, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1630, HD 1, SD

2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR UNLICENSED ACTIVITY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 119 and H.B. No. 1660, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1660, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 120 and H.B. No. 1665, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1665, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 121 and H.B. No. 2028, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2028, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRE RECOVERY," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1883, 603, 1636, 1034, 773, 1630, 1660, 1665 and 2028 had passed Final Reading at 4:27 o'clock p.m.

**Conf. Com. Rep. No. 122 and H.B. No. 1971, HD 1, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1971, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Herkes rose and stated:

"Mr. Speaker, I rise with great reluctance to oppose House Bill 1971, and I say with great reluctance because I have the utmost regard for the delegation from Maui, particularly the Majority Leader, and the problems that time share's causing in Lahaina. I listened to hours and hours and hours of testimony about the problems that the time share industry is causing that community. However, laws, like gill nets, capture all who swim in the area and while we may capture a few sharks in Lahaina, I am very concerned that we are going to capture a few manini in Kauai and in Kona. Time share activities are helping those islands, and there's deep concern that this bill may cause some of those small businesses to go under.

"The section of the bill that concerns me the most is the deep discount portion of it. It seems that it tiptoes on the fringes of anti-trust price fixing -- it's an anti-business, anti-consumer section. I was particularly concerned about the testimony in favor of this bill by Pleasant Hawaiian Holidays, one of the premier deep discounters in the State of Hawaii, and it was unfortunate that the persons giving the testimony would not stay around so that I could question them on the issue before the committee.

"I just have some very deep concerns whether or not this bill is the principle. I know that there are some legal opinions that say that it's okay, but they seem to be very transparent and benign. I am afraid the bill may be challenged in court and I am not sure it's the principle and I just, in good conscience, cannot support this bill."

"Thank you."

Representative Baker then rose to speak in favor of the bill, stating:

"With all due respect to the previous speaker who I do have great affection and admiration for, I must respectfully disagree with the conclusions that he has drawn."

"This measure before us responds to the deceptive sales practices rampant in the time share industry. Mr. Speaker, those practices are not confined simply to my district of Lahaina. Even though that seems to be where they are the most blatant. The problems generated by this industry have already received national press when last month, the *Wall Street Journal* published a headline article on the perils of time share tactics, focusing in on Lahaina. Obviously, we cannot afford this kind of press, especially in this economy."

"Testimony in the hearings revealed that time share booths identify themselves as 'information booths' or 'activities booths.' Tourists on Kauai, on Oahu, and on Maui are deceived by these signs and approaches as they come to the desks to purchase activities advertised at marked down prices, only to be told that in order to get the activities at the deeply discounted price, they must attend a time share presentation, and that is if they meet the consumer profile, that is if they are not foreign, if they make a certain amount of money, if they are of a certain age group, and if they are a couple."

"These deceptive practices create ill will among tourists. They feel either that they have been ripped off by the hotel activities desks that they bought activities at the full retail price, or they are deceived by the false advertising at the time share booths themselves. Mr. Speaker, this serves only to destroy the aloha spirit that we have worked so hard to preserve to keep Hawaii's reputation as a quality tourist destination."

"This bill addresses this situation by simply requiring time share booths to identify themselves as such. In addition, this bill restricts certain representations which can be made about a time share purchase so that the consumer will not be misled."

"In addition, this bill does address the problems generated by the practice of selling activities at less than cost. I must say that the provisions in this measure track other sections of the HRS. We do have information from the Attorney General that these are not infringements either on competition or on protected commercial speech. In fact, the Attorney General testified that if these practices continue unchecked, they would tend to drive independent retailers out of business. We've seen that happening already."

"Mr. Speaker, it is important to restore healthy competition back to the marketplace so that consumers, tourists and local people alike, can choose between activities and time share presentations. In order to achieve this, the provision restricting sales below cost has been included with a five-year sunset provision that will serve basically as a moratorium on current sales practices. With this measure, Mr. Speaker, what we're asking is for some time out so that the marketplace can return to health and to vibrancy."

"I want to thank the members of the Conference Committee, particularly the Chair of the Committee, Representative Bunda, the Vice Chair of Consumer Protection, Representative Ishii-Morikami, and Senate members of this committee. I know this measure and some of the others that I introduced this session on this topic have gained me the reputation of being anti-time share. That's simply not true. I just want the industry to clean up its act and contribute positively to Hawaii's precious reputation as a world-class tourist destination. I think this measure provides the incentive to do so."

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1971, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE SALES PRACTICES," having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Herkes and Kanoho voting no.

**Conf. Com. Rep. No. 123 and H.B. No. 1736, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1736, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE LAWS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 124 and H.B. No. 775, HD 1, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 775, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Hirono rose to speak against the bill, stating:

"I rise to speak against this measure for three reasons. First and foremost, to paraphrase a well-known commercial from a while back -- Where's the Beef? -- where's the rollback?"

"This bill, as it left the House, extended the 15 percent auto insurance rollback provision for one year. This meant that consumers who did not get the full 15 percent rollback, and they number in the hundreds of thousands as all of us know, that at least they would have had a chance to get the rollback. Despite the fact that we members of the House unanimously voted for this 15 percent rollback extension, this provision is absolutely nowhere to be found in the final draft of this bill. Hence, where's the rollback? Over eleven thousand consumers statewide signed petitions and contacted me, begging us to give them the chance to get the rollback. It would be an understatement to say that they will be sorely disappointed."

"The major changes we made to the no-fault law last year included restrictions and limitations on consumers in exchange for which we intended the consumers to get a one-time 15 percent rollback in premiums. While I am told that thirty companies did roll back, the rollback averaged only about five percent."

"Mr. Speaker, the no-fault consumer restrictions and limitations are permanent while the 15 percent rollback was for only one year, and that year is up at the end of this year. We should insist that the consumers get the benefit of the bargain which is the 15 percent rollback,"

and not let the industry off the hook at the end of this year as we are doing with this bill.

"Secondly, I speak against this bill because we are suddenly eliminating what is known as the 'take all comers' provision of our no-fault provisions. And we are doing this without adequate data to support such a major change. We already know that there are many consumers given the run-around when they try to obtain auto insurance. I am sure many of you have received calls from constituents that when they call for quotes, they try to shop around, they are given no information over the telephone and they are told to come in with appointments two/three/four months down the road. One thing for sure ... the elimination of the 'take all comers' provision in this bill will only make it that much harder for thousands of people to get auto insurance. Not only will it make it that much harder, it will also make it more expensive for these people.

"Thirdly, I speak against this bill because we hit the consumers not once, not twice, but a third time in this bill by eliminating consumer choices on uninsured and underinsured motorist coverage, and stacking. I will not go into the technical aspects of this change to the existing law but suffice to say that where consumers currently can make choices in these coverages, this bill will force consumers to pick one or the other, but not both. Why are we doing this? Because the insurance industry wants it that way. Isn't it bad enough that the industry didn't roll back the 15 percent as they were supposed to? Why compound the injury with these other anti-consumer provisions?

"I urge my colleagues to vote against this measure.

"Thank you."

Representative Thielen then rose to speak in favor of the bill, with very serious reservations, stating:

"I signed the Committee Report 'with reservations' because I had reservations as this bill finally came out in its final draft. We eliminated the 15 percent mandatory rollback. What does this mean to the consumers out there? Well, it means that the insurance company is going to have absolutely no incentive to try to reduce your rates. A mandatory 15 percent rollback would have meant, if the insurance company felt it could not make a fair return, it would have had to demonstrate why to the Insurance Commissioner. Now, there's no incentive ... they just get to bill us, and bill us, and bill us.

"Mr. Speaker, the insurance industry is the big winner this session. They are the big winner on our picking up the responsibility for wind/hurricane damage. They are the big winner of the no-fault insurance as well.

"I checked with the stockbroker at Shearson Lehman. The stockbroker informed me that insurance companies are good investments. Well, guess why? It's because we're eliminating the risk for the insurance companies. Now, the consumer is bearing the risk and they're going to feel it in their pocketbooks.

"The other thing this bill has done is that it repeals the 'take all comers.' This means that they're going to be categories of consumers out there or who are not going to be able to get normal insurance. They're going to have to go to joint underwriting plans and we all know the category it's going to hit first. It will be the young male. Those of you who have young males in your districts, in your family -- wait until you hear from them as to what's going to happen to them with their insurance when they try to get their automobile insurance policies renewed, or

to get a new one if it's a first-time driver in your district or your family.

"They'll go to the joint underwriting plan -- the JUP. Well, guess what? Take a look at the bill. The JUP eliminates ceilings on premium rates which means the sky is the limit and the insurance industry benefits. They'll be laughing all the way to the bank -- the consumers won't.

"I think that the bill is a mistake this time to go through with in this session. I think that what should have occurred is ... we should have done a study to find out how much the insurance companies are crying 'wolf.' They've cried 'wolf' a lot of times this session, Mr. Speaker. They've cried 'wolf' for the homeowners, they've cried 'wolf' for commercial coverage, they're crying 'wolf' for the automobile, and then I hear the response from the stock brokerage firm -- insurance companies are a good buy. Well, guess why, Mr. Speaker -- guess why."

Representative Bunda then rose and stated:

"Mr. Speaker, in all deference to those who chaired this committee last year ... yes, we did roll back 15 percent, and yes, the Commissioner had indicated that thirty companies did roll back to some extent. They demonstrated why they rolled back X-percentages or five percent -- maybe not the whole 15 percent.

"What the Senator -- Senator Ikeda -- had indicated to me was that we didn't want to give a false sense of hope to individuals or to the public out there that they were going to get their rates rolled back, and I've got to say that with the 'take all comers' provision, rates have skyrocketed and we haven't solved that problem.

"Thank you, Mr. Speaker."

Representative Hirono, in rebuttal, stated:

"As far as the notion that somehow or other, by extending the 15 percent rollback for one more year, that we are giving a false sense of hope, it is beyond my understanding and comprehension as to how, by taking away absolutely all hope of any refund at all that that is somehow better than giving the consumers at least some shot at getting the refund -- the rebate -- that they were supposed to get. I just don't understand that logic at all.

"As far as the elimination of the 'take all comers' provision, there has been absolutely no data connecting that provision with high insurance rates. To say that is really taking it pretty far. We know that there are many, many complex reasons why our auto insurance rates are what they are and to be able to pinpoint one particular provision as being the basis or the cause of that is something that the insurance industry has never been able to do.

"Thank you."

Representative Takumi then rose to speak against the bill, stating:

"I think all of us recognize that, generally, good legislation represents a compromise of competing legitimate interests, that what we as legislators try to do ... we try to balance those interests. And as one who followed the no-fault auto insurance reform bill last session, attending all the hearings and testifying in support of that bill, I recognize that that measure did try to balance those competing legitimate interests.

"An integral part of that measure was that 15 percent rollback. Now, in the present measure, that 15 percent rollback is not extended, and for that reason I have to vote against this measure.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 775, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Final Reading by a vote of 34 ayes to 17 noes, with Representatives Alcon, Amaral, Apo, Arakaki, Beirne, Chun, Hagino, Hiraki, Hirono, Menor, Pepper, Santiago, Shon, Takamine, Takumi, Tam and Taniguchi voting no.

**Conf. Com. Rep. No. 125 and H.B. No. 1592, HD 1, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1592, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Tam rose to cast his no vote, saying:

"I am concerned about the certificate of identification in terms of fingerprinting. I would like to have consistency throughout the United States, in terms of all agencies.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1592, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Tam voting no.

**Conf. Com. Rep. No. 126 and H.B. No. 1730, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1730, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCREDITATION IN INSURANCE REGULATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 127 and H.B. No. 1089, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1089, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS AND FEES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 128 and H.B. No. 1628, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1628, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 129 and H.B. No. 1885, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1885, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 130 and H.B. No. 25, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 25, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1971, 1736, 775, 1592, 1730, 1089, 1628, 1885 and 25 had passed Final Reading at 4:47 o'clock p.m.

**Conf. Com. Rep. No. 131 and H.B. No. 1881, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1881, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF CHARITABLE ORGANIZATIONS, PROFESSIONAL FUND-RAISING COUNSEL, AND PROFESSIONAL SOLICITORS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 132 and H.B. No. 1370, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1370, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Nekoba rose to speak in favor of the bill, stating:

"In terms of the work we do to improve our State, preserving our environment and cultural heritage is very critical. Today, we have come to a major determining issue, that if passed, will result in a declaration of our commitment to the priorities of the people of Hawaii.

"House Bill 1370, introduced by Vice Speaker Young and myself, acknowledges the significance of Mount Olomana by acquiring land and recognizing it as a State monument. This measure will begin the process by which this landmark, significant for its historical and cultural legacies, will be protected for the people of Hawaii to enjoy for years to come.

"Recently, the rediscovery of a very precious part of Hawaii's history brings to light the significance of Mount Olomana and its historical and cultural importance. After years of searching, the Kanahau Heiau, which rests on the slopes of Mount Olomana, was uncovered. Hawaiian legend maintains that Pele's sister, Hi'iaka, stopped at this spot on her journey to Kauai. Unfortunately, prior development to surrounding areas of Mount Olomana have already caused partial damage to this Heiau. A valuable archaeological site like this must not be overlooked and subjected to further damage. We must always be vigilant when it comes to preserving Hawaii's cultural heritage.

"Windward residents have been united by their shared vision of a Mount Olomana preserved in a natural, perpetually open area for future generations to appreciate. The community deserves our recognition for their efforts in bringing this issue and their concerns to us. Community leaders like Andrew Yanoviak, Jack Hitchcock, Mike Wilson, Donna Wong, and the other members of the Save Mount Olomana Association, did a tremendous amount of work in convincing us that we must all take the time to assess our priorities and do the right thing this session. The Legislature took its lead from the community in mandating the preservation of Mount Olomana, and I would personally like to thank the community for their persistence and commitment.

"I would also like to thank all of my colleagues who helped to make this happen: To Vice Speaker Jackie Young, and Representative Cynthia Thielen from Lanikai ... thank you for helping to get the fire started on this issue, and for keeping it burning in the hearts of the people. To the Chairs of the Finance and Water and Land Use Planning Committees ... thank you for your unwavering support and for allowing me the time and the freedom to see this through. I can't think of two men who are more deserved to be called representatives, or who taught me more about the things that can help me make a difference in my community and consider myself a contributory member of this body. I would also like to thank you, Mr. Speaker, for enforcing the belief that we can work together for the people of Hawaii. And I also thank all of my colleagues for helping this freshman legislator get the chance to experience first-hand the passage of a bill that is so important to the preservation of such an important Oahu landmark.

"In closing, I ask for your support in the passage of House Bill 1370, and thank you for showing your commitment to what the people of Hawaii want -- the perpetuation of the life of our land.

"Thank you."

Representative Young then rose to speak in support of the bill, stating:

"This morning as I drove to work and came up the Pali, I looked over ... it was very early in the morning and I looked over to Mount Olomana with a new sense of hope and from every angle, for those of you who have been to God's country in the Windward area, which is probably why it's called God's country because of Mount Olomana, you will see that Mount Olomana changes as you view it from a different angle. From Waimanalo, it is just startlingly beautiful; from the heights in Keolu, it is magnificent; from every angle it has something to wonder at.

"Mr. Speaker, historic bills like this don't happen overnight and as Representative Nekoba stated, it was many years ago that residents formed the Save Mount Olomana Association. The last few years, the Association has really felt the urgency, seeing the encroachment of development on the slopes, and I would again repeat some of the names that he said because they have worked so diligently and so hard -- Andy Yanoviak who carried his visual aids all over the place to show people what it meant if the mountain had development on it, Jack Hitchcock, Donna Wong, Mike Wilson, and all of the Windward representatives who worked very hard for this particular day. I thank Representative Nekoba ... yes, in his first term, for his leadership, his action in bringing this forward, and to all the Chairs of the committees and the members of the committees who heard the bill. Your vote today will help to ensure that Mount Olomana will be like Diamond Head and become a symbol of the rich history of the Windward area -- the wonderful work of

nature, and the good that comes when an entire community and State cares.

"Thank you very much."

Representative Thielen then rose to speak in strong support of the bill, stating:

"I think this is the best example that grassroots organizations can make a difference. About fifteen years ago, the mountain was going to be developed by, I believe it was a Pao company. It was going to put houses all the way up the slopes of Mount Olomana and if any of you have been to areas in Southern California where you see these pads cut out of the hillside, you'll know how ugly and scarring those ultimately become. So people rose up and the first bumper stickers showed up on cars -- Save Mount Olomana. That saved the situation for that day and everyone kind of went home, thinking ... well, it's okay. But, unfortunately, the land was still held in private ownership and it still could be subject to development. So, as a freshman legislator, I came in with the help of a large number of community members whom you all have mentioned, and we worked together to put through a bill the first legislative session which would have placed all land on Mount Olomana in the most restrictive subzone category. This would have preserved it from development on the slopes of Mount Olomana.

"Well, the House passed it, the Senate passed it, and the Governor vetoed it, which was quite a surprise. So there we were again without the protection for Mount Olomana. We regrouped and we went to the Board of Land and Natural Resources and said ... you, Land Board, we want you to act. The Governor vetoed it because he said his Land Board could place Mount Olomana in the most restrictive subzone category, so Board -- go ahead please, and do that. And again, with the numerous hearings, with the displays showing what would happen if the mountain were developed, we again persevered and were successful.

"But that wasn't the whole picture, and I give Representative Nekoba credit, stepping in and picking up the battle again this session and bringing up a bill that would acquire the land more toward the base of Mount Olomana. Because that land is in the agricultural district, and this will now protect that land. So it's been a linking of arms together -- community people from the grassroots working as the strength base and the ones that made the difference.

And so it's a very proud day to say to all of you who aren't fortunate enough to live in Kailua on the Windward side, to drive over our way and see what you will be able to pass on to future generations -- Mount Olomana.

"Thank you."

Representative Beirne then rose to speak in support of the bill, stating:

"Mr. Speaker, in support of freshmen legislator Devon Nekoba, and not a resident of Kailua but of Kahana Valley, and having my forte include historic preservation, may I say, Mr. Speaker, that this is well worth the time put into legislation like this.

"The Kanahau Heiau was a very, very special experience for us. We were able to have the opportunity to go up and 'holoholo', so to say, go and visit, and it was made possible with Steven Ching, sitting in the foyer there, and he had offered this to our Water/Land Committee. Considering that most of the members sit on Finance or other committees, they were not able to go,



Mr. Speaker, but my office staff and myself took that opportunity and a few others and some in Kailua.

"May I say again -- reiterate -- this is a good bill. We should be more aware of many other sites to preserve them for the future, for our families and our children.

"Mr. Speaker, maybe Steven Ching can perhaps make arrangements again for those of you that have not been up there to see Kanahau Heiau as part of the historic preservation for Mount Olomana. That would be something really choice to do during the interim.

"Thank you very much."

Representative Takamine then rose to speak in favor of the bill, stating:

"I guess it's not all that frequent when a special place in Hawaii is able to generate such a ground swell of support to have it established as a State monument, and I guess for the people on Oahu, Mount Olomana is to them what Waipio is probably to the people in the Hamakua area.

"With that said, I would like to extend my appreciation to the co-introducers of the measure -- both Representative Nekoba as well as Representative Young -- for starting this measure off in this legislative session. And if I can commend Representative Nekoba for his shepherding of the bill through the committee system and then, of course, when it was into conference for chairing the House conference and conferees on it. And also for the perseverance in being able to tackle the hurdles that did arise one at a time.

"And I would like to note, Mr. Speaker, in closing, that looking back at my first year in the Legislature, I would have been happy if I had been able to accomplish as much.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1370, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 133 and H.B. No. 1537, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1537, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 134 and H.B. No. 1624, HD 2, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1624, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading; seconded by Representative Thielen.

Representative Shon rose to speak against the bill, stating:

"As those who represent leasehold condos know very well that over the years the issue of how offers are made and the circumstances and the environment in which they are made is very much a part of the issue of rights, of the issue of intimidation. I do believe that many of those in

my district and other districts have undergone what I would consider to be economic terrorism whereby an offer is made and if you don't take it immediately, it goes up, and the next time it goes up, and the next time it goes up, and people often, in their senior years, feel completely panicked.

"As I recall, there are court suits in progress where the very issue of definition of the right of first refusal is at stake, and that is one of the main concerns about this bill, that indeed, it redefines this and may make those discussions in court moot. I know very well that on first blush, this bill has some interesting provisions -- 90 days, and take a look at offers and that kind of thing -- and when I first looked at it, I said ... oh, well, maybe there's something here that lessees would be in favor of. But having had further discussions, as well as phone calls, I now come to see that this issue of when the right of first refusal comes into play and the issue of intimidation, and the issue of whether or not an association receives a proposal on behalf of its lessees -- these are very much the crux of the issue for this bill. And for all of us who represent lessees and who know the panic that we can hear in their voices and see in their eyes when offer after offer goes up and up and up ... decide now, if you don't decide tonight, tomorrow it's five thousand more, next week it's ten thousand more, and up it goes. I know this has happened with my residents and with residents of many other communities.

"For this reason, I have grave doubts about this bill, and I urge all of you who believe in a fair, reasoned process, not to short-circuit what appears to be going on in court -- a very thorough and reasoned dissection and investigation as to what the right of first refusal really means. Many of us have read those newspaper articles and even attended the meetings where tremendous pressure is put on people ... right now, individually. It's not only at meetings, it's person by person, resident by resident, lessee by lessee. In fact, it seems that in many ways the system has been stacked in favor of those who want to panic individual lessees.

"For this reason, I cannot support the bill.

"Thank you."

Representative Hirono then rose to speak against the bill, stating:

"I thank the Housing Chair for her efforts to address the problems faced by condo and co-op lessees in the voluntary fee sale situation. The previous speaker has described some of the panic that sets in in those circumstances. However, this bill emerged from Conference Committee in the waning hours of our Thursday deadline. When the dust cleared, it appeared that this bill, although intended to help condo/co-op lessees cope with one-sided, take-it-or-leave-it offers from lessors, would actually have the opposite effect. Why?

"For one thing, this bill would affect pending litigation involving lessees and lessors. At least six condo/lessee groups are in court right now on the issue of whether or not landowners can solicit individual lessees directly when they want to sell their fee, and that is the key point. Can these large landowners contact the lessees directly and proceed to pick them off one by one in spite of the fact that we have in existence a chapter called the Right of First Refusal chapter which says very clearly, in my view, that when the lessor wants to sell the fee, they must contact the association -- not the individual lessees, but the association? And why did the Legislature pass that legislation about four or five years ago? Because the very thing that's happening now to lessees was going on then and we wanted to give the lessee group some small

measure of equality in this totally lopsided bargaining situation, and that equality was that the lessors would have to go to the condo association who would then educate their individual lessees as to what was at stake in these kinds of sales.

"I have been contacted by several attorneys with expertise in this area who have had the opportunity to review this bill although, as I said, it emerged at the waning hours of a deadline day. They are all in opposition to this bill. They say that if this bill passes, they will influence the outcome of pending litigation in favor of the lessor. I do not believe that the conferees intended to affect pending litigation by tipping the scales in favor of large landowners against the individual lessees.

"Moreover, if we get to the substance of this bill, setting aside the impact on pending litigation, as this bill came back to us from the Senate, it was drafted in such a way as to actually protect lessees by simply saying ... lessors and lessees, when you get into the voluntary sale situation, you will discuss the terms of the sale, that means you will have an opportunity to discuss price, et cetera, not on this take-it-or-leave-it kind of so-called offers made to the lessees by lessors. Those provisions that, in some small way, protected lessees were totally dumped from this bill and what we have before us is a bill that raises tremendous concerns and anxiety among lessees.

"This bill okays the practice by lessors -- the practice being going directly to the lessees, picking them off one by one -- the very practice that is being challenged in court, the practice that has resulted in lessees feeling bullied, stampeded into buying at any price. All of us here who are lessees in our districts -- you know what I am talking about, you know that this is the case. Ask yourselves ... how would you feel if the Legislature came swooping down upon you, ostensibly to help you, but hurting you instead? You'd feel disheartened, frustrated, angry, dazed -- that is exactly how the lessees feel.

"I urge my colleague to vote no on this bill and to go back to the drawing board and to effect the kind of fair legislation in this area that the lessees and lessors I know both want.

"Thank you."

Representative Isbell then rose to speak in support of the bill, stating:

"This bill came about basically because there are problems with the lessors and the lessees. The problem that we've been having is basically one of picking off, as was brought out very well by the previous speakers.

"When we went into Conference Committee, the Senator -- the Chairperson of CPC -- stated very clearly and very eloquently that the biggest problem that they have is this so-called, as was mentioned before, bullying, picking-off, or the problem of going after the single lessee and them not feeling very good about it. In fact, feeling quite intimidated. So she said ... is there something we can do with this bill to address that, and she made it very clear what she wanted and basically we all want something like that.

"The first thing is that there should be an equal playing field. If a lessee decides that they want to buy, they should have that option and that's the part that's got to be remembered. There are some lessees who don't want the association to represent them. They feel that they would be much further ahead to go ahead and make that decision on their own and not have that sale voided.

"But if you take a look at the bill, it's basically all for the lessee. The first thing that's really important is that the association and the lessee are both given the offer the same day, at the same time, at the same meeting. The only time that the lessee can be approached or the association is with a follow-up letter. That letter says ... this is what happened at the meeting; this is the offer we gave you; and this is our appraisal of that meeting, and that is all they can do. They cannot harass them, intimidate them, or talk to them for another ninety days.

"Now, another interesting thing is that the lessee who has been approached has ninety days to respond and if they sign the contract or an intent, they can cancel it in another ninety days, which means they have 180 days to basically really think about it -- the first 90 days without any harassment. Hopefully, this is sending a small message but a strong one out to those people who hire brokers or whatever you want to call them to lay off -- don't be so hard on lessees and associations but when you make an offer, back off, and that's what this legislation does.

"Another thing that's really important is that some associations do not have the authority to represent the lessees. They have to change their by-laws to do so. In many cases, and you don't know when you're going to get an offer, some of these associations are not able to just change their by-laws overnight. It takes sometimes six months. In the meantime, the clock is ticking. And the lessees are saying ... you know, I've got the money, I'd like that offer so let's do it. So we have given them authorization in this bill for the association to waive the right for the lessee who wants to buy without having to change the by-laws or their charters or any other papers of authority.

"So basically, as I see it, this is a bill for the lessees and everyone of these provisions, if you look on the first page, it says '...provided that the following requirements have been complied with,' and there's five provisions. The one that I really insisted on, frankly, was the one that gives them that ninety days and back off, and Senator Ikeda had certain things she wanted. And so, basically, to all of you who are being besieged with calls, I ask you to ask those people who are calling ... have you read the bill? Do you understand it? You know of any reason why I or Senator Ikeda would want to do anything to hurt you? And I think you could all understand Senator Ikeda has been one of the strongest proponents for leasehold reform of all kinds, and she is a lessee herself, and she said, 'Why would I do anything to hurt the lessee?' And there is a severability clause in here. It says: 'This Act shall not affect any offer to sell or sale of a leased fee interest to an apartment owner, association of apartment owners, or cooperative housing corporation, which is pending on the effective date of this Act.'

"So I ask all of you to look very carefully at this. Read what it says and ask yourselves ... if you were the lessee, would you like this or would you not? So I ask all of you to vote in favor of it.

"Thank you very much."

Representative Ward then rose to speak against the bill, stating:

"Mr. Speaker, in Hawaii Kai people have talked about burning, waiting or buying. When I say burning, I don't say it facetiously even though some people meant it in such a way ... they were so frustrated with what's going on with some of the voluntary conversions that have taken place which go up to about three hundred thousand dollars, in some cases. Waiting -- that is waiting for the

Supreme Court to act; or buying, which otherwise, in the examples that were said to be buyers, there are few people who are from Japan who have the money to buy at prices by which they have no chance to negotiate.

"And why this bill is here is because, in the negotiations and, Mr. Speaker, I'm going to name names and not with my colleague in mind, but his Estate is offering prices that people can't afford so they're saying ... we've got to get some protection by enforcing Chapter 514(c) that says you've got to go through the apartment owners' association -- not through us. Four billion dollars versus one grandmother isn't fair. That's what this whole bill is about.

"If we pass this bill today, the opinion that Bishop Estate has in court right now will become the law. If that opinion becomes the law, all these people who are seeking a more fair and equitable, at least even buying time, if you will, so that they can get their moneys together to buy these, if they can afford them, they will have time to do it. That is the essence of this. This is what the whole notion of voluntary lease to fee conversion is, and that's where the problem is. If Mr. Savio and others have come out and the word 'intimidation' has been used ... it's really been take-it-or-leave-it, and this is another example where that's going to enforce that take-it-or-leave-it provisions.

"Now, some of the people have said ... well, they can, according to the bill, do advertising and other ways because they can't actually approach the lessor. Does anyone doubt that Bishop Estate has the money to do advertising on TV and radio? Aren't there ways of getting around this? There are ways of getting around it if we had lease to fee conversion of which we have not acted on but the City Council has, and these are the interim fights, if you will, that are occurring until that final day comes when lessees who live up vertically can have the same rights of all of us who live in single-family dwellings.

"In the meantime, Mr. Speaker, I would say we stay out of this. Let Bishop Estate and the lessees fight it out in court, see what the law and the interpretation of the court is, rather than we going in and say ... Bishop Estate, you're right, here's the law. In fact, it's your baby.

"Thank you."

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

"I did not intend to speak in support of the bill. What I really want to say is that I've listened to the lucid explanations from the Representative from Kona/Milolii in whose judgment and integrity I have full confidence, and I am reassured so that the phone calls and letters I have received, I can evaluate what she has explained and what was presented by others and I, therefore, want to really express my appreciation to her for the explanation.

"Thank you, Mr. Speaker."

Representative Hiraki then rose to speak against the bill, stating:

"Basically, the bill is touted as being for the lessees, but I represent a district with many, many lessees and they've been calling me and faxing me and telling me that this will hurt them. Their concern is that this bill may affect pending legislation and, at the minimum, will cloud the issues. I think, clearly, if it is intended to help the lessees, then a clearer bill may be necessary.

"I urge the members to vote against the bill.

"Thank you."

Representative Hirono, in rebuttal, stated:

"I think those of you who have been here at least a decade know that I, along with several other legislators here, have been advocates for fairness for lessees for many, many years. I have certainly read this bill. Do not think that because you may have difficulty understanding this bill or that we actually have an intention to help the lessees, and this is certainly in no way casting aspersions upon the motives or the intentions of the Chairs of the subject matter committees, because I do believe that they intended to assist the lessees.

"However, there is a saying about the road to hell is paved with good intentions, and I must say, for us to stand here and say that the very people who have the most at stake in this area -- the lessees -- having read the bill, having had their lawyers read the bill, the very people that we're trying to help with this bill, when they say ... do not do us any favors with this bill, that we can stand here and say ... they don't know what they're talking about? I certainly do not take that posture, and I really think that we have to look very carefully, setting aside the motives, looking closely at what the provisions of this bill will do. I have read them. I know that the genesis of these provisions came from a large estate, although there were some changes made, and I have major concerns that this truly is going to help lessees. They say no, I say no.

"Thank you."

Representative Peters then rose and stated:

"I had no intentions of rising to speak on this measure but I do in support of it. I catch myself with some degree of apprehension because I've never stood before in support of measures that were totally one-sided for lessees and not for lessors. I do concede to the previous Chairman of CPC, over the years in her efforts to take care of lessees at the expense of basically stealing from landowners, but that's fine. I want to thank the Chairperson of Housing. It's the first time I ever stood up in support of something she proposed. We've been fighting on this floor for quite a while. She was a hard bargainer. I want those lessees to know that their interest was represented from Day 1 on this measure. As a matter of fact, before returning after lunch, I had a phone call from Senator Ikeda who also indicated to me that she had a chance to talk to a number of lessees who had called in, all of whom I am sure have called a lot of you as well. The first question she raised to them was ... did you read the bill? And they said, 'no,' but we were asked by Richard Port and some other detractors on this measure to call in opposition to it. So Senator Ikeda said ... well, let me take the time to read it to you, and she indicated to them that one of the things you need to balance and keep in your mind is that I'm a lessee. I wouldn't do anything to affect my interest and she explained it to them, and she reported back to me that she was pleased that they responded by simply saying ... well, what's wrong with that? That seems to be a good bill.

"Now, for generations on this floor and elsewhere throughout this community, we've had a number of lawyers -- the previous speaker can attest to that -- who tried to get their hands in this issue. I submit to you, if you had to check the public record, you could find lawyers who have made millions participating in this area. And this, of course, is the right of first refusal. It's an issue that's no different. Currently, the law is so

ambiguous that individual lessees are denied the right to buy the lease fee interest when offered by lessors. They have the right -- not the association -- but by way of our bills, we gave the right to the association, many of whom are scared today for being sued because the law is written so ambiguously, typically of lawyers who want to play games. They are not definitive and they keep that gray area out there so they can take it to court and somebody has to pay those fees to have the issue resolved -- very simple. I want to know who's playing games.

"There's some comments being made in terms of this applicability. Let me share with you the State statutes. Section 1-3, Laws not retrospective: 'No law has any retrospective operation, unless otherwise expressed or obviously intended.' Sections 1-10 and 1-11. 1-10, Effect of repeal on accrued rights: 'The repeal of any law shall not affect any act done, or any right accruing, accrued, acquired, or established, or any suit or proceedings had or commenced in any civil case, before the time when the repeal takes effect.' Section 1-11, Effect of repeal on pending suit or prosecution: 'No suit or prosecution pending at the time of the repeal of any law, for any offense committed, or for the recovery of any penalty or forfeiture incurred under the law so repealed, shall be affected by such repeal.'

"I ask some of you that have a difficult time reading this measure to turn to page 8 under Section 5, and I read, 'This Act shall not affect any offer...' which is basically the question before the courts as expressed by my colleague across the way from Makiki, 'to sell or sale of a leased fee interest to an apartment owner, association of apartment owners, or cooperative housing corporation, which is pending on the effective date of this Act.'

"You mean that isn't clear enough for many of you who are lawyers who practice in the field? I'm a common layman and I can understand that.

"For too long, this issue has been manipulated by so many. I know the previous Chairperson of CPC who also effected the other section of this bill. It seems nobody wants to talk about, and it has to do with 516 -- single family area. I've stated on this floor over and over again ... what public policy is served by forcing landowners in Hawaii to sell to outsiders and to foreigners? The other section of this bill, which was the original position of this House, addresses that issue rather articulately. In the past, the provision was simply that that person had to show that he/she was a bonafide resident of the State of Hawaii, and the operative word was 'or' -- or show intent to reside. Well, what do you mean by that -- or show intent to reside? All you had to do was send a certificate if you lived in China, Japan, California or New York, after buying that leasehold interest here. Send a certificate to HFDC indicating that you have an interest in residing in Hawaii. That's all you had to do, and would force our landowners here in Hawaii to sell to foreigners and sell to outsiders and say that the public is well served with that kind of policy. You got to be kidding!

"What happened in conference last year? It makes it even worse. What we did last year ... we added a five-year provision. I voted against the bill so I think I have a right to explain why. . .

At this point, the Chair interrupted and asked Representative Peters to confine his remarks to the merits or demerits of the bill at hand.

Representative Peters thanked the Chair and continued:

"I am speaking on 516, the second part of this bill that deals with the qualifications of residents in order for one

to use the power of government, or the power of eminent domain, to take land from landowners here in Hawaii.

"Last year, there was a five-year provision imposed upon the qualifications, and let me explain it to you. If you're an outsider, you don't reside in Hawaii, that's one thing. Now, we're going to use, and that's currently the law. If you don't pass this bill, that's basically what is applicable. Now, we will give you five years to move to Hawaii and take possession of that piece of property. Now, keep in mind, we used the power of eminent domain, the power of government, to take that land from a property landowner. The guy pays taxes here, he lives here, he has a commitment here, and you give it to someone who doesn't have that commitment. But don't worry, if you don't have the money, the State of Hawaii will put up that money in order for you to take possession in five years. You don't believe me? Read the law! That's what happened in conference last year, and I dare challenge anyone on this floor to tell me that's consistent with the definitive public policy. Many of our taxpayers don't even have a home. They don't have these kinds of opportunities. Why did the media miss all of this? Because they are party to it! Very simple. They all live out in that sector of the community, I am sure. But all you have to do is read the bill -- okay? And you want to talk about being detractors, if you will, that's the kind of shenanigans that have been going on with this issue for too long. Let's have it resolved!

"Thank you."

Representative Thielen then rose to speak against the bill, stating:

"I would like to disclose to my colleague across the aisle that I have not made one cent on any lease to fee cases. I don't handle those, I don't intend to handle those. However, I did learn something in Law School, Mr. Speaker. I learned about a contract of adhesion. A contract of adhesion is where you have unequal parties at the bargaining table, where you have one like an Estate -- a large estate -- that holds all the power. You have the other party who is an individual lessee -- very unequal. The individual lessee desperately needs something that the large, powerful body has.

"We have a similar situation that this legislation is trying to address but, unfortunately, what it is doing is taking it right back to the contract of adhesion's situation. The way it stands now, the lessor deals with an association. There's a bit more of an equality between those parties although certainly nothing as equal as you would want to have in this situation, but at least a bit more equality. But you go back and cherry-pick off individual lessees with the various persuasive and heavy-duty tactics, and it again goes back to being a very unequal situation.

"I also have some very serious concerns about what it could do to the pending litigation -- litigation that is already ongoing. I believe that the large estates' attorneys have taken a look at this and are favorably impressed with this legislation. That concerns me, Mr. Speaker, because, again, I am concerned about the unequalness between the heavy, heavy lessor and the individual lessees who desperately want to hold on to their homes.

"So, Mr. Speaker, with those concerns, I will be voting no on this measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1624, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS,"

having been read throughout, passed Final Reading by a vote of 39 ayes to 12 noes, with Representatives Alcon, Hagino, Hiraki, Hirono, Marumoto, O'Kieffe, Shon, Stegmaier, Takumi, Tam, Thielen and Ward voting no.

**Conf. Com. Rep. No. 135 and H.B. No. 66, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 135 and H.B. No. 66, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT, CONTROL, DISTRIBUTION, AND SALE OF PETROLEUM PRODUCTS," were recommitted to the Committee on Conference.

**Conf. Com. Rep. No. 136 and H.B. No. 1734, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1734, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 137 and H.B. No. 1732, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1732, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MISCELLANEOUS PERMITS FOR PHARMACY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 138 and H.B. No. 464, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 464, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 139 and H.B. No. 1047, HD 1, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1047, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Ward rose to speak in favor of the bill, stating:

"Mr. Speaker, I rise to speak in favor of extending the Convention Center Authority, particularly in view of what was a confusing but perhaps logical intrigue last Friday night when we, in effect, lost our convention center when we failed to reach a decision.

"Mr. Speaker, I would hope that one lesson we've learned from last Friday night is that we, in fact, are laymen. We are not architects, engineers, urban planners, even though I think we sobered up at the last minute and finally admitted that Mr. Speaker."

(At this point, the Vice Speaker assumed the rostrum.)

"The second lesson, Madam Speaker, is that everyone wants a free-standing convention center, and I think extending the Convention Center Authority and with that mandate I think we would do well. However, the biggest

lesson I hope for all of us is that the Convention Center Authority will be aggressively professional in dogging the figures, the specific cost -- whether it's drainage, whatever the issue is in whatever location -- aggressively professional and to keep us lay people out until it's time for the political curtain to be pulled; aggressively professional to keep the developers from having to be hockers. You know, if you've ever been in the Third World country and you go down where people are hocking their wares, that's what we made out of the development process. That was very unprofessional. So by extending this Authority and with aggressive professionalism, for sure, Madam Speaker, we will have a convention center.

"Thank you."

Representative Hagino then rose and stated:

"Mr. Speaker, I rise to speak against this bill for the very reasons why Representative Ward is in favor of the bill. You know, I've been here since the Governor first proposed that we act immediately on this convention center pick-a-site because we can't wait too long, and that was back in 1987, and six years have passed and along the way we've fumbled the ball so many times the game has long been over.

"I believe that we should let the Convention Center Authority die, and the State should get out of the business of trying to impose a convention center on the City and County of Honolulu. I think we should allow the Mayor to go forth and give him the funding authority to build the convention center. In most cities, most other convention centers -- these facilities are built by the municipalities. These are not structures that are built by the State. It should be left up to the City and County of Honolulu. I think we should get out of the business because of the events of the last several days, which apparently are still continuing today with recriminations between various parties, which only serves to convince me that we should get out of this morass that we've gotten ourselves into. For those of you who were around in 1987, were around last year, it's not going to end -- it's going to continue again next year. Let's get out of the business -- let's let the City do what it does best which is to build these kinds of facilities.

"So I urge all of you to vote against this bill and let's put this to rest. Let's go on and carry on the missions that the State is best or is supposed to carry on such as education, mental health, corrections and those kinds of programs. Let's not get involved in structures. We've made mistakes in areas such as the Aloha Stadium ... we tried to reduplicate that same mistake with the convention center. Let's just quit -- quit while we're ahead. I think the lessons of the last few days again are a reminder to us that we have no business getting involved in this kind of activity and, believe me, you're going to be faced with that problem once again next session.

"A lot of you do not represent the areas that are mostly impacted by this convention center and it is a tremendous toil and headache that we impose on those constituents that we've done for the last six years and you cannot believe the problems that we created for them. For those who are directly impacted such as those who live on the sites which may be selected for the convention center, for those who live nearby, it's been a tremendous toil for them and we've only prolonged, I think, the kind of tension that they don't need, and we can best get rid of this kind of artificial tension by getting out of the business of trying to build a convention center. This is the best way that we can do it -- vote down this bill, don't extend the agony of this dying patient, and just let the Authority lapse in 1994.



"Thank you."

Representative Cachola then rose to speak in favor of the bill, stating:

"Madam Speaker, the purpose of this bill, the only remaining bill relating to the convention center this year, is to extend the life of the Authority up to June 30, 1995."

"During this regular session, we had a good chance of selecting a site. Your House Committee on Tourism used the most prudent way of having all sites competing to get the best package for Hawaii. We almost made it, Madam Speaker. In this case, almost is not good enough."

"Because of this non-decision, it is easy for members to criticize and sometimes this kind of criticism is baseless and inaccurate at best. To me, Madam Speaker, there should not be any finger pointing at all. If there is any soul searching to be made or to be done, it should be done by ourselves -- we, the legislators -- because we are the ones who set policy. It may be hard to believe that in spite of this non-decision, something good may come out of it. It will give us more time to improve the current convention center package that is before us and to see if we can work out an even more cost effective deal for the people of Hawaii."

"I am very hopeful that we can resolve this issue this year if we put our heads together. A special session, I believe, Madam Speaker, is in order to correct whatever are the provisions in the current bill that did not pass, or taken up in Conference Committee, so that we can have a convention center that is badly needed for Hawaii. If in case to correct or clear up the site selection bill is not possible, then I will request approval from your office to form a House Tourism interim subcommittee to look at different sites and the type of convention center that will be for the best interest of Hawaii."

"On a personal note, Madam Speaker, I would like to thank my Vice Chair here, Representative Jerry Chang, and all the members of the House Tourism Committee who worked hard on this very important issue. These dedicated members worked hard to push for the convention center, and through the process of competition we were able to extract from the developers the best bill possible. The only thing wrong about this is that we did not come up with any decision this year."

"The passage of House Bill 1047 will enable the Convention Center Authority to continue its function of overseeing the selection of the best possible site for a convention center, and I hopefully believe that the existence of the Authority will assist us in coming up with a selection."

"It is for these reasons, Madam Speaker, that I urge my colleagues to support this bill."

"Thank you."

Representative Tam then rose to speak against the bill, stating:

"Madam Speaker, the Authority has been around for six years -- six years of inefficiency! In the private sector, they could get it through one whole year. I think we are wasting time today by going back and forth and also, Madam Speaker, private business can make it profitable."

"Those who have approached us this session have said that we in government cannot make it profitable. Well, the reason that they want government to take it over is

because they want to use taxpayers' dollars. Why use their money when they can use someone else's dollars?"

"I propose that the private industry take on this task of a convention center for I believe they can make it profitable."

"Thank you very much."

Representative Hagino then rose to "make a few more comments in opposition to this bill," stating:

"I want to make it very clear that I'm not pointing any fingers at any particular person or persons in terms of the failure we've had over the last six years. I was certainly there several years ago, voting in support of the International Marketplace as a site even though 90 percent of my district was probably opposed to that convention center site."

"All I'm saying is that we gave it our best shot and let's just get out of the business. Let the City do it. You know, convention centers are built by cities, just as stadiums and arenas are built by cities. That's what's done on the mainland and in most cases they do a very good job of it. Let's do what we're supposed to do -- education, welfare reform, corrections. Let's not get unfocused, that we spent a lot of time on this convention center -- untold number of hours. I was not even on the Tourism Committee back in 1987-1988, but I was also involved because it involved my community. We gave it our best shot. Let's just get out of this business and let's turn it over to the City. Give the Mayor -- whether he's Mayor next year or the following year -- give the Mayor the authority to raise the money and to plan and develop the convention center. I think that is the way to go. Let the City of Honolulu develop that, and let's just get out of it."

"And that's all I'm trying to say -- we gave it our best shot and it's time to quit."

"Thank you."

Representative Ward, in rebuttal, stated:

"Madam Speaker, I would contend we have not given it our best shot. I would also contend any piece of legislation that has any merit has come to this body two or three or four or five times before it actually got through. Look at the anguish we had over the molestation bill, the lease-to-fee conversion bill ... it still hasn't gone through and it's come up time and again."

"We've got to do the convention center, we've got to do it right. This time we haven't done it right. Maybe there's some sites that we missed...interesting, I can't see him, he's behind the pillar there. I'd like to face my retortee. But the fact is that we have not given it our best shot is my contention, Madam Speaker, and I would argue, as well as many of us would argue, that many of the bills that in this very day and in this very long session have come up before this body time and time again, and today is the day that they go."

"If we at least get the Convention Center Authority back on track, it'll give us that time to perfect, fine tune, and as I used before, professionally aggressively pursue their jobs and keep the politicians out of it until the last and all the data is in. We were there doing all the interpretation, we were cutting deals, we were doing too much, too quick, rather than having the professionals out front."

"Thank you, Madam Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1047, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Amaral, Hagino, Tam and Taniguchi voting no.

The Chair directed the Clerk to note that H.B. Nos. 1881, 1370, 1537, 1624, 1734, 1732, 464 and 1047 had passed Final Reading at 5:50 o'clock p.m.

At 5:51 o'clock p.m., Representative Nekoba asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:54 o'clock p.m.

**Conf. Com. Rep. No. 140 and H.B. No. 2042, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2042, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII STATE LIBRARY FOUNDATION TRUST FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 141 and H.B. No. 1473, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1473, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Herkes rose to speak in support of the bill, stating:

"I feel very strongly that the people of Kauai cannot afford to pay for the infrastructure bills that they are faced with. However, I would have felt much more comfortable if the stockholders of both GTE and Citizen's Utility were going to pay a bigger share of it but absent that, it is fair that the ratepayers throughout the State absorb this cost.

"But now that we're going to make this policy decision, Madam Speaker, let us not forget the plight of the rural areas that are underserved and overpriced by our utilities and in future years, let's make sure that we don't forget this policy decision of sharing the hardship, and I can assure you, as long as I am here, I will continue to remind this House of this policy decision until we solve the problems of the utilities in the rural areas.

"Thank you."

Representative Kanoho then rose to speak in favor of the bill, stating:

"Incidentally, I wish to thank the previous speaker for his support of this measure.

"Madam Speaker and fellow colleagues, this measure to assist Kauai ratepayers could also be entitled, 'The Kauai Aloha Bill,' because the devastation on Kauai, in excess of \$1.5-million, will literally take several years to overcome, but the financial losses in many aspects have been exceeded by the physical and emotional trauma from the stress and frustration in coping and returning so slowly to normalcy.

"We will always remember the prompt and caring response from the people throughout the State who unselfishly contributed money, food, clothing, and supplies of all descriptions. The aloha extended to us was overwhelming. As an example, two to three days after Iniki struck, there was no baby milk on the grocery shelves on Kauai. Hearing of that terrible plight, our own Representative Tajiri, out of his own pocket, purchased ten thousand dollars worth of baby formula and sent it to Kauai. Other representatives and staff members also gave generously. Senator Mike McCartney chartered a boat and sent portable generators, building materials, food, clothing, and other goods to family and friends on Kauai.

"Earlier in this session, Madam Speaker, we appropriately honored the National Guard and all the branches of the military for their outstanding services in keeping the peace, in providing food and shelter, and helping to clean up the mountainous tons of rubble.

"There were firemen from Oahu who, on their days off, journeyed to Kauai to relieve their Kauai brethren so that the Kauai firemen could tend to their damaged homes and properties.

"Very thankfully indeed, the spirit of aloha was so generously showered on Kauai by the caring people throughout the State of Hawaii. FEMA, the Red Cross, and SBA provided grants and loans, but it was very clear that certain large losses affecting the public would not be covered by donations, insurance payments, nor government grants or loans.

"The cost of repairing and restoring damaged electric and telephone facilities, estimated at \$80-million, became the largest and most obvious loss that would need to be absorbed by the residents of Kauai. Considering all the trauma and financial expenses already experienced by the people of Kauai, it became appropriate that we should try to relieve some of that additional burden -- a heavy burden indeed of about \$1,500 per person, or \$6,000 for a family of four, equally divided by the number of residents on Kauai. We asked ourselves -- Representative Ishii-Morikami, Representative Kawakami and I ... is it fair to spread the \$80-million utility repair and restoration costs to ratepayers statewide? We asked ourselves another question ... would the residents on Kauai be willing to share in such costs if another island had instead been devastated? Would Kauai have helped? The answer, of course, is a resounding, unequivocal yes.

"Under the circumstances, Madam Speaker and members, even with your generosity, you are thinking ... how else would we answer that question? But much more than a self-serving response, the people of Kauai have clearly demonstrated over and over again, year after year, that it contributes more toward their charitable endeavors than any other island. As an example, think about the various telethons -- Easter Seal, Muscular Dystrophy, and many others. I am always amazed and very proud that little Kauai, with about one-half the people as on other islands, will consistently contribute in every telethon twice as much. This equates to a contribution rate on Kauai of four times the other islands per person. So we can honestly say ... yes, Kauai would help another island in the same predicament because it is the Kauai way.

"To ensure fairness, this bill contains many controls. Stringent review and approval by the Public Utilities Commission is required before the surcharge may be assessed. It is only in a major state-declared disaster, when the net repair and restoration costs result in a 15 percent increase to the average ratepayer on that island, that a utility could apply to the Public Utilities Commission for surcharge consideration. Implementation

can be allowed after stipulated conditions are met, including the extent to which shareholder contributions should be made.

"The bill does provide for the exemption of ratepayers on islands whose rates are substantially higher than other serving areas. Other provisions in the bill would help ensure that surcharge monies are applied to net repair and restoration costs and not to enhancements or improvements beyond pre-existing Iniki conditions. The exemption of certain taxes means that the burden on ratepayers would be kept as close to the net repair and restoration costs as possible.

"In the committee report of this measure, the PUC is directed to consider exempting low-income families through existing mechanisms such as life-line and low-income home energy assistance programs which identify such ratepayers in existing databases.

"The bottom line question ... what is the expected cost statewide?

"Of course, the PUC will render that decision when the time comes but for the purpose of discussion and information, the estimated cost for the average residential user over a period of five years should range between sixty to ninety cents per residential telephone customer, and \$110 to \$140 per month for each home which consumes commercial electric power.

"Finally, Madam Speaker, may I thank Speaker Souki, Chairman Bunda, and Chairman Say for allowing the Kauai delegation to work on and to manage this bill which is so very important to the people of Kauai. We would be remiss if we did not recognize and thank Senator Iwase, and Ways and Means Chairwoman Kobayashi, because it has been only through their cooperation and willingness to incorporate the House position in this and other related Iniki measures that will be following on today's agenda, that we have been so successful.

"In closing, Madam Speaker, I was touched when we began this day by the children of Maemae School, both by their presence and by the words in their song -- Heal the World -- which described and relate so much to the people on Kauai.

"Madam Speaker and members, the Kauai delegation ask your assistance and thank you for your vote on this bill. Additionally, your help would be very deeply appreciated in the community and before the Public Utilities Commission as this initiative moves forward.

"Thank you, Madam Speaker."

Representative Marumoto then rose and stated:

"I wish to have my remarks in favor of the measure inserted into the Journal. I am voting for this bill because I have a great deal of aloha for the plight of the people on Kauai. However, my reservations go to the legal and constitutional issues surrounding the requirement on consumers of other islands and other electric companies to pay for the damages to Kauai Electric for a period up to ten years.

"Thank you very much."

The Chair, noting that there were no objections, "so ordered."

Representative Marumoto's remarks are as follows:

"I rise to speak with reservations on House Bill No. 1473, HD 2, SD 2, CD 1, A Bill For An Act Relating to Statewide Electric and Telephone Rate Increases to Assist Kauai's Electric and Telephone Ratepayers.

"Although I support the intent of the bill to help the residents of Kauai to pay the costs of restoration of Kauai's electric and telephone utility companies, I share the concerns of the Executive Director of the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs, and the Attorney General that this bill may face constitutional challenge.

"The issue of whether the consumers or utility shareholders or both should pay restoration costs is unclear under the current law. Shareholder contribution is pending in two PUC dockets, for Kauai Electric and Hawaiian Telephone Company. I share the opinion of the consumer advocate that payment of restoration costs should be decided by the PUC on a case by case analysis. Although the legislative findings of House Bill No. 1473 state that ratepayers may be required to pay utility restoration costs, the proposed statutory language requires it by giving the Public Utilities Commission the authority to set a surcharge to be applied to consumers (ratepayers) statewide. The bill fails to mandate shareholder contribution to restoration costs.

"Both shareholders and the private utility corporation are enriched by a surcharge on consumers. The benefit derived by shareholders or the corporation at the expense of an out-of-district ratepayer may be challenged as a taking or an abuse of the State's police power. Because both shareholders and consumer benefit from the restoration of the utility, it is fair to expect contributions to restoration costs to be shared. Traditionally, ratemaking principles do not allow a utility to collect revenue from consumers who do not receive its services. Out-of-district ratepayers do not have a contractual relationship with the utility seeking to impose the surcharge.

"Finally, by exempting consumers in service areas with rates that are substantially higher than other areas, House Bill No. 1473 effectively holds consumers on Oahu, and perhaps other islands, responsible for future restoration costs of damaged utilities on other utility district ratepayers. Had we the extra revenues, there would be no doubt that the Legislature would assist Kauai ratepayers by a direct appropriation from all Hawaii taxpayers as we have done in this session in several other instances. But with no revenues, there appears to be no sure alternative but to pass on the costs to ratepayers served by other utility companies."

Representative Baker then rose to speak in support of the bill, stating:

"I stand with the Kauai delegation and the others of my colleagues who will be voting in favor of this measure.

"When Iniki hit Kauai last September, it not only devastated that island but it damaged our State. It was in a real sense, a statewide disaster, and I think it is appropriate that we provide a statewide response in terms of helping to rebuild the island.

"There's a very important concept in Hawaii that I think all of us subscribe to you, and that's the feeling of ohana -- we are family. And I think it's appropriate because we are family, no matter where we reside, that we assist with this effort.

"Thank you, Madam Speaker."

Representative Shon then rose and stated:

"I would reluctantly add just a couple of notes of explanation of why I have trouble supporting this and will vote against it, and it has nothing to do with the sense of collective responsibility, but rather that, in my view, the bill does not guarantee that all of the residents of this State will share the burden; and secondly, it does not guarantee the parent company which, according to local news reports, has had record profits will also have to share in this.

"The parent company, not being a Hawaii-based company but a mainland company, the issue that I would pose is ... should we be removing all risks and all financial burden from a parent company that has done quite well -- thank you -- and essentially saying that probably most of this \$80-million will be spread across Oahu mostly, because the provisions of the bill deal with exempting other jurisdictions which have already higher rates? Because of this, I feel very uneasy to ask the residents of Oahu to bear this burden as the only county bearing it; and secondly, to ask any of our residents of the State to bear this without first requiring that the parent company be asked to bear a larger burden. It seems that the mechanism here, in our strong desire to help all the people of Kauai, has lost sight of the fact that there are other resources involved here that we may not be focusing on, and we may be allowing a fairly wealthy corporate entity outside of this State to get off scot-free.

"If I am incorrect on this, I stand corrected, but my view of the bill is that that is what is at issue here. It seems to me the mechanism is most likely to fall heaviest on one county and lightest on this outside corporation.

"I strongly support all the other efforts we have to help the people on Kauai. I am not really sure that spreading these costs only to the people of Hawaii, and mostly to the people of Oahu, is the right way to go, and I also have some other concerns about the constitutional issue as well.

"I respect very much the effort that has gone in to this notion of how to deal with the rates of utilities, but these issues were raised at the first cross-over. I do not believe that they've been resolved and I think that the folks on Oahu and throughout the State deserve to know that our Public Utilities Commission will take very much into account the financial responsibilities of a fairly profitable corporate entity on the mainland which owns Kauai Electric.

"Thank you."

Representative Tam then rose to speak against the bill, stating:

"I sympathize, in terms of what the Kauai residents are going through, but this is a matter in terms of how we are financing the utilities there on Kauai. Let me emphasize that this surcharge is not fair and just to all, and my opposition is basically taken from the testimony of Hawaiian Electric Company. Let me call some points to your attention, fellow colleagues.

"Number one. The utility surcharge is not an appropriate mechanism to pay for the cost of restoring Kauai's utility systems.

"Number two. The surcharge would run counter to the established principals of rate-setting, that is, that a customer's rates should reflect the costs of providing service to that customer. By the way, the Public Utilities Commission also expressed this along the same line. As an example is their long distance phone calls -- they all differ.

"And thirdly, the problem of cross-subsidizing of one private company's customers by the customers of another private company. In other words, the utility seeking the surcharge does not have a contractual relationship with the consumers outside of its service area. By the way, the Public Utilities Commission also expressed this.

"And finally, according to Hawaiian Electric, their proposal, and I think it's a fine proposal at best, is the more appropriate mechanism would be the provision of low-interest loans from the state or federal government as is the common practice in assisting private industries or companies facing financial problems.

"Thank you."

Representative Alcon then rose to speak in favor of the bill, stating:

"Madam Speaker, this bill is an ohana bill. I would be more than happy to put in a little bit more in paying my telephone bill and my electric bill because this is one way that we can help the people of Kauai. Sympathy, Madam Speaker, does not solve the problems of those people on Kauai. What they need is help right now and one way that we could help them is to vote for this bill.

"Incidentally, Madam Speaker, I would like to also add the free services of Hawaiian Airlines because according to the radio that morning, they were one of the first ones that flew their planes over to Kauai as soon as the landing field was cleared.

"So with that in mind, Madam Speaker, I would like to ask my friends to vote for this bill."

Representative Kanoho, in rebuttal, stated:

"I believe the testimony referred to from Hawaiian Electric was at a very early stage in the process and their testimony has changed in total support of the surcharge.

"I also wish to indicate that the bill is very, very clear that upon receipt of the application, that the Public Utilities Commission will review the circumstances to determine whether the ratepayers on that particular island and the shareholders should absorb the entire cost before proceeding further. So I believe that there are safeguards to ensure that these measures are taken.

"Thank you."

Representative Chumbley then rose and requested that his remarks, in favor of the bill with reservations, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Chumbley's remarks are as follows:

"During the first crossover, I voted against passage of this measure. However, after further deliberations on the content of this bill, I now support this measure with reservations.

"My reservation is based on the premise that the residents of Hawaii will have to pay a surcharge to cover the losses of a mainland-owned electric company. Yet, I recognize that it will serve as the vehicle to assist in the rebuilding of a divested public service utility company should the situation arise again.

"It is for this reason that I support House Bill 1473 with reservations."

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

1473, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE ELECTRIC AND TELEPHONE RATE INCREASES TO ASSIST KAUAI'S ELECTRIC AND TELEPHONE RATEPAYERS," having been read throughout, passed Final Reading by a vote of 42 ayes to 9 noes, with Representatives Hagino, Hiraki, Hirono, D. Ige, Shon, Stegmaier, Takumi, Tam and Taniguchi voting no.

**Conf. Com. Rep. No. 142 and H.B. No. 1563, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1563, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Baker rose and on behalf of Representative Young, requested that her remarks in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Young's remarks are as follows:

"Open communication and working cooperatively are two crucial elements of all living relationships. House Bill No. 1563 works to continue building a healthy and effective relationship between the people of Hawaii and agencies of the state government by working toward a common goal -- clean water. This bill brings together community volunteers and the Department of Health in the planning and implementing of a water quality surveying and sampling pilot program in the Kailua and Waimanalo area. Many communities, like the ones that I represent, have voiced serious concerns about the quality of our water. With this bill, hopefully, many water quality issues can be addressed while developing a new relationship between the Department of Health and the people of Hawaii.

"This pilot program is the first step toward what I hope will be a statewide initiative empowering the people of Hawaii to take, not only a conscious look at water quality issues facing Hawaii, but an active and participatory role to ensure that Hawaii's water, that which gives Hawaii life, is preserved."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1563, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT TO ESTABLISH A PILOT PROGRAM TO CREATE AND TEST A MODEL OF WATER QUALITY SURVEYING AND SAMPLING USING VOLUNTEERS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 143 and H.B. No. 434, HD 2, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 434, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Duldulao rose to speak in strong support of the bill, stating:

"The measure before us is the so-called first responders bill and also known as the firemen's bill. The purpose of this bill is to increase the survival rate of our citizens with cardiac arrest. Cardiovascular disease is the number one killer in the United States.

"This bill establishes a program under the Department of Health to enable emergency personnel to provide early defibrillation. The ambulance service responded to over

one thousand cardiac arrests last year on Oahu. The American Heart Association estimates that more than five million potential lives are lost annually in the United States from death caused by coronary heart disease. Fifty percent of all the deaths in the United States are attributed to cardiovascular disease which is the number one cause of death in America.

"There is also a direct correlation between survival and the speed at which defibrillation is administered. If defibrillation is applied within one minute of cardiac arrest, the chance of survival is 98 percent; within two minutes, 92 percent; within three minutes, it's 72 percent; within four minutes, 50 percent; and within ten minutes, it's one percent. With the average response time of 8 to 12 minutes for ambulances, and 3 to 4 minutes for a fire unit, an early defibrillation first responder program incorporated within the Fire Department should increase the survival rate very significantly. In fact, the American Heart Association strongly endorses the principle of early defibrillation, and also the International Association of Fire Chiefs endorses this bill before us.

"In Honolulu, the Honolulu Fire Department has responded to 635 cardiac arrests in 1990, and 629 cases in 1991. Of these responses, firefighters were the first to arrive at the scene of 68 and 74 cardiopulmonary arrests. With the chain of survival concept up to 27 out of 68 and 29 out of 74 lives may be saved.

"I respectfully solicit all your help to please support this bill because this bill saves a lot of lives.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 434, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 144 and H.B. No. 1374, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1374, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DIALYSIS MACHINE TO SERVE THE NEEDS OF THE RESIDENTS OF NORTH HAWAII," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 145 and H.B. No. 785, HD 1, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 785, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Ward rose to speak against the bill, stating:

"I am hesitating because it's the method by which we are going about it. There's nothing against printing the law -- it's only that the way we're doing it should be against the law, but it's not. But this bill is going to cost us a million dollars where we could save a million dollars.

"More specifically, I'm talking about the potential to privatize the printing of the Hawaii Revised Statutes as most all other states do and it's all motivation -- one small step will get you into the success begetting success,



and we haven't done any privatization in the State of Hawaii, and here's the 'plum' by which we can start with. All we have to do is tell them this is what we want, they make it, they go out and sell it to the public, make money, and give us all the Hawaii Revised Statutes that we have in our offices. It's a no-risk, high gain proposition.

"I am amazed that we are spending a million dollars of the peoples' money at this point when we have very tight budgets, we have very stringent requirements for getting a budget, and since this is one so easily privatized version, I am amazed and surprised that we haven't tried it. But in the future, we've got to think privatization, and I'm really sad that we're not doing it on this one.

"Thank you."

Representative Kanoho then rose to speak in favor of the bill, stating:

"Madam Speaker, I would like to touch upon some of the comments made by the previous speaker. It is true that we almost could not find the moneys to fund the printing of the HRS sets because in about three to four months, we would probably exhaust or deplete our supply. But as we worried about the availability of funds, we searched for other ways to do this, including privatization, and we found that there were some problems with it. The very companies who secured the services of some of the printing and publishing companies in Hawaii are on the mainland and sell their sets to the various state agencies for as much as four to five hundred dollars, and it will be very, very difficult, if not impossible, that we would be able to attain the 2,144 sets that are now distributed to all state agencies, libraries, all schools, and counties, that it would not be possible to receive that many copies and so the decision was made, in lieu of the income that we would ultimately receive, that it would be in the best interest of the State to do the printing, as we have been doing for several years, and as far as we can best determine, that this is the same way that most other states are doing it.

"Thank you very much."

Representative Ward, in rebuttal, stated:

"I must respond by saying that it's not a matter of us making money, it's a matter of simply breaking even. The contractor that I have spoken to basically said ... we would give you all the journals or the copies that he spoke of and it would be at no cost. The only issue is, and I think maybe this is where the contention is, that then they would go out into the private sector and sell them which happens to be at a higher price than what we now sell them for which, to my way of thinking, is a form of price control which we should have no really big concern about. So there's a free lunch by which we're going to have to pay a million bucks for it ... that's the point."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 785, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REVISED STATUTES," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

**Conf. Com. Rep. No. 146 and H.B. No. 1771, HD 2, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1771, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING

TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 147 and H.B. No. 1154, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1154, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 148 and H.B. No. 1124, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1124, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RECOVERY COSTS ASSOCIATED WITH HURRICANE INIKI," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2042, 1473, 1563, 434, 1374, 785, 1771, 1154 and 1124 had passed Final Reading at 6:23 o'clock p.m.

At 6:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:27 o'clock p.m.

**Conf. Com. Rep. No. 149 and H.B. No. 2060, HD 1, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2060, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Taniguchi rose to speak in favor of the bill, stating:

"Madam Speaker, I would like to express my sincere and humble thanks to all of those responsible for the passage of this bill.

"With your permission, Madam Speaker, I have some further remarks which I would like to insert into the Journal," and the Chair, noting that there were no objections, "so ordered."

Further remarks by Representative Taniguchi are hereby inserted:

"Last year, I was delighted to learn that the Department of Education was finally promoting the expansion of Manoa Library based on the extensive use of and traffic at the institution. We in the community have always expressed the need for an expanded library and over the years have explored numerous ways to make the expansion a reality.

"Our optimism on having an expanded library was soon destroyed when we learned that one of the sites under consideration was the playground at Noelani School. Because the playground is used extensively by the school children and by community groups as well, I felt compelled to introduce a bill that would address, not only the siting of the library, but the larger issue of failed community initiatives and the need for better cooperation and understanding from the University.

"Fortunately, for all of us, all interested parties were able to get together and come up with a workable compromise. As this bill now reads, the construction of a new District Library in Manoa will be allowed to proceed with minimal negative impact on the Manoa community. It will also allow for a cooperative solution to a tough problem with the involvement of the University and the Department of Education. This bill also marks the beginning of what I hope are improved relations between the community and the University of Hawaii.

"There are many individuals who assisted in the passage of this bill and I wish to take the time to acknowledge and thank Representatives Lee and David Ige and Chairman Say and their respective committees for their cooperation, as well as Senators Tungpalan, McCartney and Ann Kobayashi for their commitment to finding a fair solution to this issue. Members of the Board of Regents, the University administration, the State Librarian and his staff and even the Governor played significant roles in seeing this issue to its resolution. I wish to personally thank all of the individuals who contributed to this bill and it is my hope that with the passage of this bill, the community's dream will now become a reality."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 150 and H.B. No. 1694, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1694, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX REFUNDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 201 and H.B. No. 694, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 694, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 202 and H.B. No. 1055, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1055, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 203 and H.B. No. 1208, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Stand. Com. Rep. No. 203 and H.B. No. 1208, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOMASS RESEARCH," were recommitted to the Committee on Conference.

**Conf. Com. Rep. No. 204 and H.B. No. 525, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 525, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 525, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Santiago rose to speak in favor of the bill, stating:

"First of all, I would like to thank you for your support over the years and for co-introducing this bill with me. I would also like to, at this time, mention my very sincere thanks to Chairman Bainum and to former Chair Hiraki for all of their support over this past couple of years while this bill has been shepherded through, as well as many of the other members who have worked on this nonpoint source pollution bill.

"Sometimes, as we go through the legislative session and we speak about these bills as if they were our own, I would like to mention that the unsung heroes behind the scenes that don't get the credit that they deserve, I think, need mention here, and I speak specifically about one particular individual -- that's Jensen over at the LRB -- who actually drafted this bill after we had some informal discussion. He is a former classmate of mine at the University of Hawaii, and I mention also the House Majority Staff Office for their help, and Nicole Wilcox out of my office, as well as the environmental groups, that all had a role in putting this bill together.

"It is my hope that this bill will serve as a base -- a beginning -- for all of us to look at the very serious problems nonpoint source pollution is having on our water, and the long-range effects it will have on our society. I've always hated the term 'nonpoint source pollution.' It seems so 'out there' and it's very difficult for people to understand, but unlike some other environmental disasters that occur which are quick and it's easy to see, nonpoint source pollution, I liken to a cancer. It's a cancer that grows and grows and grows and before you know it, it's out of control, and I think the protection of our water is so vital to this State as we are surrounded by water, and our drinking water is so precious.

"This measure is designed to be a preventative program. Again, it will look to plan today to deal with and avoid major problems in the future. Therefore, I am just pleased -- very pleased -- to see this bill before us here again today, and I ask all of my colleagues for your support in its passage.

"Thank you, Madam Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 525, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 205 and H.B. No. 1178, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1178, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NATIVE HAWAIIAN-OWNED

INDUSTRIAL ENTERPRISE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 206 and H.B. No. 1327, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1327, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 207 and H.B. No. 1653, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1653, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Bainum rose to speak in favor of the bill, stating:

"We were at the dawn of a new day in our approach to dealing with environmental issues. If I could, I would like to read just a short quote from an environmental 'think tank' located in Washington, D.C. It says: 'The world is too complex for environmental regulations to be simple but there is broad consensus that these regulations can become needlessly complicated, fragmented and sometimes contradictory. Today's approach to environmental protection relies on a system of regulations that focuses on cleaning up pollution only after it's been created while promoting adversary relations among industry, regulators, and environmentalists. This approach has accomplished a great deal but it is also pit in effectiveness, inhibiting innovations and least-cost solutions. For that reason, a new paradigm is needed for environmental governance in the United States. What's needed is an approach that reflects the basic shift and emphasis from restrictions to incentives, and from reacting after the fact to anticipating future needs.'

"Madam Speaker, this is what this bill is about -- anticipation, prevention, and preparation. It's the heart of this measure.

"This measure, Madam Speaker, addresses what could happen and tries to head off if we had a major oil spill in the south coast of Oahu. A recent Sea Grant study estimated that we would be facing a loss of two billion dollars in revenues to the State. We'd have lost wages to sixty thousand workers, loss of small businesses that might never recover, and incalculable damage to wildlife, and long-term damage, or even destruction, of our beaches and our coastal areas. We have so far been lucky, but we cannot count on luck alone. We must be prepared to respond to such an emergency, prepare to contain the damage before it reaches disastrous proportions -- to ensure our preparedness. That is why we have enacted and have before us this bill to establish an emergency environmental response fund, specifically for cleaning up the petroleum release at sea. It would be funded by five cents per barrel tax on petroleum products sold in the State to aviation, industry and motorists.

"Revenues from this bill would also fund preparation and training for the State, in conjunction with the U.S. Coast Guard, in oil spill prevention, and the handling of a spill if one should occur. It would also support the operations of the Hazard Evaluation and Emergency Response Team of the Department of Health, and it would also establish a recycling program for used motor oil in

the Department of Health, Solid Waste Management Division, to help prevent the dumping of motor oil, especially by the do-it-yourself home auto mechanics.

"Now, most will call this bill a tax and some may call it a revenue enhancement. I prefer the term, a green tax, on those using petroleum products, a fee that requires polluters to pay for the total cost of society of their activities up front. In the event of an oil spill, we could react faster perhaps, and more efficiently ... than I say, if we can do such things, the cost of one cent of a penny per gallon is worth it. I believe that green fees like is contained in this bill would prove to be a popular way to raise new tax revenues while, at the same time, stimulating business activity by eventually reducing regulatory costs while also sparing the environment.

"I urge your support for this measure.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1653, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

The Chair directed the Clerk to note that H.B. Nos. 2060, 1694, 694, 1055, 525, 1178, 1327 and 1653 had passed Final Reading at 6:36 o'clock p.m.

**Conf. Com. Rep. No. 208 and H.B. No. 625, HD 1, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 625, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Cachola rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Cachola's remarks are as follows:

"The purpose of this bill is to recognize the contribution to Hawaii of individuals who have done much for Hawaii by creating an Aloha Order of Merit with stringent criteria for induction. This will not be given out readily like a House congratulatory certificate.

"Entry into the Aloha Order of Merit will only go to those who have achieved national or international recognition for prominence in their field and accomplished one of the following:

- (1) Contributed to the attainment of statehood for Hawaii;
- (2) Devoted themselves to the betterment of the State, embodying the concept of the Aloha Spirit;
- (3) Provided extraordinary service to the State; or
- (4) Brought honor to the State.

"The bill explicitly states that the selection committee need not select any new Order of Merit members in any given period.

"In addition, the Governor may request members of the Order of Merit to represent the State at various affairs. This will also serve to promote Hawaii at minimal cost.

For example, Akebono, who is already in Japan, can be asked to help enhance the delegation from Hawaii to Japan in representing Hawaii.

"The central purpose of this award, however, is to encourage and promote the Aloha Spirit by formally recognizing those who have provided great service to Hawaii and have widely spread their aloha to many others. More importantly, this award will serve as a reminder for our children and future generations of the tremendous accomplishments one can achieve with the Aloha Spirit."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 625, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA SPIRIT," having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Alcon, Hagino, O'Kieffe and Thielen voting no.

**Conf. Com. Rep. No. 209 and H.B. No. 924, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 924, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR A JUVENILE JUSTICE INFORMATION SYSTEM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 210 and H.B. No. 741, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 741, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF THE PENAL CODE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 211 and H.B. No. 1988, HD 1, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1988, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative O'Kieffe rose to speak in favor of the bill, with serious reservations, stating:

"We need this bill, Madam Speaker, but only because the Legislature failed to agree on other measures which would have addressed many more concerns regarding campaign reform. This bill is better than a sharp stick in the eye but we could have done so very much more. For many years, this session especially, the public's frustration and loss of faith in government and elected officials have been clearly communicated to all of us.

"The misuse and abuse of campaign funds, the marginal judgment calls by officials in powerful positions and the gaping omission of enforceable election guidelines form the basis of many of the concerns voiced by us and by our constituents and others interested in good government.

"Good government, Madam Speaker, is what H.B. 1988 purports to be about and, indeed, it takes a tentative first step in the right direction. But we could have traveled so much farther down this road of reform through this bill and through others which, unfortunately, we will not be voting on today. Why? They are dead.

"We had the chance, Madam Speaker, to do so much more. We could have truly changed the campaign spending law to encourage greater citizen participation in the electoral process and reverse the fact that citizens are becoming disillusioned and alienated with the political process. We could have attacked the undue influence found in special interest and political action committees spending which is weakening our very democracy. We could have done these things and it's a shame we didn't.

"Madam Speaker, House Bill 1988 is a step in the right direction but it does not go nearly far enough. This is why I have reservations about this bill.

"Thank you, Madam Speaker."

Representative Thielen then rose to speak in favor of the bill, with some serious reservations, stating:

"Madam Speaker, I look at this as the Stamp Out Sandy Beach initiatives bill. You take a look on page 1 of the bill. What it states is ... if someone cares enough about an issue and goes around to get registered voters' signatures on a petition, then the person who is the proponent of the action can go ahead and mount an expensive and extensive campaign seeking to get those voters who have signed to withdraw their signature by providing a written notice in writing to the Chief Election Officer before the petitions are filed. What this means is ... we're going to have grassroots community groups going out to, for example, Save Sandy Beach. They will go ahead, door to door, on the low budget campaign to save that area, or to save Mount Olomana as many petitions were circulated to save Mount Olomana. All of a sudden, you're then going to have a very expensive campaign mounted by a developer of a project or a proponent of a project where they will blanket through newspaper ads, television, et cetera to say ... send in your notice, withdraw your signature from that petition. It really tilts the scale in favor of the monied players, not in favor of the grassroots community and I think it's a serious mistake. It also really chills the exercise of the right to vote. Once a person has placed her/his signature on a petition, that person in essence has cast a vote. That should be the end of it. We shouldn't then go in to these expensive media campaigns to try to intimidate or through a barrage of slick ads, get voters to withdraw their signatures. So I think it's really tilting the playing field in favor of the 'heavy duds,' not in favor of the grassroots.

"Thank you."

Representative Marumoto then rose to speak in favor of the bill, with reservations, stating:

"On House Bill 1988, it does contain some provisions for election reform, some small provisions, but the big ones are really missing -- the ones that were in another bill. I had just also heard that the procurement bill died in the Senate and minus that bill, and having no heavy election and campaign reform bill, and having our tort reform bill also die at the end of session, we are literally without any reform bills this session. There was a great need for us to make some changes and, unfortunately, again they are not done. This bill will do some manini measures regarding the withdrawal of names from an election petition and creating more flexibility regarding election dates in case of a natural disaster.

"What really was needed was a major revision of the elections office ... removing it from the province of the Lt. Governor who himself is an elected official, and it's very unfortunate when he is in charge of elections but

endorses other fellow Democrats and other campaign issues.

"What we also need is to stop the abuse of loans for campaign contributions, and that was a very good measure which was proposed by the Kaimuki representative, and we will not see that enacted this year.

"Regarding excess contributions, we had hoped to see some fines of triple the excess be paid by candidates who received amounts over the limit and that is also not going to be seen in this or any other bill.

"We account for some postage in this bill but what we really need to see is more accountability in the area of mud packs or campaign committees relating to issues. We certainly could use some sunshine in this area. We need to stop officials from using telephone numbers in their official capacity in campaign ads, and we could also prohibit the commissioner of the Campaign Spending Commission from becoming actively involved in a campaign. . .

At this point, Representative Tom rose on a point of order and stated:

"Madam Speaker, they're not talking about the right bill. They're talking about a campaign spending bill. I believe we're on House Bill 1988 which is an elections bill and has nothing to do with House Bill 150."

Representative Marumoto responded:

"Madam Speaker, the Chairman of the Judiciary Committee is very familiar with all bills regarding election reform, and I commend him for offering the voting services of the State to be available for other agencies to be used in this bill. This bill itself does contain some minor provisions which will certainly help our elections process but, unfortunately, the big ones are missing, and we hopefully will get some substantial reform in coming sessions.

"Thank you very much."

Representative Tom then rose and stated:

"Madam Speaker, I would just like to clear the air here on this bill -- H.B. 1988. The good representative, I don't know what district she represents, but the other one -- the other lady that spoke. I can't refer to names. Anyway, this bill has nothing to do with the Sandy Beach or anything of that nature.

"The withdrawing of petitions -- this is only an election petition, a parole type thing, and it has nothing to do with county issues or anything of that nature. Chapter 11 has nothing to do with that and I just want to state very quickly for the previous speaker that the things she was talking about, many of which were in House Bill 150, was rejected by the Senate, so I just wanted to get it clear here that our bill wasn't passed by the Senate.

"Thank you."

Representative Ward then rose to speak in favor of the bill, with reservations, stating:

"As previously stated, it's a good beginning and a first step forward. It allows one to change one's mind, however, it leaves desiring where it least satisfies, in terms of real reform, and I think that's what my colleagues were talking about -- the lack of generic reform that this bill does not address. And that, Madam Speaker, is the election bill that would have removed the taint of the Office of the Lt. Governor and have that

arms-length distance. That bill is much more deserving than the present one to take your name off of a petition. It's a shame that that bill went down and that has put reforms in jeopardy and that, Madam Speaker, I thought was coming from the other side of the aisle or that was promised, in terms of good government and good reform, that was spoken to.

"Thank you."

Representative Baker then rose to speak in favor of the bill, stating:

"It's amazing how a measure which never purported to be anything more than tidying up some election problems that we discovered from the 1992 election have somehow had all kinds of aspersions cast upon it.

"This is a measure that allows persons who have signed a petition in the instance of someone running for president to withdraw their names, to allow for a substitute vice presidential candidate to be named, and allows for some flexibility in the time that one holds one's election if the election happens to occur at a time when we have a natural disaster declared for the State, such as in the case of the hurricane this past year. These are items that certainly needed to be addressed, and this bill does that. It was never meant to do more and it has not done so.

"Thank you, Madam Speaker."

Representative Thielen then rose to clarify her reservations, stating:

"They're addressed to page 1 of the bill, not to the balance of the bill, and I thank the Chair of the Judiciary for bringing that point up.

"What it still does is it gets into the voters mind, it gets into the voters casting of her or his right to vote, and it provides a way in which the monied players can encourage a voter to remove a signature from a petition. The petition can be for the election of a candidate or the petition can be for support of an issue. It is an election matter and issues are on ballots as well as candidates, and I still think it's a wrong step to take.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1988, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 212 and H.B. No. 1773, HD 2, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1773, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Pepper rose to speak in favor of the bill, with reservations, stating:

"Madam Speaker, this bill proposes a program of hard work, physical training, intensive counseling, and educational and treatment programs for some first-time offenders. Sounds a little bit like boot camp actually.

"Sadly, when people enter any institutional situation and, as a result, give up some of their freedoms, there is potential for physical and mental abuse. The record of the Department of Public Safety is, unfortunately, not



unblemished in this area. This bill is an open invitation to be tough on inmates in the interest of helping first-time offenders.

"I am confident that the Director of the Department is cognizant of the risks involved and will communicate that concern to those who will operate the program, and that he will monitor the program carefully.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1773, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A PROGRAM OF REGIMENTAL DISCIPLINE FOR CORRECTIONS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 213 and H.B. No. 2098, HD 2, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2098, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Beirne rose to speak in favor of the bill, stating:

"Madam Speaker, this is a bill that would provide \$300,000 for education with Hui Naoauau on the purchase of service order. I think it is very fitting at this time that we be given that process of educating, not only the Hawaiians, but the non-native Hawaiians on the different models that are on the table. Once this is complete, Madam Speaker, the Hawaiians will have a better grasp on whether they would really want the Hawaiian islands to be a sovereign nation, and I think that it is their privilege to be well informed about this issue."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2098, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 214 and H.B. No. 2010, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted and H.B. No. 2010, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 215 and H.B. No. 2015, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2015, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Morihara rose to speak in favor of the bill, stating:

"As a person who grew up on the island of Maui, overlooking Kaho'olawe all my youth, I wanted to say I watched the bombings, I've heard the bombings over the years, and I am deeply heartened to hear that the island is finally coming over to the hands of the people of Hawaii, and I would like to recognize the Protect

Kaho'olawe Ohana, and also the efforts of the Hawaiian Affairs Committee for this bill.

"Thank you."

Representative Okamura then rose to speak in favor of the bill, stating:

"Madam Speaker, this is another example of the Legislature empowering the native Hawaiians. This establishes the Kaho'olawe Island Reserve Commission which shall have complete policy and management oversight of the Kaho'olawe Island Reserve.

"In recognition of the dedication, perseverance and commitment of the Protect Kaho'olawe Ohana, the House has expanded the membership of the commission to include three members from the Protect Kaho'olawe Ohana. This, in effect, will give majority control of the commission to grassroots native Hawaiians from the community.

"In the bill, we also adopted Governor Waihee's recommendation and that is that upon its return to the State, Kaho'olawe shall be held in trust and will be transferred to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawaii.

"Thank you."

At 6:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:51 o'clock p.m., Representative Baker rose to speak in favor of the bill, stating:

"This is an important measure for the State of Hawaii, for a number of people in my representative district, and for the county in which I reside. The island of Kaho'olawe has great and special significance, not only to the native Hawaiian people, but to others who care about our culture and our history.

"I just want to commend the Hawaiian Affairs Committee in the House and in the Senate for the work that they've done on this issue and for the product that they've come up with. It addresses the concerns that some other of my constituents had with regard to being able to fish in the waters surrounding Kaho'olawe, and we were able to reach, what I believe is a wonderful compromise, that allows the protection as well as the continued use of the resource of the waters surrounding Kaho'olawe.

"I'm delighted that members of the Protect Kaho'olawe Ohana are going to be a part of the commission and take an active role because it was through their persistence and their activities that we've come to this point today, and I do want to acknowledge them.

"I thank the Chair of the Committee for his work on this measure and for helping us resolve the issues surrounding it.

"And, Madam Speaker, before I sit down, I know that you had wanted remarks on this measure, in support of it as well ... I would ask the Clerk to please insert your remarks in support of House Bill 2015, as well as remarks in support of House Bill 2014, into the Journal."

"The Chair, noting that there were no objections, "so ordered."

Representative Young's remarks are as follows:

"I would first like to thank the Chair of the Committee for his diligent work on this measure, and especially the Protect Kaho'olawe Ohana for their years of dedication to restoring the island of Kaho'olawe to the people of Hawaii. With their participation in the Kaho'olawe Island Reserve Commission, as established in this bill, I have no doubt that the cultural and historical resources of the island will be preserved for future generations.

"I am especially pleased by the provision in the bill regarding the uses of the island. These include preservation and protection of its archaeological, historical, and environmental resources; rehabilitation, revegetation, and habitat restoration; education; and the preservation of the rights of native Hawaiians to use the land for cultural and spiritual purposes."

Representative Thielen then rose to speak in favor of the bill, stating:

"In 1979, I was able to work with the Protect Kaho'olawe Ohana, and since that time have continued to work with them as their volunteer attorney. When we first started these efforts, we went into Federal Court to try to gain access to the island. There's an ad that says ... you've come a long way. Well, we certainly have come a long way, Madam Speaker, because in 1980, Judge William Swartz, a visiting United States District Court judge, granted the Ohana access to Kaho'olawe. This meant a magnificent step forward, because we were able to take the kupuna out to document the religious sites and the archaeological sites. The Ohana was able to work as volunteers with the Navy on the archaeological survey, and as a result of these years of hard efforts of the Protect Kaho'olawe Ohana, the entire island was placed on the National Register of Historic Places.

"The Ohana did not stop its efforts there. They have continued with water restoration projects, with erosion control projects, and have done a fantastic job on beginning to revegetate the island. They have taken thousands of students out to Kaho'olawe, and that's been quite an experience for the young people of our State from all islands. This means that they go at two or three in the morning from the shores of Maui, and go out on small boats to get over to the waters off of Kaho'olawe, generally at Hakeoawa. Then they dive into the water, swim ashore, pulling their ukana wrapped in plastic garbage bags, taking in their water supply. Then they pretty much live off the land and off the sea out there, along with carrying in some of the supplies that they need for the meals that they prepare. They have done a magnificent job in educating youngsters as to the significance of the island, as to the Hawaiian culture. People like Uncle Harry Mitchell who gave my daughter her Hawaiian name on an access to Kaho'olawe -- Lilinoe -- light mist -- and gave me my Hawaiian name which translates to 'thundering waters' -- quite a difference, but I dearly treasure that -- made the experiences that we had just magnificent.

Because they stood firm -- they stood like a rock -- and their goal was to stop the bombing, no matter how radical that was in the early days, but it became true today. What we saw was a radical group, as I said before, that were ahead of their time. And so, today, the rest of us catch up with the Protect Kaho'olawe Ohana, and we owe them a deep debt of gratitude."

Representative Beirne then rose and stated:

"Madam Speaker, I would like to stand in support of House Bill 2015, Kaho'olawe, and support the Chair for the Hawaiian Affairs Committee that has worked with the committee diligently on this particular issue. It is long overdue. I would ask that any of the members on Water

and Land or those of you, my colleagues, that are interested ... make that effort to go out and visit Kaho'olawe. You will find it very rewarding. The previous speaker before me has made the time to come out and be on the island, to study the island, to study the issue, and that is something that I, as a native Hawaiian, appreciate. I think that as legislators, if we are to make good decisions, we've got to know the topic and what the issues really are.

"Madam Speaker, I have been out to the island many, many times. In fact, my father made access to the island over seventeen years ago when my youngest son was just twelve years old, and took many, many things over to plant there on Kaho'olawe. I'm so grateful for the opportunity to have gone there, to have been able to support my children that have gone over, to work with the Protect Kaho'olawe Ohana, and I'm just happy to see that at least one of them will be sitting there, and the Ohana will be able to send in names for two more of their people to sit on this commission."

As requested by Representative Baker earlier, Representative Young's remarks are as follows:

"Among the many issues facing Hawaiians today, compensation for wrongful acquisition of trust lands is perhaps one of the most important. This bill would acknowledge the State's responsibility to pursue claims against the Federal government; take appropriate action to correct for wrongful uses of Hawaiian home lands by the State since August 21, 1959 (statehood day); and facilitate land exchanges to resolve the wrongful transfer of lands to non-government entities. I thank the Committee and its Chair for taking the bold steps in this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2015, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 216 and H.B. No. 2014, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 2014, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Beirne rose to speak in support of the bill, stating:

"This bill is long overdue and there's many good things that have been put in this bill and, again, I thank the Hawaiian Affairs Chairperson for working on this with the other committee members so that we can move on to the process of correcting those things that have been long overdue.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2014, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 625, 924, 741, 1988, 1773, 2098, 2010, 2015 and 2014 had passed Final Reading at 7:03 o'clock p.m.

**Conf. Com. Rep. No. 217 and H.B. No. 173, HD 3, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 173, HD 3, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Oshiro rose to speak in favor of the bill, stating:

"Madam Speaker, the purpose of this bill is twofold: It establishes a comprehensive process for the re-regulation of our inter-island air transportation system, and it authorizes the issuance of loan guarantees to Hawaii inter-island air carriers. The underlying premise of this measure, Madam Speaker, is to strengthen, stabilize, and to ensure the continued viability of our inter-island air transportation system. Our mobility between our islands is certainly an essential component in enhancing both our State's economy and our overall quality of life.

"In regards to the re-regulation of our inter-island air transportation system, during first crossover, I spoke at length on the inherent difficulties that our U.S. air carriers have experienced under the present aura of de-regulation, along with the potential devastation that similar difficulties may have upon our local inter-island air transportation system. A sampling of these potential negative impacts include a reduction or elimination of service to our smaller, less profitable communities, an escalation in fares and charges, and the elimination of the present competitive nature of our inter-island air transportation system. I would like to add, Madam Speaker, that this measure does not prevent nor does it impair the entry of any new carrier into Hawaii's inter-island air transportation market. Instead, Madam Speaker, this bill will create a fair and equitable regulatory process which will ensure stable and efficient inter-island air transportation service for all of our communities throughout our State at fair and reasonable rates.

"The second part of this bill, Madam Speaker, provides assistance to inter-island air carriers by authorizing the issuance of State loan guarantees to enhance the prospects of the air carrier obtaining financing from private lending institutions. In authorizing this loan guarantee, this bill includes numerous requirements, provisions, and criteria that must be satisfied prior to the issuance of any loan guarantee. These provisions were incorporated to solidify, to strengthen, and to secure our State's interest in these loan guarantees. And I'd like to, if I may, Madam Speaker, take a few minutes to highlight and to touch upon a few of these safeguards to which this loan guarantee is contingent.

"First off, Madam Speaker, the bill authorizes the State to guarantee up to 90 percent of the total loan amount, with the balance of the loan issued at the risk of the lender. It is envisioned, Madam Speaker, that this would ensure a thorough due diligence examination of the Hawaii air carrier by the lender prior to the lender agreeing to assume the risk involved in their portion of the loan balance.

"A second provision, Madam Speaker, requires the Hawaii air carrier to deposit 20 percent of the total loan amount into a State trust fund as cash collateral. In addition to providing a significant enticement to properly satisfy this loan, this cash deposit by the air carrier will eliminate the need for a State General Fund appropriation to meet the constitutionally required deposit into the loan guarantee trust fund.

"To guarantee the possible liquidity of any non-cash collateral, this bill mandates that all parts and equipment pledged as collateral must be accompanied with a buyback or re-stock agreement. This provision, Madam Speaker, will essentially guarantee payment to the State from a third party entity on the collateral pledged in the event of a loan default.

"The bill also requires that all creditors must agree not to initiate any collection action against the air carrier for a minimum of two years from the date of the loan guarantee. This provision will provide the air carrier with adequate time to implement initiatives intended to enhance their financial viability.

"The bill also includes a requirement that the air carrier must match the total loan amount with an equal amount of new equity. In essence, Madam Speaker, the \$14-million loan guarantee will not be authorized unless \$14-million in additional equity is pledged, which will amount to a total equity infusion into this Hawaii air carrier of some \$28-million.

"Finally, Madam Speaker, this measure mandates a due diligence examination by the State of the Hawaii air carrier prior to consideration of this loan guarantee.

"Madam Speaker, I would like to reiterate that all of these provisions and requirements -- every single one of them -- must be met prior to the State issuing this loan guarantee. In my opinion, Madam Speaker, any air carrier who is able to meet this criteria would probably have a pretty good chance of acquiring a similar loan today, from any private lending institution. I certainly do believe, Madam Speaker, that with these provisions properly met, that the risk incurred by the State in issuing this loan guarantee will be significantly minimized.

"Before closing, Madam Speaker, I would like to extend my sincere appreciation to Speaker Souki, to our Finance Committee Chair, and to all the members of this House for sharing your thoughts, your concerns, and your ideas in regards to this most difficult, but yet important, issue. A vast majority, Madam Speaker, of the provisions contained in both the re-regulation and loan guarantee portions of this bill are the result of our many conversations and discussion that we've had over the past months. I commend and thank each and every one of you for your collective assistance in fashioning a measure that will truly enhance and solidify this most important public utility.

"And finally, Madam Speaker, I would like to thank all of the members of this House for allowing me the opportunity to offer my very modest contribution to our legislative deliberations.

"Thank you."

Representative Taniguchi then rose to speak in favor of the bill, stating:

"Madam Speaker, I would first like to applaud the hard work and creativity of the House Transportation Chairman in shaping this excellently crafted bill. I have almost come to expect this kind of quality in his legislative work. I'm truly in awe of his political abilities.

"I would also like to acknowledge the lobbying effort by the employees of Hawaiian Airlines. I was impressed by their dedication and loyalty to their company. Many times, we at the Legislature become jaded by the waves of calls and letters we receive on various controversial issues. The lobbying effort by the Hawaiian Air employees was rough, grassroots, persistent, yet

refreshing. It really pointed out that the Legislature can be responsive to the sincere desires of a group of affected citizens who used their own resources and time to express their position to us.

"I urge my colleagues to support this bill."

Representative Takumi then rose to speak in favor of the bill and requested that Representative Taniguchi's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Okamura then rose to speak in favor of the bill, stating:

"I just want to also add my congratulations and appreciation to the Chairman for doing a really terrific job in guiding this responsible legislation through this session.

"In addition, I would also like to extend my commendation to the Hawaiian Airlines lobbying team. We had a lot of letters, a lot of calls, we've had meetings with the management, but I know I speak from most of the members here when I say that our minds were made up by four individuals who worked so hard on all of your behalf. I think we should introduce them."

Representative Okamura then asked Bill Holden, Chet Lilly, Sharlene Oshiro and Waipa Purdy to stand to be recognized.

"Your outstanding lobbying efforts was very effective, and I want to thank you."

Representative Kanohe then rose and stated:

"Madam Speaker, I rise to speak in support of this bill, indicating my strong support for re-regulation as well as the loan guarantee because it will certainly help the industry, Hawaiian Airlines, and the people of Hawaii.

"I, too, would like to join in expressing my appreciation and compliment the employees of Hawaiian Airlines from all levels of the organization. It's not too often that a CEO will take the time to come, and he did indeed set an example for his people and that example is truly one for all other groups to follow in effecting legislation.

"Thank you."

Representative O'Kieffe then rose to speak in favor of the bill, with very, very serious reservations, stating:

"By way of background, two weeks ago today, my wife sent to the post office my annual survey. In my hand in the two weeks are 205 responses. A question was posed ... do you support the proposed State bail out of Hawaiian Airlines to the requested, at this time, cost of twenty million dollars? You can say yes or no. The results were 16 percent said yes, 79 percent said no, 5 percent were undecided, and that's West Hawaii.

"In my Opening Day speech to the Legislature this year, I stressed the importance of making state government accountable. I find it ironic that on the last day of session, I am still discussing accountability.

"Accountability is just as necessary in the private sector, as it is in government.

"Madam Speaker, the case can easily be made for a second inter-island carrier for our State. Sometime ago, United Airlines expressed an interest in becoming just

such an inter-island carrier. And, we told them they were not welcome.

"Was United mistaken in its belief that it could make a profit in our inter-island market, or, is Hawaiian losing money due to poor management?

"By turning away competition on one hand and then promising to guarantee a \$12.6-million loan to any inter-island airline that is failing, our State is encouraging the denial of accountability.

"In a state where our tax burden is already infamous, this bill perpetuates the image of Hawaii's anti-competitive, anti-business climate.

"If we bail out Hawaiian Airlines, we will only further weaken the future of both existing and potential new businesses in our State.

"This body was just forced to reduce this year's budget request from the Board of Education by \$10-million. The budget request was for the basic needs of our students, not for new facilities, but merely for basic needs.

"Due to a shortfall of funds, we have had to curtail our payments to human services resulting in the closing of much needed facilities.

"In general, many services statewide have had to be cut back due to a lack of available funding. This has had a negative impact on all of the citizens of our State, especially on our children.

"My constituents in Kona desperately need a new high school, yet they are told that there is not enough money to fully fund such a facility.

"And a story related to me by a taxpayer shows how urgent the need for funds for our elementary schools is. Recently, his daughter, who is in the gifted and talented program, came home and told him that the program that she enjoyed so much had been cancelled. The parent went to the school to discuss the situation. He was told that the reason for the ending of the program was that due to a lack of funds, there were no pencils or paper available to the students. The parent, at that time, donated \$200 on the spot and the program was reinstated. As unbelievable as this may seem, Madam Speaker, this actually happened at Waimea School this year, and that is my backyard.

"Yet, by passing this bill, we are saying that we are willing to guarantee a \$12.5-million loan to Hawaiian Airlines, or any other airline, that runs into financial difficulty.

"Madam Speaker, I, too, have compassion for the 3200 employees of Hawaiian Airlines who could lose their jobs if the airline cannot compete successfully in the open market. However, each of us was elected to represent 1.2-million people -- the citizens of our State.

"If Hawaiian cannot repay the loan, we would be forced to cough up \$12.6-million that could be better spent educating our children. Their education is our responsibility. That we ensure that there is enough money to provide that education is our responsibility.

"Remember, Madam Speaker, there is no such thing as a sure bet. We are gambling with \$12.6-million of the taxpayers hard-earned money.

"If this loan guarantee is so sound, why is Hawaiian Airlines unable to get the guarantee from the usual sources such as banks or private investors? Why did Air

Nippon and Northwest Airlines withdraw their support? Obviously they know something that we do not.

"Madam Speaker, it is not in our purview to invest in failing industries. We should not be in the venture capital business in the first place. We must be accountable to the taxpayers whole money we are spending, and private industry must be accountable for itself.

"Madam Speaker, it is with grave concern for the future that I speak. Our State does not have a good track record for making private business be responsible for repaying its loans. I would not want to see the State left holding the bag at the expense of the taxpayers.

"Thank you, Madam Speaker."

Representative Baker then rose to speak in favor of the bill, stating:

"Madam Speaker, Hawaii being an island state, has a unique dependency on air travel for the transportation of our residents, our visitors, and the availability of cargo services is critical to the exchange of cargo and other goods. The absence of a connecting highway system between the various islands emphasizes the need to maintain an efficient and stable inter-island air transportation system.

"Unfortunately, the downturn in tourism, an overall weak economy, and rising operating costs have adversely affected the carriers serving our inter-island market and their financial instability threatens the efficient link between our islands. If we were to lose even one of our local carriers, the current visitor decline could be exacerbated, have a negative impact on businesses statewide, increase our unemployment and outlays therefore for unemployment insurance, welfare, and other things, and overall, reduce the quality of life we now enjoy.

"Were one of our local carriers to go out, perhaps a mainland carrier would come in to fill the void, but would they serve the communities that I represent? Would they fly to Lanai when they know that it's an unprofitable route? Would they go to Molokai when they know that that's a losing route? Would they even try to service the small peninsula of Kalaupapa? If one of our local carriers were to go out, would a mainland carrier come in and provide jobs to those previously employed as pilots, flight attendants, mechanics, baggage carriers, ticket agents and the like? No, because the major mainland carriers who might be interested in Hawaii have all laid off employees on the mainland. Those employees would have priority over any new hire.

"I don't think an entrant by a mainland air carrier would be the answer if we lose one of our local carriers. However, House Bill 173 proposes a very comprehensive approach to address the problems in our local airline carrier industry. In responding to the immediate needs of the industry, the State would provide a financially troubled air carrier or carriers a loan guarantee of up to \$12.6-million. In the long term, this bill would re-regulate the inter-island air corridors by establishing a commission to ensure that adequate service to all communities would be sufficient and at reasonable rates.

"Some may argue, as the previous speaker did, that the proposed loan guarantee is a bail out. I would like to emphasize that such is not the case. It is a loan guarantee, not a direct loan. This loan guarantee would be an agreement between the State and a private lender in which the State would underwrite a portion of the loan based on terms imposed by both parties. And before any

guarantee is approved, a thorough financial analysis will be conducted and the carrier must meet stringent conditions of the loan. Additionally, the way this bill is crafted, there are many mechanisms in place to reduce the risk that the State must assume. Overall, this loan guarantee package provides needed financial assistance in what I believe is a fiscally responsible manner.

"The re-regulation of the inter-island market would stabilize the industry by reducing over-capacity, ensuring adequate service to all of our communities and help to stabilize air fares. It should be acknowledged that the federal government is also considering re-regulating our entire nation's air corridors and that the re-regulation portion of this measure is contingent on federal approval. However, I believe that by affirming our commitment to the long-term viability of the local carriers serving our islands, we will be in a better position to implement our plans in a timely manner to the benefit of consumers and carriers alike.

"I would also like to make clear that this bill does not create a barrier to new entrants into the inter-island market. Quite the contrary. By stabilizing the market, we might possibly attract new entrants. A stable market would also be attractive to lenders who are leery about extending credit to other air carriers in today's turbulent and uncertain industry.

"I would like to commend the Chair of the Transportation Committee for his efforts in putting this comprehensive package together. This measure, once again, reflects his creativity, practicality and sensitivity in preserving a vital element of this State's economic well-being.

"I urge my colleagues to support this measure."

Representative Nekoba then rose to speak in favor of the bill, stating:

"Because I had not planned on saying anything, I would appreciate it if I could use the previous speaker's comments as my own, with also something added ... a question to the representative from the Kohala side. If the question he had posed on the survey had said ... Will you support a loan to keep the jobs and dignity of two thousand plus residents of Hawaii, would the answer have been different?

"Thank you."

The Chair "so ordered." (By reference only)

Representative Yonamine then rose and requested that his remarks, in strong support of the bill, be inserted into the Journal, and further stated:

"I would also like to commend the Chairman, Paul Oshiro, whom I had the pleasure of serving in his committee and I've always been impressed with his conscientious and professional leadership. And as for the airline employees, whether you're called employees, or special interest group, or good citizens, you did a beautiful, impressive job, and I hope we have more of these because, after all, we benefited from your lobbying.

"Thank you very much."

The Chair, noting that there were no objections, "so ordered."

Representative Yonamine's remarks are as follows:

"The purposes of this bill are to empower a new state Air Carrier Commission to regulate local inter-island air



transportation, and to assist the State's inter-island airlines through guaranteed loans pursuant to Chapter 211, Hawaii Revised Statutes.

"Deregulation of the United States' air carrier industry created instability and resulted in immense financial losses for airline carriers throughout the nation. In Hawaii, deregulation will permit large major carriers to give their inter-island seats away by dramatically decreasing their fares, since large carriers can attain profits from their mainland and overseas routes. This event will not only force local airlines to surrender, but will result in a monopoly of our island's air transportation. Through this legislation, the regulation commission will be able to prevent a dominating, major carrier from monopolizing Hawaii's inter-island air transportation system by enforcing specific rules and regulations. Since Hawaii is an island state, it is extremely important that our inter-island carriers remain viable. Due to our geographical location, inter-island air carriers are our inter-island highways and critical for the well-being of our people and economy. This bill would guarantee inter-island airline competition and preserve a system which is providing the benefits of competition to the citizens of our unique State.

"The guaranteed loans of \$14-million would assist the inter-island airline whose operation and revenues have been adversely affected by the downturn in tourism. These guarantees would ultimately protect the public welfare by ensuring a continued means of travel between the islands of our State. Also, various modifications of the loan guarantee to the inter-island carriers would assure that public monies will be well spent for the public good.

"The benefits of this legislation include stabilized fares, the maintenance of higher levels of customer service, protection against reliance upon a single carrier and job security for the dedicated Aloha and Hawaiian Airlines employees. Regulation and the loan guarantee would protect the integrity and reliability of the services rendered to the people of Hawaii and preserve Hawaii's low cost inter-island transportation system.

"I commend the Chairman of the Transportation Committee and its members, and the leadership of the Speaker, and Chairman of the Finance Committee and members, for their strong support of this landmark bill."

At 7:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:28 o'clock p.m.

Representative Ward then rose and stated:

"Madam Speaker, if we were here two weeks ago, I would have been speaking against this, but now I'm speaking for it with only a slight reservation. In fact, if we were here even a year ago, who would imagine that Hawaiian Airlines would be reeling into the position that it is now. It would be inconceivable. Mind you, this was the airline in 1977 that had 80 percent of the market. Now, it's down to 44 percent and rising, but I think we were all very surprised at what had taken place. I think Hawaiian Airlines, like the prodigal son that had gone out to see the world; in fact, to probably fly and take over the world, and it got injured in the process, and it's coming home now as it cuts back on all of its many routes and saves money and starts making some money. And this bill welcomes Hawaiian Airlines back home with \$14-million of hope and \$14-million of guarantee that will forgive its predatory past, or management misjudgment, and it alerts us to the fact that it's now going to be lean and mean to get back on its feet and fly again.

"According to a very lengthy but very informative report by the Department of Business and Economic Development, Hawaiian Airlines and the local airline industry is in serious trouble. It's always good to get the data in the size of a telephone book. It was very comprehensive and very well done.

"However, in that report, I was rather surprised to learn that just last November, there was a ten million dollar injection into Hawaiian Airlines of which then as 1993 proceeded, there was already \$40-million of debt accumulated. That told me something is happening that needs some assistance and it needs it quickly. Ten million dollars a month is a serious situation and even perhaps the \$14-million may not be enough, but I think with the commitment that we have put in the bill and the commitment of the management and the employees, that will be enough.

"Madam Speaker, in regards to the inter-island air industry, I was also shocked to learn in the very comprehensive DBEDT report that if perchance Hawaiian did go bellyup and Aloha Airlines did take over, it said that Aloha Airlines only has to add three airplanes to their fleet to take over all of Hawaiian's flights. I found that rather shocking and a statement about the condition of the industry in that there are so many flights with so few people ... no wonder they're bleeding! No wonder we're in this condition, and no wonder that it's time to do something.

"Re-regulation will prevent this, but I think we've got to be realistic in terms of the frequency of flights. Those who want to go five times to Lanai may not have those choices. There are going to be cutbacks -- there will be a cutback in flights. I don't think that'll be an inconvenience but it's going to be not a business as usual so they can get some of this excess capacity off of their back.

"Lastly, Madam Speaker, the success of our efforts today really rests with the management and the employees -- the people who are behind this that represent the other two thousand. Their entrepreneurial spirit, their rallying as they have, and I understand they're not professional lobbyists even, they have all, out of their concern for the company, their concern for their jobs -- that's really the sincere, enthusiastic kind of lobbying that's very meaningful.

"However, I remind them and ourselves that it was only a few years ago that we saw Pan Am go bellyup, and I understand from some comments about Hawaiian Airlines that there used to be an arrogance ... I don't care - you fly us or you go to Aloha. I didn't see that in any employees and I didn't see that in any remarks as of late from anybody as I talked to about this. That arrogance is behind, and that is something behind us.

"Our job now is to monitor the situation closely and make sure that what we put on the success track is going to succeed. We want to make sure as we monitor, and we don't do like we did in Vietnam where we said we had to destroy a village in order to save it; we don't want to destroy the airline industry in order to save Hawaiian Airlines. Madam Speaker, I suggest we do monitor this to make sure, not only Hawaiian is healthy, but the industry is healthy as we put these regulations in place.

"And lastly, to commend one of the perhaps best transportation strategist, Representative Oshiro -- a job well done. You put the strategy together, DBEDT put the effort, but the heart and the spirit, I think the employees did, and the ball, Madam Speaker, is now in their court -- the management of Hawaiian and the enthusiasm of the

employees that's going to make the difference. And I commend the employees of Hawaiian Airlines for what was not only an impressive job of showing their enthusiasm but your concern for an airline which shows, Madam Speaker, that the people of Hawaii should be flying Hawaiian now because they have a stake in it and they've got employees who really believes in it.

"Thank you."

Representative Bainum then rose to speak in favor of the bill, stating:

"Back in early February, I told the Chair of the Transportation Committee I didn't think I could support this measure in its present form. Three things happened that helped me change my mind.

"First was the Herculean efforts and the wise revision that were included in this measure by the Chair.

"The second one was the report from the Department of Business and Economic Development. I can now go back to my community, show them this report, and show that the State is on solid ground financially in supporting this measure.

"The third reason occurred last Friday evening. I was told by a woman who works in this building, not a lobbyist, a story. The story was about her sister-in-law who died, leaving four children and her brother in Seattle, with the Christmas season coming up. She went back to her husband and said, 'I just can't stand to think of them facing Christmas alone. We've got to help them get over here,' and he said, 'No way, we don't have the money for five tickets.' She wasn't going to give up. She went to Hawaiian Air management, got an interview, and was told, 'Don't worry.' Those four children and the brother spent the Christmas season here in Hawaii with the support of family.

"This is the kind of community sensitivity that you would hope to see in a local company, and that is why I am proud to support this measure.

"Thank you."

Representative Duldulao then rose to speak in favor of the bill, stating:

"I don't think it's the time, at this moment, for us to say that Hawaiian Air went belly-up or this is a bail out for Hawaiian Air. I would think that it's time for us to have come together and analyze the package before us because the loan guarantee requirements are very stringent. The loan requirements and conditions are very, very conservative, and now we will have a re-regulation of inter-island carriers.

"The Department of Business and Economic Development will make sure that they will fulfill these requirements so at this time, I would like to ask my colleagues to wish Hawaiian Airlines the best of luck and from this day forward, we would like to see them flying again and serve our visitors, and the kamaainas all wish you well.

"Thank you."

Representative Stegmaier then rose to speak in favor of the bill, stating:

"I, too, as some members of this body, had reservations at the outset about this guarantee, but the Department of Business and Economic Development's lengthy evaluation and recommendations have satisfied

me that the guarantee is sufficiently collateralized to pose little or no risk to the taxpayers' funds. And I am happy, therefore, that the bill is going to provide this guarantee, but the company is clearly not out of the woods.

"I read the 1993-1994 Strategic Plan and what's interesting is that the entire focus of the plan is on money which I suppose is appropriate for a company which has been in dire financial straits. Yet, according to the authors of *In Search of Excellence*, a book which we are all familiar with ... all companies which are successful have one common characteristic -- they all put people as their number one priority. This means personal attention and appreciation for all of the company's employees, as well as all of the company's customers.

"Hawaiian Airlines, Madam Speaker, is at a critical juncture in its history and at this moment, a very special opportunity has become available to all of its 2,400 employees. The opportunity is for the company to become united in a total commitment to excellence, to do what will ensure a profitable and challenging future. The people of Hawaiian Airlines have the opportunity to develop a corporate culture in which overriding values that are understood and appreciated by all employees are maintained day in and day out. The employees of Hawaiian Airlines have the opportunity to become absolutely clear about the mission of their company, and to answer the question ... what does Hawaiian Airlines stand for? There must be generated by each and every employee and their families an enthusiasm, a team spirit -- an ohana relationship -- which is exhibited by every action which the employees take. The ohana of Hawaiian Airlines has within its power the ability to determine its own destiny. Sustained loyalty to these values and to their mission will mean that nothing will keep them from being successful.

"I believe I speak for all of my colleagues in wishing the ohana our very best in continuing the transformation of Hawaiian Airlines.

"Thank you very much."

Representative Lee then rose to speak in favor of the bill, stating:

"A few years ago, the refrain was that Hawaii was anti-business, over-regulated and over-taxed.

"This year, the refrain is, 'Help us out.'

"And so we did. We restored confidence in the home insurance industry by setting up a hurricane relief fund in House Bill 1890. The fund will enable insurers to offer hurricane coverage to homeowners throughout the State at affordable rates.

"This House Bill 1890 represents a truly innovative and bold step by the State of Hawaii, meeting its responsibilities to the people and enabling business to do likewise.

"In civil aviation, everyone knows what the problem is and what the solution should be. Airlines are going broke with too many airplanes, too few passengers, and too low fares.

"Deregulation hasn't worked. We are not so cold-blooded as to let the airlines kill each other off or let them bleed to death. Until now, however, nothing has been done to stop the chaos and carnage in the airline industry.

"The State of Hawaii, however, recognizes the problem in House Bill 173. The problem is over-capacity. The solution is re-regulation.

"It is now up to the U.S. Congress to provide authorization for re-regulation of inter-island civil aviation. Our task is to help the Hawaii Congressional delegation obtain that authorization. If that is done, Hawaii will again be an innovator in another field.

"And interestingly enough, this year, at this session, we have already done something on hurricane relief which no other state, nor the federal government, has yet come up with a solution. This will follow on the innovations that the State of Hawaii has done in 1974 with health care insurance, and in 1970 with the right to choice by women. In this respect, we are indeed creating new ground and we are in one sense conveying to Congress and the federal government that the solution is there if you would only make the choice.

"Thank you, Madam Speaker."

Representative Thielen then rose to speak in favor of the bill, stating:

"The first airline that I ever flew on as a youngster was Hawaiian Airlines, and my mother made sure that we went on Hawaiian Airlines because of their outstanding safety record.

"I think that what we have seen is a Department of Business and Economic Development report that shows us the financial information that shows Hawaiian Airlines can make it. I see the company as united as they've demonstrated in their effort coming to us at the Legislature. I don't like to call it a lobbying effort because I think it's a lot more than that. Yes, there were four key players, but the ones that meant the most to me were the ones that came from the grassroots of the Hawaiian Airlines employees as they walked into the Capitol, unaccustomed to being here, going to legislators' doors, and walking door-to-door to say ... We need your help; this is why. Please support us. And that was really very, very compelling to me -- to see that the entire work force of Hawaiian Airlines was united together as a company saying ... We need your help. Keep us flying in the skies of Hawaii.

"I want to thank the Chair of the Transportation Committee. I bet at times he thought he was riding a roller coaster as the bill would have its ups and downs. I appreciate very much his taking out the offensive, anti-competitive language, and he did that at an early stage so the bill had a chance to move forward. And I think what we have today is the continuation of two viable highways in the skies, and I think we'll all enjoy seeing each other in the Hawaiian skies as we fly between the islands."

Representative Chun then rose to speak in favor of the bill, stating:

"I truly appreciate the spirit and sincerity with which the Hawaiian Air employees and management have lobbied and supported House Bill 173. This bill reflects positively on the people who work for this local company.

"I see friends in the audience, and I trust that the employees and management will do their utmost to keep their airlines viable and successful, and do their best not to jeopardize the loan guarantee and the State's confidence and commitment to them.

"And I just wanted to express my heartfelt thanks to Chairman Oshiro and his committee. I think you folks have done a wonderful job.

"Thank you very much."

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

"When I was going to college, the airline helped me. They employed me for six years on a part-time basis, flying inter-island as a flight attendant, and I've never forgotten that.

"And on September 11th when Iniki hit, we at the hospital didn't know where we were going to get supplies, where we were going to get medical personnel to help out. The first 72 hours was the most critical and along comes Hawaiian Air. Pilot White was the first one to show up and he promised to fly in with all the supplies and personnel that we needed -- anything. All we had to do was ask, and we made this humongous list and gave it to him, and out he went and the next day was flying in all of these supplies and people for us, and we've never forgotten that.

"And so, from the people of Kauai and myself, and the Kauai legislators, I want to thank Hawaiian Airlines, and I feel you deserve this. I would also like to thank you for your lobbying effort. I think you learned well and you've taught others well.

"I would like to thank Chairman Oshiro for your creativity, and to all of you for your tenacity and your zeal to get the job done -- thank you very much.

"Thank you, Madam Speaker."

Representative Alcon then rose to speak in favor of the bill, stating:

"Madam Speaker, I would like to let everybody know that the history of Hawaiian Airlines is as old as I am. Madam Speaker, before the war, the predecessor of Hawaiian Airlines was Inter-Island Navigation Company. But let me just tell you that even before the war, Madam Speaker, the management of Inter-Island Navigation Company had the foresight to go into the airline business and they had the opportunity to ride in some of their airplanes whereby you had to go to the top to go into the airplane and what scared me, Madam Speaker, is that the airplane did not have a rear wheel.

"Let me just say at this point, Madam Speaker, that because of that foresight, Hawaiian Airlines was the biggest airline that we had flying inter-island.

"Now, let me also say that all compliments are being paid to the employees but let me also tell you, Madam Speaker, that they are also the stockholders. Although I had some bad experiences with Hawaiian Airlines, that is all forgiven because the employees -- stockholders -- came over to ask for my help, including my niece, and they did it with great humility and they always said ... Please help us. Not, eh, you going help us or else. But with all those humilities, I am lending my support on House Bill 173.

"Incidentally, Madam Speaker, we are not bailing them out. They are going out to borrow money from the lender. The only thing that we are doing is that we are guaranteeing the loan. There is no taxpayers money involved.

"I would like to thank my colleague, Representative Oshiro, who put this package together very well, but I hope it won't be like mass transit, that it failed, and I know it will not fail.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 173, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 218 and H.B. No. 628, HD 1, SD 1, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 628, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Say rose to speak in support of the bill "that was introduced by our two freshmen," stating:

"Madam Speaker, this bill was initiated in response to Act 240, Session Laws of Hawaii 1990, which mandated the State Auditor to review all special and revolving funds existing in the State Treasury. I believe that it was the intent of the 1990 Legislature to establish more oversight and control of the expenditure of these State funds.

"According to the criteria set forth by the 1990 Legislature, the Auditor's review recommended that many of these funds be either modified or repealed ... and thus House Bill 628 was introduced for this purpose.

"What we have before us today is the result of countless hours of careful review and examination by the Finance Committee members. While the committee concurred that many of these funds should indeed be repealed or modified, we also concluded that many of these funds need to be continued because they are necessary and vital to carry out effective government operations. Many State agencies need the flexibility to have access to funds on an immediate and unimpeded basis.

"However, Madam Speaker, I must admit that while this examination of special and revolving funds was invigorating and educational, it was not exhaustive. If anything, the review of special and revolving funds should be an ongoing process of the Legislature.

"It is my hope that we will continue to revisit this issue on a regular basis.

"Thank you, Madam Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 628, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hagino voting no.

**Conf. Com. Rep. No. 221 and H.B. No. 2024, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 2024, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 222 and H.B. No. 241, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 241, HD 2, SD 2,

CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Duldulao rose to speak in favor of the bill, stating:

"This is the adult residential care homes respite bill. I urge all of my colleagues to understand that the adult residential care homes are providing us with a lot of help as far as moneys are concerned. Instead of us building nursing homes that we cannot afford at this time because of our budget constraint, they help us in housing our elderly and other people that cannot take care of themselves in their homes and they do so with devotion and sincerity.

"Aside from the pay that they get from taking care of them, they don't have any benefits at all. They have no vacation pay, they have no liability insurance, and I could go on down the list. So until we change our attitude towards these people and realize they help us save a lot of money in our State coffers, then we will not understand the problems that they are going through. But if we do really care for our elderly and people that cannot help themselves and not just doing lip service here because we want to be re-elected, I think it's about time that we know the issue of the adult residential care homes and what they are going through.

"I ask all of my colleagues to please lend your support on House Bill 241 because this is just giving them four days vacation in a year that is sorely needed because otherwise they will burn out.

"Thank you very much."

Representative Santiago then rose to speak in support of the bill and requested that Representative Duldulao's remarks be entered into the Journal as his own, "and I would like to add one more thing ... just a commendation and a big mahalo to the Chair of the Health Committee for having championed this cause. I think she has done a wonderful job and I do lend her my full support on this one issue.

"Thank you."

The Chair "so ordered." (By reference only)

Representative Alcon then rose to speak in support of the bill, stating:

"I find this to be a very good bill for the service that they are doing, and I have already made reservations for myself.

"Thank you."

Representative Arakaki then rose to speak in favor of the bill, stating:

"Since I have the opportunity, I also want to lend my support to House Bill 241, and also accolades to the Chair of the Health Committee for her yeoman work, especially during the interim, where she held many meetings to talk about the issues facing adult residential care homes."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 241, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 224 and H.B. No. 1453, HD 2, SD 2, CD 1:**

Representative Ihara moved that the report of the Committee be adopted and H.B. No. 1453, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

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

"I would like to have the bulk of my remarks entered into the Journal, if I may, Madam Speaker. (The Chair, noting that there were no objections, 'so ordered'). However, I would like to take this opportunity to publicly thank the Chairs of the Human Services Committee, the Health Committee and the Finance Committee, and their counterparts in the Senate, for being flexible, for working on this bill and making it acceptable to everyone.

"It's been ten years since the concept was first introduced, and I think we finally have a product that I think will be of great pride to the State, and I do want to assure the Chair of the Finance Committee and the members that their one dollar will provide a magnet for funding, not only from the federal government, but from private foundations and the business sector as well. It promises also to not only save money, in terms of prevention, but it will also prevent long-term costs of child abuse and neglect.

"Thank you, Madam Speaker."

Further remarks by Representative Arakaki are hereby inserted:

"Very seldom does the State, or for that matter, any investor get the kind of return on an investment that the Children's Trust Fund will produce. For a single, solitary dollar, just one dollar, the Trust Fund will be established and shall serve as a repository that will draw anywhere from \$65,000 to \$250,000 annually from Federal Challenge Grants. There is also great potential for the fund to draw additional grants from the business sector and private foundations.

"More important than the fiscal return are the tremendous potential for savings by providing a consistent source of funding for programs to educate adults to recognize, prevent, and stop abusive behavior. Our budget reflects the rising cost of child abuse and neglect. Once abuse or neglect has occurred, we are forced to pay for the cost of services for both the parent and the child, for foster care, court costs, mental health and educational services. There are many non-fiscal costs such as stress on the family, problems in school, and loss of self-esteem that are even more devastating for the child. These costs are definitely worth preventing.

"Finally, the Children's Trust Fund represents the spirit of collaboration between the public and private sector. It recognizes that the prevention of child abuse is not just the domain of government, but the responsibility of the community as a whole. It recognizes that when a child is abused or neglected, everyone pays. The bill will provide an opportunity for contributions to be made from all sectors of the community as an expression of their commitment to put an end to child abuse and neglect.

"I wish to thank and acknowledge the efforts of the Hawaii Children's Trust Fund Coalition, comprised of over 20 organizations and agencies uniting for a common cause. I want to especially acknowledge the dedicated efforts of Rose Schilt of the Healthy Mothers/Healthy Babies Coalition and John Kawamoto of the Office of Children and Youth for shepherding this landmark bill to fruition, ten years after the concept was first introduced.

We look forward to the Hawaii Children's Trust Fund to fulfill the promise to Hawaii's children.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1453, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S TRUST FUND," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 173, 628, 2024, 241 and 1453 had passed Final Reading at 8:00 o'clock p.m.

**Conf. Com. Rep. No. 226 and H.B. No. 570, HD 1, SD 1, CD 2:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 570, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 228 and H.B. No. 1610, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1610, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 229 and H.B. No. 1613, HD 1, SD 1, CD 1, and**

**Conf. Com. Rep. No. 230 and H.B. No. 1614, HD 1, SD 1, CD 1:**

Representative Ihara moved that the reports of the Committee be adopted and H.B. No. 1613, HD 1, SD 1, CD 1, and H.B. No. 1614, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative D. Ige rose to speak in favor of both bills, stating:

"I just did want to note ... about a year ago, the Department of Education and the collective bargaining units for the teachers and educational officers had announced that they would be entering a new era of bargaining -- collaborative bargaining -- where they would be seeking win/win solutions on behalf of the children of Hawaii.

"I am proud to announce that their efforts were successful and you will note that their bargaining units were the first to come to an agreement this year to the benefit of children, and I especially wanted to note that HSTA had adopted and incorporated into their collective bargaining agreement specific measures to enhance and facilitate school-based management and school-based budgeting, and that the HGEA unit had adopted performance-based pay to provide stability as we work through our education reform effort.

"So I just wanted to publicly commend them for their commitment and for opening their normally traditional methods to put the children first.

"Thank you."



The motion was put by the Chair and carried, and the reports of the Committee were adopted, and H.B. No. 1613, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes, and H.B. No. 1614, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 231 and H.B. No. 1616, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1616, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 232 and H.B. No. 1621, HD 1, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 1621, HD 1, SD 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," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 233 and H.B. No. 126, SD 1, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the Committee was adopted, and H.B. No. 126, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**Conf. Com. Rep. No. 234 and H.B. No. 1202, HD 2, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, Conf. Com. Rep. No. 234 and H.B. No. 1202, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER," were recommitted to the Committee on Conference.

The Chair directed the Clerk to note that H.B. Nos. 570, 1610, 1613, 1614, 1616, 1621 and 126 had passed Final Reading at 8:03 o'clock p.m.

At 8:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:05 o'clock p.m.

#### **MATTER DEFERRED FROM EARLIER ON THE CALENDAR**

**Conf. Com. Rep. No. 37 and H.B. No. 1897, HD 1, SD 2, CD 1:**

On motion by Representative Ihara, seconded by Representative Thielen and carried, the report of the

Committee was adopted and H.B. No. 1897, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1897 had passed Final Reading at 8:06 o'clock p.m.

At 8:07 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:34 o'clock p.m., the Speaker resumed the rostrum.

Representative Ihara was permitted a late introduction and he introduced the crew "that is now making available the session," as follows: Richard Turner, Executive Director of Olelo, the corporation of community television; Ian Farrow, camera supervisor; and other members of the camera crew. "Olelo has provided all the funding for this project for this year and we are looking at next year, and we are on live now."

Representative Ihara then stated:

"On behalf of the members of the House, thank you all for the very excellent work that you've done in making available these legislative proceedings to the public."

#### **SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 946 to 958) were read by the Clerk and were placed on file:

Sen. Com. No. 946, informing the House that the following bills passed Final Reading in the Senate on May 3, 1993:

S.B. No. 1538, SD 1, HD 1, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES";

S.B. No. 555, SD 1, HD 1, entitled: "RELATING TO MURDER";

S.B. No. 728, SD 1, HD 2, entitled: "RELATING TO OIL SPILLS";

S.B. No. 1143, SD 2, HD 1, entitled: "RELATING TO PUBLIC CONTRACTS";

S.B. No. 1608, SD 1, HD 2, entitled: "RELATING TO THE ENVIRONMENT";

H.B. No. 118, SD 1, CD 1, entitled: "RELATING TO TELECOMMUNICATIONS";

H.B. No. 52, HD 1, SD 1, CD 1, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

H.B. No. 944, SD 1, CD 1, entitled: "RELATING TO FIREARMS";

H.B. No. 210, HD 1, SD 1, CD 1, entitled: "RELATING TO ADOPTIONS";

H.B. No. 1655, HD 1, SD 1, CD 1, entitled: "RELATING TO SMOKING IN PUBLIC PLACES";

H.B. No. 1899, HD 2, SD 1, CD 1, entitled: "RELATING TO IMMUNIZATION";

H.B. No. 2029, HD 2, SD 1, CD 1, entitled: "RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM";

H.B. No. 883, HD 1, SD 2, CD 1, entitled: "RELATING TO TEENAGE HEALTH";

H.B. No. 1721, HD 1, SD 1, CD 1, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

H.B. No. 1597, HD 1, SD 1, CD 1, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";

H.B. No. 920, HD 1, SD 1, CD 1, entitled: "RELATING TO MARRIED PERSONS";

H.B. No. 200, SD 1, CD 1, entitled: "RELATING TO COURTS,"

H.B. No. 1594, SD 1, CD 1, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

H.B. No. 534, HD 1, SD 1, CD 1, entitled: "RELATING TO DANGEROUS WEAPONS";

H.B. No. 1598, SD 1, CD 1, entitled: "RELATING TO FAMILY SUPPORT";

H.B. No. 1062, HD 1, SD 1, CD 1, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE";

H.B. No. 1363, HD 2, SD 1, CD 1, entitled: "RELATING TO MEDICINE";

H.B. No. 1739, HD 2, SD 2, CD 1, entitled: "RELATING TO LIBRARIES";

H.B. No. 2012, HD 2, SD 1, CD 1, entitled: "RELATING TO SCHOOL LUNCH";

H.B. NO. 361, SD 1, CD 1, entitled: "RELATING TO PRECURSOR CHEMICALS";

H.B. No. 782, HD 1, SD 1, CD 1, entitled: "RELATING TO VISITATION RIGHTS";

H.B. No. 568, HD 1, SD 1, CD 1, entitled: "RELATING TO CHILD CUSTODY";

H.B. No. 2032, HD 1, SD 2, CD 1, entitled: "RELATING TO THE COMMUNITY HOSPITALS";

H.B. No. 6, SD 1, CD 1, entitled: "RELATING TO CIVIL SERVICE";

H.B. No. 1661, HD 1, SD 1, CD 1, entitled: "RELATING TO WORKERS' COMPENSATION";

H.B. No. 1662, HD 1, SD 1, CD 1, entitled: "RELATING TO WORKERS' COMPENSATION";

H.B. No. 251, HD 2, SD 1, CD 1, entitled: "RELATING TO THE RIGHT TO FARM";

H.B. No. 951, HD 1, SD 2, CD 1, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

H.B. No. 187, HD 2, SD 1, CD 1, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

H.B. No. 1671, HD 2, SD 2, CD 1, entitled: "RELATING TO AQUATIC RESOURCES";

H.B. No. 1459, HD 1, SD 2, CD 1, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

H.B. No. 539, SD 1, CD 1, entitled: "RELATING TO ADULT RESIDENTIAL CARE HOMES";

H.B. No. 1589, HD 1, SD 2, CD 1, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

H.B. No. 220, SD 1, CD 1, entitled: "RELATING TO THE FIREFIGHTER'S CONTINGENCY FUND";

H.B. No. 1797, HD 2, SD 1, CD 1, entitled: "RELATING TO THE ENVIRONMENT";

H.B. No. 1117, HD 1, SD 1, CD 1, entitled: "RELATING TO FORFEITURE";

H.B. No. 620, HD 1, SD 1, CD 1, entitled: "RELATING TO ELECTIONS";

H.B. No. 788, HD 1, SD 1, CD 1, entitled: "RELATING TO THE PROBATE CODE";

H.B. No. 2045, HD 1, SD 2, CD 1, entitled: "RELATING TO RELEASE OF PRETRIAL INMATES";

H.B. No. 199, HD 1, SD 1, CD 1, entitled: "RELATING TO SUBSTANCE ABUSE TESTS";

S.B. No. 2, SD 1, HD 1, CD 1, entitled: "RELATING TO ENTERPRISE ZONES";

S.B. No. 1316, SD 1, HD 2, CD 1, entitled: "RELATING TO THE PENAL CODE";

S.B. No. 125, SD 1, HD 1, CD 1, entitled: "RELATING TO BAIL BOND AGENTS";

S.B. No. 536, HD 1, CD 1, entitled: "RELATING TO REBUILT VEHICLES";

S.B. No. 819, SD 1, HD 1, CD 1, entitled: "RELATING TO SALES TO OWNER-OCCUPANTS";

S.B. No. 1664, HD 1, CD 1, entitled: "RELATING TO ACUPUNCTURE";

S.B. No. 3, SD 1, HD 2, CD 1, entitled: "RELATING TO STATE PLANNING";

S.B. No. 301, SD 1, HD 1, CD 1, entitled: "RELATING TO WAIHAOLE VALLEY";

S.B. No. 993, SD 1, HD 2, CD 1, entitled: "RELATING TO FISHERIES";

S.B. No. 812, SD 1, HD 1, CD 1, entitled: "RELATING TO CRIMINAL SENTENCING";

S.B. No. 1363, SD 2, HD 2, CD 1, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

S.B. No. 14, SD 1, HD 1, CD 1, entitled: "RELATING TO PROSTITUTION";

S.B. No. 127, SD 1, HD 1, CD 1, entitled: "RELATING TO PODIATRY";

S.B. No. 130, HD 1, CD 1, entitled: "RELATING TO MEDICINE AND SURGERY";

S.B. No. 191, SD 1, HD 1, CD 1, entitled: "RELATING TO VOLUNTEER FIREFIGHTERS";

S.B. No. 525, SD 1, HD 1, CD 1, entitled: "RELATING TO FIREARMS AND DANGEROUS WEAPONS";

S.B. No. 741, SD 1, HD 1, CD 1, entitled: "RELATING TO THE HAWAII PENAL CODE";

S.B. No. 124, SD 1, HD 1, CD 1, entitled: "RELATING TO MOTOR FUEL";

S.B. No. 154, SD 2, HD 2, CD 1, entitled: "RELATING TO TRAFFIC VIOLATIONS ENFORCEMENT";

S.B. No. 363, SD 1, HD 2, CD 1, entitled: "MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE NO HOPE IN DOPE PROGRAM";

S.B. No. 1063, SD 2, HD 1, CD 1, entitled: "RELATING TO COMMUNITY DEVELOPMENT";

S.B. No. 1448, SD 1, HD 1, CD 1, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

S.B. No. 1752, SD 2, HD 2, CD 1, entitled: "RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION";

S.B. No. 1905, SD 1, HD 2, CD 1, entitled: "RELATING TO VACCINATION AND IMMUNIZATION";

S.B. No. 448, SD 1, HD 2, CD 1, entitled: "MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE NO HOPE IN DOPE PROGRAM";

S.B. No. 261, HD 1, CD 1, entitled: "RELATING TO TAX CREDITS";

S.B. No. 250, HD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF THE PACIFIC MAPPING CENTER";

S.B. No. 1726, SD 1, HD 1, CD 1, entitled: "RELATING TO THE CONVEYANCE TAX";

S.B. No. 552, SD 1, HD 1, CD 1, entitled: "RELATING TO PERSONS WITH DISABILITIES";

S.B. No. 930, SD 1, HD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM";

S.B. No. 952, SD 2, HD 2, CD 1, entitled: "RELATING TO EXCISE TAXES";

S.B. No. 539, SD 2, HD 2, CD 1, entitled: "RELATING TO HUMAN SERVICES";

S.B. No. 920, SD 2, HD 1, CD 1, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

S.B. No. 1137, SD 1, HD 2, CD 1, entitled: "RELATING TO TUITION WAIVERS";

S.B. No. 530, SD 2, HD 2, CD 1, entitled: "RELATING TO MOTOR VEHICLE REGISTRATION";

S.B. No. 1670, SD 2, HD 2, CD 1, entitled: "RELATING TO LITERACY AND LIFELONG LEARNING PROGRAM";

S.B. No. 336, SD 2, HD 2, CD 1, entitled: "MAKING AN APPROPRIATION FOR HIGH SCHOOL ATHLETICS";

S.B. No. 1410, SD 2, HD 2, CD 1, entitled: "RELATING TO THE ENVIRONMENT";

S.B. No. 1582, SD 1, HD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS";

S.B. No. 1729, SD 1, HD 1, CD 1, entitled: "RELATING TO AN EXCISE TAX";

S.B. No. 1851, SD 1, HD 2, CD 1, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

S.B. No. 1361, SD 1, HD 2, CD 1, entitled: "RELATING TO PETROLEUM-CONTAMINATED SOIL";

S.B. No. 1874, SD 2, HD 2, CD 1, entitled: "RELATING TO KANEOHE BAY";

S.B. No. 1531, SD 1, HD 1, CD 1, entitled: "RELATING TO PUBLIC WORKS AND CONTRACTS";

S.B. No. 1715, SD 2, HD 2, CD 1, entitled: "RELATING TO HEALTH CARE PROVIDER TAXES";

S.B. No. 1027, SD 2, HD 2, CD 1, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";

S.B. No. 1028, SD 2, HD 2, CD 1, entitled: "RELATING TO HAWAIIAN SOVEREIGNTY";

H.B. No. 966, HD 1, SD 2, CD 1, entitled: "RELATING TO CREDIT CARD OFFENSES";

H.B. No. 1686, SD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES";

H.B. No. 1467, HD 1, SD 1, CD 1, entitled: "RELATING TO PAROLE";

H.B. No. 747, HD 1, SD 1, CD 1, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR";

H.B. No. 179, HD 2, SD 2, CD 1, entitled: "RELATING TO TRANSPORTATION";

H.B. No. 2050, SD 1, CD 1, entitled: "RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS";

H.B. No. 2051, SD 1, CD 1, entitled: "RELATING TO HIGHWAY SAFETY";

H.B. No. 1276, HD 2, SD 1, CD 1, entitled: "RELATING TO LEAD ACID BATTERY RECYCLING";

H.B. No. 1376, SD 1, CD 1, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC";

H.B. No. 673, HD 1, SD 1, CD 1, entitled: "RELATING TO RECYCLING";

H.B. No. 2026, HD 2, SD 2, CD 1, entitled: "RELATING TO CLEAN AIR";

H.B. No. 1883, HD 1, SD 1, CD 1, entitled: "RELATING TO THE BOARD OF BARBERS";

H.B. No. 603, SD 1, CD 1, entitled: "RELATING TO INSURANCE";

H.B. No. 1636, HD 1, SD 2, CD 1, entitled: "RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS";

H.B. No. 1034, HD 1, SD 1, CD 1, entitled: "RELATING TO DISASTER RELIEF AND REHABILITATION";

H.B. No. 773, HD 1, SD 1, CD 1, entitled: "RELATING TO INSURANCE";

H.B. No. 1630, HD 1, SD 2, CD 1, entitled: "RELATING TO CITATIONS FOR UNLICENSED ACTIVITY";

H.B. No. 1660, SD 1, CD 1, entitled: "RELATING TO WORKERS' COMPENSATION";

H.B. No. 1665, HD 1, SD 2, CD 1, entitled: "RELATING TO OCCUPATIONAL SAFETY AND HEALTH";

H.B. No. 2028, HD 2, SD 1, CD 1, entitled: "RELATING TO MOTOR VEHICLE TIRE RECOVERY";

H.B. No. 1971, HD 1, SD 1, CD 1, entitled: "RELATING TO TIME SHARE SALES PRACTICES";

H.B. No. 1736, HD 2, SD 1, CD 1, entitled: "RELATING TO THE INSURANCE LAWS";

H.B. No. 775, HD 1, SD 1, CD 1, entitled: "RELATING TO NO-FAULT INSURANCE";

H.B. No. 1592, HD 1, SD 2, CD 1, entitled: "RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION";

H.B. No. 1730, HD 2, SD 2, CD 1, entitled: "RELATING TO ACCREDITATION IN INSURANCE REGULATION";

H.B. No. 1089, HD 1, SD 1, CD 1, entitled: "RELATING TO COURT COSTS AND FEES";

H.B. No. 1628, HD 1, SD 1, CD 1, entitled: "RELATING TO LAWS AFFECTING FINANCIAL INSTITUTIONS";

H.B. No. 1885, HD 2, SD 2, CD 1, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

H.B. No. 25, HD 1, SD 1, CD 1, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

H.B. No. 1881, HD 1, SD 1, CD 1, entitled: "RELATING TO THE REGULATION OF CHARITABLE ORGANIZATIONS, PROFESSIONAL FUND-RAISING COUNSEL, AND PROFESSIONAL SOLICITORS";

H.B. No. 1370, HD 2, SD 2, CD 1, entitled: "RELATING TO HISTORIC PRESERVATIONS";

H.B. No. 1537, HD 1, SD 1, CD 1, entitled: "RELATING TO MOTOR VEHICLES";

H.B. No. 1624, HD 2, SD 1, CD 1, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS";

H.B. No. 1734, HD 1, SD 1, CD 1, entitled: "RELATING TO ACUPUNCTURE";

H.B. No. 1732, HD 1, SD 1, CD 1, entitled: "RELATING TO MISCELLANEOUS PERMITS FOR PHARMACY";

H.B. No. 464, SD 1, CD 1, entitled: "RELATING TO OCEAN RESOURCES";

H.B. No. 1047, HD 1, SD 1, CD 1, entitled: "RELATING TO THE CONVENTION CENTER";

H.B. No. 2042, HD 1, SD 2, CD 1, entitled: "RELATING TO A HAWAII STATE LIBRARY FOUNDATION TRUST FUND";

H.B. No. 1473, HD 2, SD 2, CD 1, entitled: "RELATING TO STATEWIDE ELECTRIC AND TELEPHONE RATE INCREASES TO ASSIST KAUAI'S ELECTRIC AND TELEPHONE RATEPAYERS";

H.B. No. 1563, HD 2, SD 2, CD 1, entitled: "TO ESTABLISH A PILOT PROGRAM TO CREATE AND TEST A MODEL OF WATER QUALITY SURVEYING AND SAMPLING USING VOLUNTEERS";

H.B. No. 434, HD 2, SD 1, CD 1, entitled: "RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM";

H.B. No. 1374, HD 1, SD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR A DIALYSIS MACHINE TO SERVE THE NEEDS OF THE RESIDENTS OF NORTH HAWAII";

H.B. No. 785, HD 1, SD 2, CD 1, entitled: "RELATING TO THE HAWAII REVISED STATUTES";

H.B. No. 1771, HD 2, SD 1, CD 1, entitled: "RELATING TO CORRECTIONAL INDUSTRIES";

H.B. No. 1154, HD 1, SD 2, CD 1, entitled: "RELATING TO TAXATION";

H.B. No. 1124, HD 1, SD 2, CD 1, entitled: "MAKING AN APPROPRIATION FOR RECOVERY COSTS ASSOCIATED WITH HURRICANE INIKI";

H.B. No. 2060, HD 1, SD 2, CD 1, entitled: "RELATING TO EDUCATION";

H.B. No. 1694, HD 1, SD 1, CD 1, entitled: "RELATING TO INCOME TAX REFUNDS";

H.B. No. 694, HD 1, SD 1, CD 1, entitled:  
"RELATING TO THE ALA WAI CANAL";

H.B. No. 1055, HD 1, SD 2, CD 1, entitled:  
"RELATING TO HIGHWAYS";

H.B. No. 525, HD 2, SD 2, CD 1, entitled:  
"RELATING TO WATER POLLUTION";

H.B. No. 1178, HD 2, SD 2, CD 1, entitled:  
"RELATING TO THE ISSUANCE OF SPECIAL  
PURPOSE REVENUE BONDS TO ASSIST NATIVE  
HAWAIIAN-OWNED INDUSTRIAL ENTERPRISE";

H.B. No. 1327, HD 1, SD 1, CD 1, entitled:  
"RELATING TO THE AUTHORIZATION OF  
SPECIAL PURPOSE REVENUE BONDS FOR  
ENERGY DEVELOPMENT";

H.B. No. 1653, HD 2, SD 2, CD 1, entitled:  
"RELATING TO THE ENVIRONMENT";

H.B. No. 625, HD 1, SD 2, CD 1, entitled:  
"RELATING TO THE ALOHA SPIRIT";

H.B. No. 924, HD 1, SD 2, CD 1, entitled:  
"MAKING APPROPRIATIONS FOR A JUVENILE  
JUSTICE INFORMATION SYSTEM";

H.B. No. 741, HD 2, SD 2, CD 1, entitled:  
"MAKING AN APPROPRIATION FOR A STUDY OF  
THE PENAL CODE";

H.B. No. 1988, HD 1, SD 1, CD 1, entitled:  
"RELATING TO ELECTIONS";

H.B. No. 1773, HD 2, SD 1, CD 1, entitled:  
"RELATING TO A PROGRAM OF REGIMENTAL  
DISCIPLINE FOR CORRECTIONS";

H.B. No. 2098, HD 2, SD 1, CD 1, entitled:  
"RELATING TO HAWAIIAN SOVEREIGNTY";

H.B. No. 2010, HD 2, SD 2, CD 1, entitled:  
"RELATING TO THE HAWAIIAN HOME LANDS  
TRUST INDIVIDUAL CLAIMS REVIEW PANEL";

H.B. No. 2015, HD 2, SD 2, CD 1, entitled:  
"RELATING TO THE ISLAND OF KAHOLAWE";

H.B. No. 2014, HD 2, SD 2, CD 1, entitled:  
"RELATING TO HAWAIIAN HOME LANDS";

H.B. No. 173, HD 3, SD 1, CD 1, entitled:  
"RELATING TO TRANSPORTATION";

H.B. No. 628, HD 1, SD 1, CD 1, entitled:  
"RELATING TO STATE FUNDS";

H.B. No. 1890, HD 1, SD 1, CD 1, entitled:  
"RELATING TO LAWS AFFECTING INSURANCE";

H.B. No. 195, HD 1, SD 2, CD 1, entitled:  
"RELATING TO THE OFFICE OF HAWAIIAN  
AFFAIRS BUDGET";

H.B. No. 2024, HD 1, SD 1, CD 1, entitled:  
"RELATING TO THE DEPARTMENT OF HUMAN  
SERVICES";

H.B. No. 241, HD 2, SD 2, CD 1, entitled:  
"RELATING TO ADULT RESIDENTIAL CARE  
HOMES";

H.B. No. 203, HD 1, SD 2, CD 1, entitled:  
"RELATING TO THE JUDICIARY";

H.B. No. 1453, HD 2, SD 2, CD 1, entitled:  
"RELATING TO HAWAII CHILDREN'S TRUST  
FUND";

H.B. No. 570, HD 1, SD 1, CD 2, entitled:  
"RELATING TO DOMESTIC ABUSE";

H.B. No. 2156, HD 2, SD 2, CD 1, entitled:  
"RELATING TO EDUCATION";

H.B. No. 1610, HD 1, SD 1, CD 1, entitled:  
"MAKING APPROPRIATIONS FOR COLLECTIVE  
BARGAINING COST ITEMS";

H.B. No. 1613, HD 1, SD 1, CD 1, entitled:  
"MAKING APPROPRIATIONS FOR COLLECTIVE  
BARGAINING COST ITEMS";

H.B. No. 1614, HD 1, SD 1, CD 1, entitled:  
"MAKING APPROPRIATIONS FOR COLLECTIVE  
BARGAINING COST ITEMS";

H.B. No. 1616, HD 1, SD 1, CD 1, entitled:  
"MAKING APPROPRIATIONS FOR COLLECTIVE  
BARGAINING COST ITEMS";

H.B. No. 1621, HD 1, SD 1, CD 1, entitled:  
"RELATING TO STATE OFFICERS AND  
EMPLOYEES EXCLUDED FROM COLLECTIVE  
BARGAINING AND MAKING APPROPRIATIONS  
AND OTHER ADJUSTMENTS"; and

H.B. No. 126, SD 1, CD 1, entitled: "RELATING TO  
STATE BONDS".

Sen. Com. No. 947, informing the House that the Senate has reconsidered its action in disagreeing to the amendments proposed by the House in Senate Bill No. 866, SD 2, HD 1, and has agreed to the amendments and that said bill passed Final Reading in the Senate on May 3, 1993.

Sen. Com. No. 948, informing the House that House Bill No. 1152, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading in the Senate on May 3, 1993.

Sen. Com. No. 949, informing the House that the Senate has adopted H.C.R. No. 255, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE EARLY RETIREMENT BONUS PROPOSED IN H.B. NO. 759, H.D. 2, S.D. 2," on May 3, 1993.

Sen. Com. No. 950, informing the House that the Senate has adopted H.C.R. No. 209, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND REPORT ON ISSUES RELATING TO THE SUFFICIENCY OF GOVERNMENT IN HAWAII," on May 3, 1993.

Sen. Com. No. 951, returning H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION DISCOURAGING THE FEEDING OF PESTIFEROUS BIRDS," which was adopted by the Senate on May 3, 1993.

Sen. Com. No. 952, returning H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE PROBABLE EFFECTS OF THE LICENSING OF CRANE OPERATORS AND THE REGISTRATION OF CRANES," which was adopted by the Senate on May 3, 1993.



Sen. Com. No. 953, returning H.C.R. No. 180, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE IMPACT THAT FISH FEEDING AND ARTIFICIAL REEFS HAVE ON SHARKS," which was adopted by the Senate on May 3, 1993.

Sen. Com. No. 954, returning H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES WAIVE THE INSURANCE REQUIREMENT IN STATE LEASES FOR NONPROFIT ACTIVITIES IN REMOTELY LOCATED AREA," which was adopted by the Senate on May 3, 1993.

Sen. Com. No. 955, returning H.C.R. No. 354, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON INSURANCE RATEMAKING," which was adopted by the Senate on May 3, 1993.

Sen. Com. No. 956, returning H.C.R. No. 404, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PREFERENCE ON STATE PRINTING, BINDING, AND STATIONERY CONTRACTS TO LOCAL BUSINESSES THAT PAY THE PREVAILING WAGE," which was adopted by the Senate on May 3, 1993.

Sen. Com. No. 957, returning H.C.R. No. 405, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF MAUI, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF HEALTH TO DEVELOP A JOINT PLAN FOR THE REMOVAL OF ALGAE FROM THE BEACHES AND NEARSHORE WATERS OF MAUI COUNTY," which was adopted by the Senate on May 3, 1993.

Sen. Com. No. 958, returning House Bill No. 874, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MANUFACTURING ENTERPRISES," which passed Third Reading in the Senate on May 3, 1993.

#### STANDING COMMITTEE REPORT

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1640) recommending that S.C.R. No. 42 be adopted.

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ISSUE A 65-YEAR LEASE FOR THE PRIVATE DEVELOPMENT OF MULTI-LEVEL WAREHOUSE/DISTRIBUTION FACILITIES AND A CONTAINER TERMINAL AND PIER ON CERTAIN FAST AND SUBMERGED LANDS WITHIN THE KAPALAMA DEVELOPMENT COMPLEX," was adopted.

#### SUSPENSION OF RULES

On motion by Representative Baker, seconded by Representative Thielen and carried, the rules were suspended for the purpose of reconsidering action previously taken.

#### RECONSIDERATION OF

#### ACTION TAKEN

On motion by Representative Baker, seconded by Representative Thielen and carried, the House reconsidered its action taken on April 16, 1993, in disagreeing to the amendments proposed by the Senate to House Bill Nos. 653, HD 1 (SD 2); 658, HD 2 (SD 2); 928, HD 1 (SD 1); 1330, HD 2 (SD 1); 1631, HD 1 (SD 1); 1799, HD 2 (SD 1); and 1800, HD 1 (SD 1).

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

**By unanimous consent, H.B. No. 653, HD 1, SD 2, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 653, HD 1, and H.B. No. 653, HD 1, SD 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE SAND ISLAND BUSINESS ASSOCIATION IN IMPROVING THE INFRASTRUCTURE OF THE SAND ISLAND INDUSTRIAL PARK," having been read throughout, passed Final Reading by a vote of 51 ayes.

**By unanimous consent, H.B. No. 658, HD 2, SD 2, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 658, HD 2, and H.B. No. 658, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**By unanimous consent, H.B. No. 928, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 928, HD 1, and H.B. No. 928, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," having been read throughout, passed Final Reading by a vote of 51 ayes.

**By unanimous consent, H.B. No. 1330, HD 2, SD 1, was taken from the Clerk's desk.**

Representative Baker moved that the House agree to the amendments proposed by the Senate to H.B. No. 1330, HD 2, and H.B. No. 1330, HD 2, SD 1, having been read throughout, pass Final Reading, seconded by Representative Thielen.

Representative Baker rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Baker's remarks are as follows:

"For many years, the island of Molokai has had to contend with many challenges in developing an economic base to provide opportunities for its residents. The island's high electric costs, small population base, limited barge and air cargo service and needed infrastructure have all presented barriers to economic growth and prosperity. There have been no large scale replacements for the island's once thriving pineapple plantation and cattle industries that have supported the island's economy

in the past. High unemployment and depressed economic conditions continue to hinder economic growth and small business development on the island.

"In 1988, this body created the Molokai Revolving Loan Fund Program to expand business opportunities and encourage entrepreneurship on the island of Molokai. While the effort has met with some success since then, the need for additional resources still exists. This bill seeks to extend the Revolving Loan Fund Program until June 30, 1995, and continue to provide much needed resources.

"Unlike a grant, this loan program provides for additional revenues for the State while helping entrepreneurs on Molokai realize their dreams of achieving financial independence and contributing to their community.

"I ask my colleagues to join me in support of this measure."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1330, HD 2, and H.B. No. 1330, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A REVOLVING LOAN PROGRAM FOR BUSINESS OPPORTUNITIES ON MOLOKAI," having been read throughout, passed Final Reading by a vote of 51 ayes.

**By unanimous consent, H.B. No. 1631, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1631, HD 1, and H.B. No. 1631, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER AND AUTHORITY OF INVESTIGATORS," having been read throughout, passed Final Reading by a vote of 51 ayes.

**By unanimous consent, H.B. No. 1799, HD 2, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1799, HD 2, and H.B. No. 1799, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," having been read throughout, passed Final Reading by a vote of 51 ayes.

**By unanimous consent, H.B. No. 1800, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1800, HD 1, and H.B. No. 1800, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 653, 658, 928, 1330, 1631, 1799 and 1800 had passed Final Reading at 9:41 o'clock p.m.

**By unanimous consent, H.C.R. No. 59, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No.

59, HD 1, and H.C.R. No. 59, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REAUTHORIZE AND ENHANCE THE FEDERAL ENDANGERED SPECIES ACT AND TO EXPRESS THE CONCERN OF THE HAWAII STATE LEGISLATURE IN PROTECTING THREATENED OR ENDANGERED PLANTS AND ANIMALS," was Finally adopted.

**By unanimous consent, H.C.R. No. 63, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 63, HD 1, and H.C.R. No. 63, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP TAX INCENTIVES TO ENCOURAGE RECYCLING," was Finally adopted.

**By unanimous consent, H.C.R. No. 119, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 119, and H.C.R. No. 119, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONTINUATION OF THE PAPAYA INDUSTRY'S FEDERAL MARKETING ORDER," was Finally adopted.

**By unanimous consent, H.C.R. No. 125, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 125, HD 1, and H.C.R. No. 125, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE VARIOUS DEPARTMENTS, AGENCIES, AND OFFICES OF THE STATE AUTHORIZED TO EXPEND MONEYS OUT OF ANY SPECIAL, TRUST, OR REVOLVING FUND TO SUBMIT ANNUAL REPORTS TO THE LEGISLATURE ON ALL FUND TRANSACTIONS CARRIED OUT OVER THE PREVIOUS FISCAL YEAR," was Finally adopted.

**By unanimous consent, H.C.R. No. 209, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 209, and H.C.R. No. 209, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND REPORT ON ISSUES RELATING TO THE SUFFICIENCY OF GOVERNMENT IN HAWAII," was Finally adopted.

**By unanimous consent, H.C.R. No. 272, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 272, HD 1, and H.C.R. No. 272, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FORMALLY RECOGNIZE THE SPECIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE HAWAIIAN PEOPLE," was Finally adopted.

**By unanimous consent, H.C.R. No. 305, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 305, HD 1, and H.C.R. No. 305, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HOUSING AUTHORITY, WITH THE ASSISTANCE OF THE STATE DEPARTMENT OF HEALTH TO WORK WITH OTHERS TO DEVELOP BROAD STRATEGIES FOR PROVIDING HOUSING WITH APPROPRIATE SERVICES FOR HOMELESS MENTALLY ILL PERSONS," was Finally adopted.

**By unanimous consent, H.C.R. No. 312, HD 2, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 312, HD 2, and H.C.R. No. 312, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO STUDY THE MAJOR PROBLEMS FACING COMMERCIAL LAND LESSEES," was Finally adopted.

**By unanimous consent, H.C.R. No. 314, HD 2, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 314, HD 2, and H.C.R. No. 314, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS AND PROPOSE ENFORCEMENT PROCEDURES FOR STATE AND COUNTY COMPLIANCE WITH UNIFORM FEDERAL ACCESSIBILITY STANDARDS AS MANDATED BY SECTIONS 103-50 AND 103-50.5, HAWAII REVISED STATUTES, AND THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES," was Finally adopted.

**By unanimous consent, H.C.R. No. 328, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 328, HD 1, and H.C.R. No. 328, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE HIGHER EDUCATION NEEDS OF NEIGHBOR ISLAND STUDENTS," was Finally adopted.

**By unanimous consent, H.C.R. No. 336, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 336, HD 1, and H.C.R. No. 336, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO REPORT ON THE PROGRESS MADE ON THE IMPLEMENTATION OF THE STATE'S INFORMATION NETWORK, THE HAWAII INFORMATION NETWORK CORPORATION (HAWAII INC), BY ACT 1, SESSION LAWS OF HAWAII 1988, SPECIAL SESSION," was Finally adopted.

**By unanimous consent, H.C.R. No. 339, HD 2, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 339, HD 2, and H.C.R. No. 339, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONTINUE TO PLACE THE HIGHEST PRIORITY ON TRAINING NURSES AT THE SCHOOL OF NURSING, AND REQUESTING A STUDY ON INCREASING THE ENROLLMENT AND GRADUATION RATES, AND OTHER FACTORS," was Finally adopted.

**By unanimous consent, H.C.R. No. 360, HD 2, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 360, HD 2, and H.C.R. No. 360, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING, THE DEPARTMENT OF HEALTH, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM, TO CONDUCT REVIEWS RELATING TO VARIOUS ASPECTS OF LONG-TERM HOME CARE SERVICES FOR ELDERLY IN THE STATE OF HAWAII," was Finally adopted.

**By unanimous consent, H.C.R. No. 451, HD 1, SD 1, was taken from the Clerk's desk.**

On motion by Representative Baker, seconded by Representative Thielen and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 451, HD 1, and H.C.R. No. 451, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO RECONVENE THE DIAMOND HEAD CITIZENS ADVISORY COMMITTEE," was Finally adopted.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 460 and 461) were read by the Clerk and were disposed of as follows:

H.R. No. 460, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 60TH DAY," was jointly offered by Representatives Young, Baker, Ihara, O'Kieffe and Thielen.

On motion by Representative Baker, seconded by Representative Thielen and carried, H.R. No. 460 was adopted.

H.R. No. 461, entitled: "HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, REGULAR SESSION OF 1993, PURSUANT TO RULE 18 OF THE RULES OF THE HOUSE OF REPRESENTATIVES," was jointly offered by Representatives Young, Baker, Ihara, O'Kieffe and Thielen.

On motion by Representative Baker, seconded by Representative Thielen and carried, H.R. No. 461 was adopted.

#### ANNOUNCEMENTS

The Chair stated:

"The Chair would like to use his prerogative as Speaker to make a few brief remarks. To be honest, when I look back to when we started on January 1st, I didn't think that we would come this far. I say that we faced very difficult times. We had to deal with a sluggish economy, we had the problem on Kauai, insurance crisis, the needs of our schools, and the convention center. I guess, members, four out of five isn't bad.

"It is important to remember the things we have accomplished in the past three months. We will be criticized somewhat for some of the things that we didn't do -- just a few of them, believe me, but it's more important to remember the hard work and the good things we have done. We have started the long road to economic recovery. We will help Kauai to rebuild. We have provided a tool to solve the insurance crisis, and we have put into place support and reform for our education system -- unprecedented. Together, we have laid the foundation for making our justice system work better. We have expanded human service programs to meet the needs of the people who need the help the most. We have provided help and hope for hundreds of workers at Hamakua Sugar and Hawaiian Airlines.

"We can be proud of what we have accomplished but all of that is just a beginning. We will work during the interim to get a convention center and to find a way to make progress on long-term care. We will work on issues like ethics, environmental protection, government reform. When we reconvene next January, we will have a solid base of work and accomplishment to build upon.

"On a personal note, my good friends and representatives, my first session as Speaker in this House has been a real eye-opener. With your help, I have learned and I have grown. I am grateful to each member here for your patience and understanding, and I look forward to our next session together and the progress we are going to make on behalf of the people of this State. I am honored to serve as your Speaker, and I want to thank you for giving me this opportunity and this privilege."

Representative Baker then rose and stated:

"My staff wrote a very nice speech but because the hour is late and it's a little longer than I would have liked, I am going to insert the bulk of it in the Journal, but I think I would remiss to let the session close without acknowledging the hard work of our Speaker, to say 'thank you' for allowing me the opportunity to serve as the Majority Leader. I think we've had a good team to work with.

"I want to say 'thank you' to all of the members of this House for your help, your understanding, your patience, and for helping us move some very important pieces of legislation this year. I've enjoyed working with the members of the Minority -- we haven't always seen eye-to-eye, but it certainly kept the place lively.

"In addition, Mr. Speaker, I think it's important to acknowledge and to thank our hardworking staff because without them, none of us would be able to go day to day, tackle the issues, deal with the tensions, the pressure, and all of the other things that go with being a representative. I'd like to acknowledge your staff, Mr. Speaker, the staff of the Finance Committee, all of our committees' staff, our session staff, and our permanent staff, the research and legal staff that serve the House Majority, the staff in the Sergeant-at-Arms Office and the Clerk's Office, the Printshop, all the unsung heroes and heroines of the Seventeenth Legislative Session, Regular Session of 1993.

"Mr. Speaker, I know we're going to have a very busy interim. I pledge you my hard work and diligence, and I look forward to continuing to work with you, the other members of the House Leadership, and all of my colleagues as we continue to work for the betterment of the people of our State.

"Mahalo."

Further remarks of Representative Baker are hereby inserted:

"When we began this session 60 days ago, the Majority members of this House pledged to chart a new course in government to accommodate and complement a rapidly changing Hawaii.

"We faced many challenges this year, challenges made more difficult by our bleak economic outlook ... we pledged to aggressively pursue economic diversity to rejuvenate the State's economy. We witnessed the commemoration of the overthrow of the Hawaiian monarchy and became mindful of our obligation to the indigenous people of this land. We faced the arduous task of rebuilding the island of Kauai after the ravages of Hurricane Iniki and the statewide insurance crisis that followed. We wrestled with our consciences in the areas of human services and considered major education reforms. We postured ourselves to preserve our environment and its natural resources.

"And while I will admit that we did not accomplish every objective, I am proud of the hard work and effort put forth by the Democratic members in what we did achieve and am confident that direction our State is taking is the right one.

"One of our main priorities this year was to provide a package of bills to assist the victims of Hurricane Iniki. I am pleased that we were able to pass a variety of measures that would lessen the burden of those still trying to pick up the pieces of their lives. We provided a variety of tax relief measures to the County of Kauai for loss of revenues due to the hurricane and to residents of the island as well. We appropriated funds in the form of grants-in-aid for tourism promotion and for public works projects, housing assistance, and economic revitalization. In total, we have committed over \$13-million to Kauai over the next two years to get that island back on its feet.

"In the area of tourism, we continue to provide funds for the promotion of our State as the destination of choice both domestically and abroad. We also recognized the importance of the aloha spirit and its embodiment of what Hawaii stands for. To this end, we established the Aloha Hall of Merit which recognizes those individuals who exemplify the spirit of aloha and allow these honorees to promote Hawaii and encourage visitors to experience the Aloha Spirit first hand.

"In the area of labor, we enhanced the Employee's Retirement System by adding a retirant to the Board of Trustees which would allow, for the first time, direct representation of a beneficiary of this system. We also introduced a progressive leave sharing program that will allow employees to donate vacation or sick leave time to other employees who have exhausted their benefits. This measure benefits both employers and employees.

"Although Hawaii's agriculture industry is in decline, we committed ourselves to promoting our remaining agribusinesses and allowing them the authority to pursue innovative programs. Their ability to exercise creativity is increased through a measure that would prohibit frivolous lawsuits against farming operations, a nuisance

that has been hindering the exploration of alternative agricultural businesses.

"In the area of transportation, we responded to the need to preserve the vital air transportation system between our islands by approving a comprehensive package that would provide a loan guarantee to ensure this body the financial stability of our local carriers and a proposed re-regulation of the inter-island air market to ensure adequate service is maintained at fair and reasonable prices. We also appropriated funds to improve our State's airports, harbors and highways to maintain an efficient transportation system.

"Hawaii's environment and its natural resources are big winners this session. We proposed a variety of measures to encourage recycling and increased the standards for the distribution and proper disposal of hazardous wastes and toxic material. We funded numerous conservation programs and addressed non-point water pollution.

"Protecting our ocean and marine resources was accomplished through the strengthening of our coastal zone management program which protects our coastal resources and established a marine and coastal affairs program to review existing policies and recommend improvements in the management of our ocean resources.

"Issues affecting our native Hawaiian community have been in the forefront this year. We supported the concept of a sovereign Hawaiian nation and we proposed a measure that would bring the Hawaiian community a step closer to determining their future. Because this issue affects everyone in the State, we appropriated funds for the education of the general public about Hawaiian sovereignty. We continue to provide funds for the claims against the federal government for past wrongs committed against Hawaiian Homeland Trusts and provide for the exchange of State lands and Hawaiian Home lands.

"In the area of our Judiciary, we passed numerous reforms to ensure public safety and provide alternatives to our overburdened judicial system. We asked for a review of our penal code to assess our laws and recommend improvements. We began the discussion of a variety of alternative sentencing measures to alleviate our overcrowded prison system and improve the conviction rate of offenders. We also continued to support programs that assist and protect women and children from violence and abuse.

"Insurance reform has been an issue over the past several years, and we believe we have made progress in addressing some of the concerns. The homeowners insurance crisis was a new issue brought on by Hurricane Iniki and I am pleased that we were able to respond with the establishment of the Hurricane Insurance Relief Fund. We also re-codified the rules governing our financial institutions and improved the regulation of many industries operating in the State.

"Our public education system has gotten a real boost from the passage of the education omnibus measure. In one felled swoop, we have revolutionized the management of our schools and allowed for greater autonomy for individual schools and increased community participation. We are equally pleased that we could provide increased funding for our schools -- above and beyond what the Administration had recommended. We also continue to fund innovative programs throughout the public schools system to enhance learning and improve facilities.

"Our University of Hawaii system has been made more accessible to native Hawaiians through increased tuition waivers to this underrepresented group. Native

Hawaiians now have increased opportunities to improve the quality of their lives through education.

"In response to our continued housing problems, authorized the Hawaii Housing Authority to purchase low-income rental units to preserve our inventory of affordable rentals. We also sought to stabilize the skyrocketing prices of homes in our State by repealing the 60:40 formula.

"Hawaii's much praised health care system continues to improve. We have extended funding to numerous health care programs aimed at providing for the special needs of the elderly, our children and those victims of substance abuse and domestic violence.

"Internally, your House of Representatives have committed themselves to reform -- to allow for a more open, honest and efficient government. I am pleased that the reforms introduced by your House Leadership has been embraced by the public to whom we are accountable. We will continue to review and revise our policies to continue in this positive direction.

"Mr. Speaker, your Majority members stand firm and committed to providing for the needs of the people of our State and look forward to future accomplishments under your leadership."

Representative Young then rose and stated:

"I do want to say that the House has made reform a priority. We have made significant strides towards our goal and we have begun procedural reforms that begin to shed new and badly-needed light on the way we operate and the way we make decisions. We have opened new lines of communications, using available technology such as our Access Network and coverage of our committee hearings and floor sessions by Olelo, and I thank you very much, Olelo. But every member of this House must recognize we have to do more and each of us is here because of our commitment to serving the public. Each of us feels that we are acting in the best interest of the people, but the people won't acknowledge good intentions if they are led to believe that they are being shut out of important decisions so we must continue to take action to make our walk match our talk.

"I thank you, Mr. Speaker, for taking the very bold step needed this session to implement some of our reforms. Mr. Speaker, I, for one, am very proud of what we have achieved in the short time allotted to us, and I look forward to a greater breadth and depth of achievement as we reconvene in eight short months.

"To my colleagues, I thank you for your dedication and your effort, and those who provided me with the chance to serve, I give my personal pledge to keep trying to do better to honor your interest, your welfare, and your needs.

"Thank you very much."

Representative Thielen then rose and stated:

"I have a special 'thank you' to you, Mr. Speaker. Our Minority Party is small, sometimes people look at us as an endangered species, but we're not -- we're growing, and we're thriving. But you've been very fair to us, Mr. Speaker, in the finest sense of being a leader. You've realized it's important for the Minority voice to be heard as well, and I thank you deeply for that. You've treated us with respect and with fairness.

"And, Mr. Speaker, I also would like to give a sincere debt of thanks to everyone out there in Hawaii who has



either come to the Legislature to tell us of their concerns, written to us, called us, faxed us -- whatever. That's the citizen involvement that makes this whole place really work, because their concerns come to us and then we can pay attention to what they are saying and try to deal with it as statespeople.

"The other thing I would like to thank, Mr. Speaker ... I would like to thank the business community, the labor community, the environmental community -- all of the groups that have come with a particular concern to help us become more educated on all of these issues. We may not have agreed with them on all the different points but they've been down here and they've talked with us, so from the grassroots community through all of the other more organized groups, I really give them a sincere debt of thanks.

"And, Mr. Speaker, your Minority Party also thanks tremendously all of the staff in this building. I'm continually astounded by the wisdom of the people and the dedication of the people with whom we are privileged to work. We frankly couldn't do our jobs the way that we try to do them without the help of those staff members. Some of them we see only four months in the year and then they go on to other things. I know that their lives have touched mine, and I hope that our work and efforts have touched their lives in a meaningful way.

"I would also like to extend a sincere debt of thanks to all of the committee members and the Chairs, those of whom have also treated us in a fair manner, and the open system, Mr. Speaker, makes it much fairer for everyone, where we require a majority of committee members to be present in order to make decisions. The decisions are made in the public with an open vote and each member has an equal voice in those committee meetings. That's democracy, Mr. Speaker, and it's worked well this session, and I congratulate you for bringing this to the House of Representatives. I look at our chamber as moving forward very strongly toward true democracy.

"And I also want to extend a sincere thank you to my fellow, soon-to-not-be endangered species, I hope, as I say we are thriving, for their allowing me to be Minority Floor Leader. It's been a wonderful experience and I have appreciated the opportunity to set forth and state the Republican voice on the floor.

"Thank you, Mr. Speaker."

Representative O'Kieffe then rose and stated:

"It sounds like the Academy Awards. I think the only one that didn't get thanked was Mayor Fasi's dog -- whatever that dog's name is.

"Everything that has been said has been said. I have enjoyed very much working with my counterpart, the Floor Leader in the Majority, and the Vice Speaker and you, Mr. Speaker. I know that when you want to be tight, you'll be tight; when you want to be a rock, you'll be a rock, and all I can say is that you've been a hell of a good Speaker for us this year, and I'm looking forward to working with you many more years to come.

"I do want to say, with the exception of the freshmen class of 1986, the class of 1993 is the finest I have seen, and I have enjoyed getting to know you and I look forward to working with you in the years to come. But remember, by the year 2000, we're going to be the Majority Party and I'm going to be the Speaker."

Representative Ward then rose and stated:

"Just a brief note of thanks and appreciation for what was called your 'even handedness.' It was very even and you were very openhanded, and when there's 4 to 47, you know that means a lot.

"And also, Mr. Speaker, congratulations for making history. We are about to sine die on time for the first time in how many years -- Eight? Ten? Twelve years? You've made history your first time at the podium, Mr. Speaker.

"Additionally, I would thank and commend the women leadership ... part of the reason why we had such a good session because we had so many women in Leadership this time. I commend you for that.

"But lastly and closest to my heart, Mr. Speaker, thank you for the open reform of voting in committees and letting democracy flourish, letting the people speak by their elected representatives being voted. And for Les, for all of that part in the legwork you've done with Tom -- I really appreciate that. It is very, very important that we continue.

"Thank you and aloha ... Next time, another round."

Representative Apo then rose and stated:

"Mr. Speaker, several months ago, you and I vied for that podium and I am really proud to stand here tonight and tell you that I think that the members' choice of having you lead this House has been validated. I particularly appreciate your openness, your accessibility, and your fairness.

"More than anything else, as you know, I tried to champion the cause of procedural reform. Issues come and go but the process stays, and I think you and the Leadership team that you have put together have done an outstanding job in taking us down the right road to at least begin to establish some meaningful procedural reforms which we hope will translate eventually into regaining the public trust. I think that is a major responsibility that we have.

"I just want to tell you tonight that I stand ready to follow, and if there's anything that I can do during the interim to take us further down that road ... I'm your servant.

"Mahalo,"

The Chair responded:

"Thank you, Representative Apo. I appreciate that very much."

Representative Chun then rose and stated:

"I'm sorry I have to break the pace of this. I was hoping to announce before all this happened, but Senator Grauly. . . I guess in our effort to try and bring people together, one of the things that has happened recently and I just got this this evening. As you all know, we've had difficulty for about ten years between Makaala and the blind vendors and it will be a historic sight tomorrow at 11:30 in Conference Room 305. Senator Grauly has informed me that they've reached an agreement on issues that have divided them for over a decade, and they are going to do a ceremonial handshake tomorrow, and I would like to invite you to be a part of that historic moment."

**ADJOURNMENT**

Representative Ihara moved that the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, adjourn Sine Die, seconded by Representative Thielen and carried.

At 10:01 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, adjourned Sine Die.

**GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE**

Gov. Msg. No. 218 informing the House that on May 7, 1993, he signed the following bills into law:

House Bill No. 51 as Act 86, entitled: "RELATING TO FISHING";

House Bill No. 214 as Act 87, entitled: "RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED";

House Bill No. 569 as Act 88, entitled: "RELATING TO DIVORCE PROCEEDINGS";

House Bill No. 790 as Act 89, entitled: "RELATING TO PROBATE";

House Bill No. 892 as Act 90, entitled: "RELATING TO CONSERVATION LAW";

House Bill No. 1134 as Act 91, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

House Bill No. 1585 as Act 92, entitled: "RELATING TO POULTRY INSPECTION";

House Bill No. 1600 as Act 93, entitled: "RELATING TO INCOME TAX CREDITS FOR ENERGY CONSERVATION";

Senate Bill No. 122 as Act 94, entitled: "RELATING TO OSTEOPATHY";

Senate Bill No. 192 as Act 95, entitled: "RELATING TO MEDICAL CLAIM CONCILIATION";

Senate Bill No. 195 as Act 96, entitled: "RELATING TO MEDICAL TORTS";

Senate Bill No. 281 as Act 97, entitled: "RELATING TO ELECTIONS";

Senate Bill No. 353 as Act 98, entitled: "RELATING TO PENSIONERS BONUS";

Senate Bill No. 355 as Act 99, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1181 as Act 100, entitled: "RELATING TO VOTER REGISTRATION";

Senate Bill No. 1393 as Act 101, entitled: "RELATING TO PAROLE";

Senate Bill No. 1473 as Act 102, entitled: "RELATING TO AGRICULTURAL PARKS"; and

Senate Bill No. 1798 as Act 103, entitled: "RELATING TO GEOGRAPHIC INFORMATION SYSTEM DIGITAL DATA".

Gov. Msg. No. 219 transmitting copies of the 1992 Annual Report prepared by the Hawaii Housing Authority, pursuant to Chapter 356, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 220 transmitting copies of the 1991-1992 Annual Report prepared by the Hawaii Labor Relations Board in accordance with Section 89-5, Hawaii Revised Statutes.

Gov. Msg. No. 221 transmitting copies of the "SAGE News Bulletin, Spring 1993," prepared by the Executive Office on Aging.

Gov. Msg. No. 222 transmitting copies of a Sister-State policy working draft prepared by the Office of International Relations, pursuant to Act 101, SLH 1992.

Gov. Msg. No. 223 transmitting copies of the report prepared by the University of Hawaii pursuant to H.C.R. 393, requesting a study on the feasibility of establishing a multi-disciplinary institute for housing at the University of Hawaii.

Gov. Msg. No. 224 transmitting copies of the 1992 Annual Report prepared by the Department of Public Safety.

Gov. Msg. No. 225 transmitting copies of the 1992 Annual Report prepared by the Office of Youth Services, pursuant to Section 352D-6(11), Hawaii Revised Statutes, and Section 4 of Act 151, SLH 1991.

Gov. Msg. No. 226 transmitting copies of the State Energy Resources Coordinator's 1992 Annual Report, pursuant to Section 196-4(11), Hawaii Revised Statutes.

Gov. Msg. No. 227 transmitting copies of a report prepared by the Department of Business, Economic Development and Tourism (DBEDT) on its loan programs, as required under the following statutes:

- \* Section 210-8, HRS, requires an annual report on the progress made under Chapter 210, the Hawaii Capital Loan Program.
- \* Section 189-26, HRS, requires an annual report on the progress made under Chapter 189, Part II, the Large Fishing Vessel Purchase, Construction, Renovation, Maintenance and Repair Loan Program.
- \* Section 189-46, HRS, requires an annual report on the progress made under Chapter 189, Part IV, the Hawaii Small Fishing Vessel Loan Program.
- \* Section 209-5, HRS, requires an annual report from the Rehabilitation Coordinator. However, since DBEDT administers the Disaster Commercial and Personal Loan Program, an annual report on its progress is presented.
- \* Chapter 211E, HRS, does not require an annual report, however, DBEDT included the Hawaii Innovation Development Program as part of their loan annual report.
- \* Act 384, Session Laws of Hawaii 1988, requires an annual report on the progress made under Chapter 7, the Molokai Loan Program.

Gov. Msg. No. 228 transmitting copies of the State Employee Ownership and Participation Advisory Committee's Annual Report, pursuant to Section 213E-12, Hawaii Revised Statutes.

Gov. Msg. No. 229 transmitting copies of the 1992 Hawaii Aquaculture Advisory Council Report submitted by the Department of Land and Natural Resources.

Gov. Msg. No. 230 transmitting copies of fiscal year 1987-1988 and fiscal year 1988-1989 Annual Reports

prepared by the Public Utilities Commission pursuant to Section 93-12, Hawaii Revised Statutes.

Gov. Msg. No. 231 transmitting copies of the State Land Use District Boundary Review for Oahu. Section 205-18, HRS, requires the Office of State Planning to conduct the State Land Use District Boundary Review and submit findings and recommendations to the State Land Use Commission.

Gov. Msg. No. 232 transmitting copies of the Review of Various Workers' Compensation Insurance Premium Plans, provided in response to House Concurrent Resolution No. 241, HD 1.

Gov. Msg. No. 233 informing the House that on May 17, 1993, he signed the following bills into law:

Senate Bill No. 205 as Act 104, entitled: "RELATING TO COURTS";

Senate Bill No. 638 as Act 105, entitled: "RELATING TO AGRICULTURAL COOPERATIVE ASSOCIATIONS";

Senate Bill No. 799 as Act 106, entitled: "RELATING TO PEER ASSISTANCE PROGRAM FOR CHEMICALLY DEPENDENT NURSES";

Senate Bill No. 818 as Act 107, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

Senate Bill No. 1218 as Act 108, entitled: "RELATING TO NATURAL DISASTERS";

Senate Bill No. 1486 as Act 109, entitled: "RELATING TO DURATION OF LICENSE SANCTION";

Senate Bill No. 1488 as Act 110, entitled: "RELATING TO MOTOR VEHICLE REPAIR DEALER AND MECHANIC REGISTRATION";

Senate Bill No. 1489 as Act 111, entitled: "RELATING TO UNIFORM LAND SALES PRACTICES ACT"; and

Senate Bill No. 1666 as Act 112, entitled: "RELATING TO PHARMACY PERSONNEL".

Gov. Msg. No. 234 informing the House that on May 20, 1993, he signed the following bills into law:

House Bill No. 321 as Act 113, entitled: "RELATING TO PUBLIC ACCESS";

House Bill No. 1061 as Act 114, entitled: "RELATING TO PARKING VIOLATIONS EXEMPTION FOR WITNESSES";

House Bill No. 1400 as Act 115, entitled: "RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT";

House Bill No. 1411 as Act 116, entitled: "RELATING TO HOUSING";

House Bill No. 1650 as Act 117, entitled: "RELATING TO STANDARDS FOR ADMISSION TO WAIMANO TRAINING SCHOOL AND HOSPITAL";

Senate Bill No. 689 as Act 118, entitled: "RELATING TO PARENTAGE";

Senate Bill No. 690 as Act 119, entitled: "RELATING TO PARENTAGE";

Senate Bill No. 937 as Act 120, entitled: "RELATING TO TELECOMMUNICATIONS FRAUD";

Senate Bill No. 1143 as Act 121, entitled: "RELATING TO PUBLIC CONTRACTS";

Senate Bill No. 1214 as Act 122, entitled: "RELATING TO THE UNIFORM SIMULTANEOUS DEATH ACT";

Senate Bill No. 1426 as Act 123, entitled: "RELATING TO WORKERS' COMPENSATION";

Senate Bill No. 1584 as Act 124, entitled: "RELATING TO VEXATIOUS LITIGANTS";

Senate Bill No. 1632 as Act 125, entitled: "RELATING TO EXAMINATION AND PRELICENSING REQUIREMENTS";

Senate Bill No. 1672 as Act 126, entitled: "RELATING TO THE STATE HIGHER EDUCATION LOAN FUND"; and

Senate Bill No. 1708 as Act 127, entitled: "RELATING TO LICENSING OF ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS".

Gov. Msg. No. 235 transmitting his statement of objections to Senate Bill No. 1629 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

May 20, 1993

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1629

Honorable Members  
Seventeenth 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. 1629, entitled, 'A Bill for an Act Relating to Mutual Benefit Societies.'

The purpose of this bill is to restrict the activities of mutual benefit societies by limiting their insurance business to medical and hospital benefits and prohibiting the operation of medical or health services clinics except for clinics already in existence or clinics in certain medically underserved areas. This bill also establishes certain reporting requirements regarding the financial affairs of mutual benefit societies.

This bill may have an adverse effect on the delivery of health care services to the people of this State by limiting the ability of mutual benefit societies to respond to changes in demand for such services from their clientele or the market or to adapt to new health care initiatives that may be developed on a national level. This bill would also constrain the Department of Health from requesting a mutual benefit society to provide services in certain areas or to certain populations. Although the bill exempts medically underserved areas from its prohibitions, the process to obtain this exemption could delay the provision of health care services. Moreover, the exemption ignores the needs of medically underserved populations who reside in areas where the number of

doctors places the area above the standard required for designation as a medically underserved area.

In addition, this bill may result in extensive litigation to clarify the authorized activities of mutual benefit societies. The the extent that health care providers other than mutual benefit societies may obtain tax-free status, this bill would be subject to a challenge on equal protection grounds. Moreover, there are ambiguities concerning the interaction between mutual benefit societies and other entities, whether for profit or non-profit, and these ambiguities may generate equal protection challenges as well as regulatory confusion in the enforcement of this bill. The resources of health care providers and the State are better expended on health care services than on such litigation.

For the foregoing reasons, I am returning Senate Bill No. 1629 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

#### P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1629, entitled, 'A Bill for an Act Relating to Mutual Benefit Societies,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1629 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1629 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 20th day of May, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 236 informing the House that on May 21, 1993, he signed the following bills into law:

House Bill No. 747 as Act 128, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR";

House Bill No. 1154 as Act 129, entitled: "RELATING TO TAXATION"; and

Senate Bill No. 14 as Act 130, entitled: "RELATING TO PROSTITUTION".

Gov. Msg. No. 237 informing the House that on May 21, 1993, he signed the following bills into law:

House Bill No. 284 as Act 131, entitled: "RELATING TO VITAL STATISTICS";

House Bill No. 888 as Act 132, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1147 as Act 133, entitled: "RELATING TO CULTURE AND THE ARTS";

House Bill No. 1364 as Act 134, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 1538 as Act 135, entitled: "RELATING TO TRAFFIC VIOLATIONS";

House Bill No. 1603 as Act 136, entitled: "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY";

House Bill No. 1626 as Act 137, entitled: "RELATING TO ORDINARY DISABILITY RETIREMENT UNDER THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 1646 as Act 138, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 1647 as Act 139, entitled: "RELATING TO SUBSTANCE ABUSE TESTING";

House Bill No. 1667 as Act 140, entitled: "RELATING TO REAL ESTATE TRANSACTIONS";

House Bill No. 1677 as Act 141, entitled: "RELATING TO THE BUREAU OF CONVEYANCES";

House Bill No. 1703 as Act 142, entitled: "RELATING TO THE STATE HIGHER EDUCATION LOAN FUND";

House Bill No. 1740 as Act 143, entitled: "RELATING TO FISHING";

House Bill No. 1896 as Act 144, entitled: "RELATING TO ACTUARIAL ASSUMPTIONS OF THE ASSUMPTIONS OF THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 2017 as Act 145, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2019 as Act 146, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2020 as Act 147, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2022 as Act 148, entitled: "RELATING TO HOMELESS PERSONS";

Senate Bill No. 5 as Act 149, entitled: "RELATING TO STATE PLANNING";

Senate Bill No. 126 as Act 150, entitled: "RELATING TO PHYSICAL THERAPY";

Senate Bill No. 535 as Act 151, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 1422 as Act 152, entitled: "RELATING TO FAMILY LEAVE"; and



Senate Bill No. 1706 as Act 153, entitled: "RELATING TO THE PROFESSIONAL ENGINEERING EMPLOYEES OF THE HAWAII PUBLIC BROADCASTING AUTHORITY".

Gov. Msg. No. 238 informing the House that on June 9, 1993, he signed the following bills into law:

House Bill No. 1121 as Act 154, entitled: "RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES";

House Bill No. 25 as Act 155, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 182 as Act 156, entitled: "RELATING TO CULTURAL LANDSCAPES";

House Bill No. 187 as Act 157, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

House Bill No. 199 as Act 158, entitled: "RELATING TO SUBSTANCE ABUSE TESTS";

House Bill No. 200 as Act 159, entitled: "RELATING TO COURTS";

House bill No. 210 as Act 160, entitled: "RELATING TO ADOPTIONS";

House Bill No. 220 as Act 161, entitled: "RELATING TO THE FIREFIGHTER'S CONTINGENCY FUND";

House Bill No. 251 as Act 162, entitled: "RELATING TO THE RIGHT TO FARM";

House Bill No. 433 as Act 163, entitled: "RELATING TO MEDICINE AND SURGERY";

House Bill No. 446 as Act 164, entitled: "RELATING TO MEDICAL PHYSICIAN LICENSURE EXAMINATIONS";

House Bill No. 773 as Act 165, entitled: "RELATING TO INSURANCE";

House Bill No. 782 as Act 166, entitled: "RELATING TO VISITATION RIGHTS";

House Bill No. 788 as Act 167, entitled: "RELATING TO THE PROBATE CODE";

House Bill No. 975 as Act 168, entitled: "RELATING TO COUNTY CIVIL FINES";

House Bill No. 1082 as Act 169, entitled: "RELATING TO COUNTIES";

House Bill No. 1330 as Act 170, entitled: "RELATING TO A REVOLVING LOAN PROGRAM FOR BUSINESS OPPORTUNITIES ON MOLOKAI";

House Bill No. 1405 as Act 171, entitled: "RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES";

House Bill No. 1505 as Act 172, entitled: "RELATING TO PERSON DISPOSSESSED OR DISPLACED BY VOLCANIC ERUPTIONS";

House Bill No. 1631 as Act 173, entitled: "RELATING TO THE POWER AND AUTHORITY OF INVESTIGATORS";

House Bill No. 1638 as Act 174, entitled: "RELATING TO BUSINESS REGISTRATION";

House Bill No. 1664 as Act 175, entitled: "RELATING TO OCCUPATIONAL SAFETY AND HEALTH VIOLATIONS";

House Bill No. 1666 as Act 176, entitled: "RELATING TO EMPLOYMENT SECURITY";

House Bill No. 1675 as Act 177, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1930 as Act 178, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 2008 as Act 179, entitled: "RELATING TO INTEREST AND USURY";

House Bill No. 2030 as Act 180, entitled: "RELATING TO BOND AUTHORITY FOR COMMUNITY HOSPITALS";

Senate Bill No. 125 as Act 181, entitled: "RELATING TO BAIL BOND AGENTS";

Senate Bill No. 127 as Act 182, entitled: "RELATING TO PODIATRY";

Senate Bill No. 130 as Act 183, entitled: "RELATING TO MEDICINE AND SURGERY";

Senate Bill No. 261 as Act 184, entitled: "RELATING TO TAX CREDITS";

Senate Bill No. 530 as Act 185, entitled: "RELATING TO MOTOR VEHICLE REGISTRATION";

Senate Bill No. 741 as Act 186, entitled: "RELATING TO THE HAWAII PENAL CODE";

Senate Bill No. 886 as Act 187, entitled: "RELATING TO JUVENILES";

Senate Bill No. 952 as Act 188, entitled: "RELATING TO EXCISE TAXES";

Senate Bill No. 1354 as Act 189, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER";

Senate Bill No. 1361 as Act 190, entitled: "RELATING TO PETROLEUM-CONTAMINATED SOIL";

Senate Bill No. 1363 as Act 191, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

Senate Bill No. 1582 as Act 192, entitled: "MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS";

Senate Bill No. 1624 as Act 193, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

Senate Bill No. 1664 as Act 194, entitled: "RELATING TO ACUPUNCTURE"; and

Senate Bill No. 1726 as Act 195, entitled: "RELATING TO THE CONVEYANCE TAX".

Gov. Msg. No. 239 returning House Bill No. 1156, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 10, 1993

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1156

Honorable Members  
Seventeenth 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. 1156, entitled, 'A Bill for an Act Relating to Financial Services Loan Companies.'

This bill is nearly identical to Senate Bill No. 818, entitled, 'A Bill for an Act Relating to Financial Services Loan Companies,' which was also passed by the Legislature. Since I approved Senate Bill No. 818 on May 17, 1993, as Act 107, there is no necessity to also approve this bill.

For the foregoing reason, I am returning House Bill No. 1156 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1156, entitled, 'A Bill for an Act Relating to Financial Services Loan Companies,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1156 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1156 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 10th day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 240 returning House Bill No. 1695, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

HONOLULU

June 10, 1993

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1695

Honorable Members  
Seventeenth 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. 1695, entitled, 'A Bill for an Act Relating to Use Tax Reports.'

The purpose of House Bill No. 1695 is to enable the Director of Taxation to more effectively collect the use tax that is due from the purchasers who are subject to the use tax on imported vehicles by requiring local automobile dealers to report to the Director of Taxation all courtesy deliveries of motor vehicles purchased directly from the manufacturer or an out-of-state dealer by purchasers for use in the State.

House Bill No. 1695 is identical to Senate Bill No. 1458, which was also passed by the Legislature. Since I approved Senate Bill No. 1458 on April 22, 1993, as Act 45, there is no necessity to also approve this bill.

For the foregoing reason, I am returning House Bill No. 1695 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1695, entitled, 'A Bill for an Act Relating to Use Tax Reports,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1695 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1695 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 10th day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 241 transmitting his statement of objections to Senate Bill No. 1619 which he has returned

to the Senate without his approval and which reads as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 10, 1993

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1619

Honorable Members  
Seventeenth 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. 1619, entitled, 'A Bill for an Act Relating to the Public Utilities Commission.'

The purpose of this bill is to direct an examination of the telecommunication infrastructure in the State, as well as the tariffs needed to meet the demands of consumers, businesses, education, and government. Specifically, this bill directs that the following occur within the specified time frames:

(1) Within 30 days of the effective date of the bill, the Public Utilities Commission ('PUC') shall initiate proceedings to identify the types of telecommunication infrastructure and tariffs needed to provide services to various end-users and to support economic development activities within the State;

(2) Within 120 days of the effective date of the bill, the PUC shall take action in such proceedings; and

(3) Not later than 20 days prior to the start of the 1994 regular session of the Hawaii State Legislature, the PUC shall submit a progress report on the results of the proceedings.

The telecommunication infrastructure and array of telecommunication services available in the State are unquestionably important to the economy, education, health, safety, leisure, and general welfare and prosperity of the State and its people. In recognition of this importance and the growing demand to accelerate the availability of new and developing communications, technologies, and services, the PUC has initiated a proceeding that includes an investigation of the State's telecommunication infrastructure. Consequently, the provisions in this bill requiring the PUC to initiate proceedings are unnecessary.

The PUC is anticipating that a number of telecommunication service providers, as well as governmental agencies, will participate in the proceeding. The PUC is hopeful that the input received will provide valuable insight and assistance to the PUC in its effort to address the complex issues. The complexity and scope of the pending proceeding require that the PUC take a systematic approach in its investigation and conduct a proper review and analysis of the record. In view of the complexity of the infrastructure issues, the number of participants in the proceeding, and the procedural rules that must be followed, the 120-day time limit to complete the proceeding is unrealistic.

Senate Concurrent Resolution No. 81, which addresses the same concerns addressed by this bill, was adopted by the Legislature. Since the PUC intends to submit a progress report to the Legislature as requested by the resolution, the reporting requirement in this bill is also unnecessary.

For the foregoing reason, I am returning Senate Bill No. 1619 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1619, entitled, 'A Bill for an Act Relating to the Public Utilities Commission,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1619 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1619 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 10th day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 242 informing the House that on June 10, 1993, he signed the following bills into law:

House Bill No. 1117 as Act 196, entitled: "RELATING TO FORFEITURE";

House Bill No. 2024 as Act 197, entitled: "RELATING TO THE DEPARTMENT OF HUMAN SERVICES";

House Bill No. 52 as Act 198, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

House Bill No. 603 as Act 199, entitled: "RELATING TO INSURANCE";

House Bill No. 1089 as Act 200, entitled: "RELATING TO COURT COSTS AND FEES";

House Bill No. 1467 as Act 201, entitled: "RELATING TO PAROLE";

House Bill No. 1636 as Act 202, entitled: "RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS";

House Bill No. 1655 as Act 203, entitled: "RELATING TO SMOKING IN PUBLIC PLACES";

House Bill No. 1665 as Act 204, entitled: "RELATING TO OCCUPATIONAL SAFETY AND HEALTH";

House Bill No. 1736 as Act 205, entitled: "RELATING TO THE INSURANCE LAWS";

House Bill No. 1881 as Act 206, entitled: "RELATING TO THE REGULATION OF CHARITABLE ORGANIZATIONS, PROFESSIONAL FUND-RAISING COUNSEL, AND PROFESSIONAL SOLICITORS";

House Bill No. 2012 as Act 207, entitled: "RELATING TO SCHOOL LUNCH";

House Bill No. 2026 as Act 208, entitled: "RELATING TO CLEAN AIR";

House Bill No. 2028 as Act 209, entitled: "RELATING TO MOTOR VEHICLE TIRE RECOVERY";

House Bill No. 2029 as Act 210, entitled: "RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM";

House Bill No. 2032 as Act 211, entitled: "RELATING TO THE COMMUNITY HOSPITALS";

House Bill No. 2050 as Act 212, entitled: "RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS";

Senate Bill No. 3 as Act 213, entitled: "RELATING TO STATE PLANNING";

Senate Bill No. 154 as Act 214, entitled: "RELATING TO TRAFFIC VIOLATIONS ENFORCEMENT";

Senate Bill No. 525 as Act 215, entitled: "RELATING TO FIREARMS AND DANGEROUS WEAPONS";

Senate Bill No. 812 as Act 216, entitled: "RELATING TO CRIMINAL SENTENCING";

Senate Bill No. 819 as Act 217, entitled: "RELATING TO SALES TO OWNER-OCCUPANTS";

Senate Bill No. 1316 as Act 218, entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 1448 as Act 219, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

Senate Bill No. 1729 as Act 220, entitled: "RELATING TO AN EXCISE TAX"; and

Senate Bill No. 1851 as Act 221, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES".

Gov. Msg. No. 243 returning House Bill No. 241, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 21, 1993

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 241

Honorable Members  
Seventeenth 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. 241, entitled, 'A Bill for an Act Relating to Adult Residential Care Homes.'

The purpose of House Bill No. 241 is to create a special fund to be administered by the Department of Health (DOH) for the purpose of developing respite care services for persons operating adult residential care homes (ARCHs) and maintaining a pool of qualified operators to provide services to ARCH residents on a temporary basis.

While I recognize the value of services provided by operators of ARCH facilities, there are several problems with the bill, including the following:

(1) Although the provisions of this bill were intended only for operators of Type I facilities with five or fewer medicaid patients, this intention is not reflected in the bill. Accordingly, the bill would include Type II facilities with six or more patients and all non-medicaid patients in ARCH facilities.

(2) The bill does not define 'respite care services.' In addition, during legislative hearings there was discussion that respite care services would allow four days per year of paid time off to ARCH operators. This intention is also not reflected in the bill.

(3) ARCH operators voluntarily elect to enter into this business knowing the stressful demands of providing these services to the public and they are compensated for this. Respite expenses would be more effectively managed if they were treated as a business expense of the operator and were included as part of the charges for services provided.

(4) Since there are similar health-care services provided by other caregivers (e.g., services provided by operators in intermediate care facilities and adult foster homes), statutory respite care services for ARCHs would set a precedent for other private caregivers to seek State-subsidized respite care.

(5) In light of the State's economy, the estimated costs of implementing the provisions of this bill appear to be prohibitive. Currently, there are approximately 511 ARCH facilities with a total of 1,974 medicaid patients and 624 non-medicaid patients. According to the DOH, estimated costs for respite care by nurse aides range from \$200 to \$300 per day per patient which could result in annual costs for respite care on a per patient basis from \$1,579,200 to \$2,368,800 for medicaid patients. The annual costs for respite care on a per patient basis for non-medicaid patients would range from \$499,200 to \$748,800. DOH estimates that respite care by nurse aides would cost approximately \$300 per day per facility. Therefore, estimated costs for annual respite care on a per facility basis would be \$613,200 for the approximately 511 ARCH facilities.

(6) Additional administrative expenses would be incurred by the DOH to meet the increased work imposed by the statute. DOH estimates that at least three additional full-time professional level positions would be required to recruit and maintain a pool of respite care providers. Additional funds will also be needed to community colleges to train the providers. However, no moneys are provided for these expenses.

(7) Although special funds are used to dedicate or set aside by law certain moneys for a specified purpose, the special fund to be established by this bill will rely primarily on moneys appropriated for deposit in this special fund. Consequently, this special fund cannot be used for respite care services at this time.

For the foregoing reason, I am returning House Bill No. 241 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

#### P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 241, entitled, 'A Bill for an Act Relating to Adult Residential Care Homes,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 241 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 241 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 21st day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 244 returning House Bill No. 1374, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 21, 1993

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1374

Honorable Members  
Seventeenth 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. 1374, entitled, 'A Bill for an Act Making an Appropriation for a Dialysis Machine to Serve the Needs of the Residents of North Hawaii.'

The purpose of House Bill No. 1374 is to appropriate \$16,000 of general funds for fiscal year 1993-1994 to purchase a dialysis machine to serve the needs of the residents of North Hawaii. Residents of North Hawaii currently commute either to Kona or to Hilo to receive dialysis treatment.

Unfortunately, the bill provides sufficient funds only to purchase the dialysis equipment, but does not contain any other moneys for the medical and nursing personnel necessary to deliver the services to patients. It is also unclear where the dialysis equipment would be located. Although Honokaa Hospital is a state medical facility located in the North Hawaii area, Honokaa Hospital is a long-term care facility and is not equipped or staffed either to provide the dialysis treatment services or to handle acute care services if complications should develop. The other facility in the area, the Lucy Henriques Medical Center, could house the machine itself, but would be unable to underwrite the ancillary costs associated with dialysis treatment services. Furthermore, a possible alternative exists in portable dialysis machines. These would be more cost effective, because they would be rented, as opposed to purchased, for in-home treatment and, additionally, a portion of the cost might be subsidized under Medicare.

For the foregoing reasons, I am returning House Bill No. 1374 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

#### P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1374, entitled, 'A Bill for an Act Making an Appropriation for a Dialysis Machine to Serve the Needs of the Residents of North Hawaii,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1374 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1374 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 21st day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 245 returning House Bill No. 1737, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 21, 1993

#### STATEMENT OF OBJECTIONS

## TO HOUSE BILL NO. 1737

Honorable Members  
Seventeenth 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. 1737, entitled, 'A Bill for an Act Relating to Employment Security.'

This bill is identical to Senate Bill No. 1669, which was also passed by the Legislature. Since I intend to approve Senate Bill No. 1669, there is no necessity to also approve this bill.

For the foregoing reason, I am returning House Bill No. 1737 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1737, entitled, 'A Bill for an Act Relating to Employment Security,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1737 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1737 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 21st day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 246 transmitting his statement of objections to Senate Bill No. 250 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 21, 1993

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 250

Honorable Members  
Seventeenth 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. 250, entitled, 'A Bill for an Act Making an Appropriation for the Establishment of the Pacific Mapping Center.'

The purpose of Senate Bill No. 250 is to appropriate \$1 for fiscal year 1993-1994 to establish the Pacific Mapping Center ('PMC') in the College of Engineering at the University of Hawaii. However, the establishment of the PMC through this bill would circumvent the formalized process adopted by the University of Hawaii to review and approve new academic programs. Pursuant to the Board of Regent's Executive Policy E5.201, entitled, 'Approval of New Academic Programs and Review of Provisional Academic Programs,' programs such as the PMC would be reviewed to ensure that the academic and fiscal soundness of the programs are appropriate with respect to the University system and its missions. By establishing the PMC through this bill, the University of Hawaii would have to 'fit' the PMC into its system regardless of any review process and regardless if the University deemed the program unwarranted.

In addition, although there is a concern that approximately two years might elapse after the University Faculty Senate, Board of Regents, and other committees were convened to review the establishment of the PMC pursuant to Executive Policy E5.201, there is no substantive reason to expedite the establishment of the PMC into the University curriculum. Moreover, there is currently no indication that existing federal funding of the Pacific Mapping Program will cease.

Finally, since current funding scenarios, such as federal funding and joint agreements with other countries, are subject to change, future general fund requirements for the PMC must also be considered.

For the foregoing reason, I am returning Senate Bill No. 250 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 250, entitled, 'A Bill for an Act Making an Appropriation for the Establishment of the Pacific Mapping Center,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 250 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 250 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.



DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 21st day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 247 transmitting his statement of objections to Senate Bill No. 866 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 21, 1993

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 866

Honorable Members  
Seventeenth 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. 866, entitled, 'A Bill for an Act Relating to the Department of Transportation.'

The purpose of Senate Bill No. 866 is to establish the following within the Department of Transportation (DOT): (1) a bicycle/pedestrian program coordinator position to, among other things, assist the Director of Transportation in the planning, funding, acquisition, design, construction, and improvement of bikeways in the State; (2) a Statewide Bicycle Transportation Advisory Committee to advise the Director of Transportation on the coordinator's duties and disseminate reports regarding bicycling and bikeways; and (3) a statewide bicycling promotion program to promote and encourage bicycling as a means of transportation and recreation.

Because section 26-19, Hawaii Revised Statutes, already authorizes the DOT to plan, develop, promote, and coordinate various transportation systems management programs that include bicycling programs, Senate Bill No. 866 is duplicative and unnecessary. In addition, although federal law requires states using moneys provided under the Intermodal Surface Transportation Efficiency Act (ISTEA) to establish a bicycle coordinator position in the Department of Transportation, the executive budget authorizes the establishment of an Engineer V position that will allow DOT to fulfill the requirements of ISTEA, that of establishing a bicycle coordinator. Moreover, no funds have been appropriated to establish the advisory committee or to fund the promotion program. Without funds, the DOT will not, with its present staffing level, be able to provide support to the advisory committee and carry out the promotion program.

For the foregoing reasons, I am returning Senate Bill No. 866 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 866, entitled, 'A Bill for an Act Relating to the Department of Transportation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 866 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 866 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 21st day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 248 transmitting copies of the following report: **Annual Report of the Office of Family Planning, Maternal and Child Health Branch, Family Health Services Division of the Department of Health, Family Planning in Hawai'i.**

Gov. Msg. No. 249 transmitting copies of the State's Annual Report of Deposits and Investments for the fiscal year ending June 30, 1992, prepared by the Department of Budget and Finance.

Gov. Msg. No. 250 transmitting copies of the State Land Use District Boundary Review for Kauai, pursuant to Section 205-18, Hawaii Revised Statutes.

Gov. Msg. No. 251 informing the House that he signed the following bills into law on the dates indicated:

Friday, June 18, 1993

House Bill No. 6 as Act 222, entitled: "RELATING TO CIVIL SERVICE";

House Bill No. 118 as Act 223, entitled: "RELATING TO TELECOMMUNICATIONS";

House Bill No. 179 as Act 224, entitled: "RELATING TO TRANSPORTATION";

House Bill No. 361 as Act 225, entitled: "RELATING TO PRECURSOR CHEMICALS";

House Bill No. 534 as Act 226, entitled: "RELATING TO DANGEROUS WEAPONS";

House Bill No. 539 as Act 227, entitled: "RELATING TO ADULT RESIDENTIAL CARE HOMES";

House Bill No. 568 as Act 228, entitled: "RELATING TO CHILD CUSTODY";

House Bill No. 570 as Act 229, entitled: "RELATING TO DOMESTIC ABUSE";

House Bill No. 620 as Act 230, entitled: "RELATING TO ELECTIONS";

House Bill No. 625 as Act 231, entitled: "RELATING TO THE ALOHA SPIRIT";

House Bill No. 653 as Act 232, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE SAND ISLAND BUSINESS ASSOCIATION IN IMPROVING THE INFRASTRUCTURE OF THE SAND ISLAND INDUSTRIAL PARK";

House Bill No. 658 as Act 233, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

House Bill No. 783 as Act 234, entitled: "RELATING TO CRIMINAL PROCEDURE";

House Bill No. 874 as Act 235, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MANUFACTURING ENTERPRISES";

House Bill No. 882 as Act 236, entitled: "RELATING TO PUBLIC LANDSCAPING";

House Bill No. 883 as Act 237, entitled: "RELATING TO TEENAGE HEALTH";

House Bill No. 928 as Act 238, entitled: "RELATING TO TORT REFORM";

House Bill No. 944 as Act 239, entitled: "RELATING TO FIREARMS";

House Bill No. 951 as Act 240, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

House Bill No. 1047 as Act 241, entitled: "RELATING TO THE CONVENTION CENTER";

House Bill No. 1062 as Act 242, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE";

House Bill No. 1178 as Act 243, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NATIVE HAWAIIAN-OWNED INDUSTRIAL ENTERPRISE";

House Bill No. 1276 as Act 244, entitled: "RELATING TO LEAD ACID BATTERY RECYCLING";

House Bill No. 1327 as Act 245, entitled: "RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT";

House Bill No. 1376 as Act 246, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC";

House Bill No. 1537 as Act 247, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 1582 as Act 248, entitled: "RELATING TO MEAT INSPECTION";

House Bill No. 1592 as Act 249, entitled: "RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION";

House Bill No. 1594 as Act 250, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

House Bill No. 1598 as Act 251, entitled: "RELATING TO FAMILY SUPPORT";

House Bill No. 1606 as Act 252, entitled: "RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY";

House Bill No. 1630 as Act 253, entitled: "RELATING TO CITATIONS FOR UNLICENSED ACTIVITY";

House Bill No. 1660 as Act 254, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 1661 as Act 255, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 1671 as Act 256, entitled: "RELATING TO AQUATIC RESOURCES";

House Bill No. 1694 as Act 257, entitled: "RELATING TO INCOME TAX REFUNDS";

House Bill No. 1721 as Act 258, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

House Bill No. 1732 as Act 259, entitled: "RELATING TO MISCELLANEOUS PERMITS FOR PHARMACY";

House Bill No. 1734 as Act 260, entitled: "RELATING TO ACUPUNCTURE";

House Bill No. 1797 as Act 261, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 1799 as Act 262, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES";

House Bill No. 1800 as Act 263, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

House Bill No. 1883 as Act 264, entitled: "RELATING TO THE BOARD OF BARBERS";

House Bill No. 1889 as Act 265, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY LICENSING REQUIREMENTS";

House Bill No. 1899 as Act 266, entitled: "RELATING TO IMMUNIZATION";

House Bill No. 2040 as Act 267, entitled: "RELATING TO HAZARDOUS WASTE";

House Bill No. 2051 as Act 268, entitled: "RELATING TO HIGHWAY SAFETY";

Senate Bill No. 191 as Act 269, entitled: "RELATING TO VOLUNTEER FIREFIGHTERS";

Senate Bill No. 536 as Act 270, entitled: "RELATING TO REBUILT VEHICLES";

Senate Bill No. 555 as Act 271, entitled: "RELATING TO MURDER";

Senate Bill No. 993 as Act 272, entitled: "RELATING TO FISHERIES";

Senate Bill No. 1397 as Act 273, entitled: "RELATING TO STATEWIDE TRAIL AND ACCESS SYSTEM";

Senate Bill No. 1608 as Act 274, entitled: "RELATING TO THE ENVIRONMENT"; and

Senate Bill No. 1669 as Act 275, entitled: "RELATING TO EMPLOYMENT SECURITY".

June 21, 1993

House Bill No. 195 as Act 276, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

House Bill No. 203 as Act 277, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 300 as Act 278, entitled: "RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION";

House Bill No. 434 as Act 279, entitled: "RELATING TO STATE EMERGENCY COMPREHENSIVE MEDICAL SERVICES SYSTEM";

House Bill No. 628 as Act 280, entitled: "RELATING TO STATE FUNDS";

House Bill No. 673 as Act 281, entitled: "RELATING TO RECYCLING";

House Bill No. 690 as Act 282, entitled: "RELATING TO COOPERATIVE HOUSING CORPORATIONS";

House Bill No. 694 as Act 283, entitled: "RELATING TO THE ALA WAI CANAL";

House Bill No. 741 as Act 284, entitled: "MAKING AN APPROPRIATION FOR A STUDY OF THE PENAL CODE";

House Bill No. 785 as Act 285, entitled: "RELATING TO THE HAWAII REVISED STATUTES";

House Bill No. 924 as Act 286, entitled: "MAKING APPROPRIATIONS FOR A JUVENILE JUSTICE INFORMATION SYSTEM";

House Bill No. 966 as Act 287, entitled: "RELATING TO CREDIT CARE OFFENSES";

House Bill No. 1055 as Act 288, entitled: "RELATING TO HIGHWAYS";

House Bill No. 1152 as Act 289, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 1372 as Act 290, entitled: "RELATING TO POLICE DEPARTMENTS";

House Bill No. 1534 as Act 291, entitled: "RELATING TO TEACHERS";

House Bill No. 1563 as Act 292, entitled: "TO ESTABLISH A PILOT PROGRAM TO CREATE AND TEST A MODEL OF WATER QUALITY SURVEYING AND SAMPLING USING VOLUNTEERS";

House Bill No. 1589 as Act 293, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 1597 as Act 294, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";

House Bill No. 1610 as Act 295, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1613 as Act 296, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1614 as Act 297, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1616 as Act 298, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1621 as Act 299, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";

House Bill No. 1653 as Act 300, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 1662 as Act 301, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 1686 as Act 302, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES";

House Bill No. 1771 as Act 303, entitled: "RELATING TO CORRECTIONAL INDUSTRIES";

House Bill No. 1988 as Act 304, entitled: "RELATING TO ELECTIONS";

House Bill No. 2045 as Act 305, entitled: "RELATING TO THE RELEASE OF PRE-TRIAL INMATES";

Senate Bill No. 363 as Act 306, entitled: "MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE NO HOPE IN DOPE PROGRAM";

Senate Bill No. 448 as Act 307, entitled: "MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE NO HOPE IN DOPE PROGRAM";

Senate Bill No. 552 as Act 308, entitled: "RELATING TO PERSONS WITH DISABILITIES";

Senate Bill No. 789 as Act 309, entitled: "RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING";

Senate Bill No. 930 as Act 310, entitled: "MAKING AN APPROPRIATION FOR A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM";

Senate Bill No. 1063 as Act 311, entitled: "RELATING TO COMMUNITY DEVELOPMENT";

Senate Bill No. 1410 as Act 312, entitled: "RELATING TO THE ENVIRONMENT";

Senate Bill No. 1531 as Act 313, entitled: "RELATING TO PUBLIC WORKS AND CONTRACTS";

Senate Bill No. 1564 as Act 314, entitled: "RELATING TO COMPTROLLER TO SUPERVISE ACCOUNTS";

Senate Bill No. 1715 as Act 315, entitled: "RELATING TO HEALTH CARE PROVIDER TAXES";

Senate Bill No. 1819 as Act 316, entitled: "RELATING TO SENTENCING";

Senate Bill No. 1874 as Act 317, entitled: "RELATING TO KANEOHE BAY"; and

Senate Bill No. 1906 as Act 318, entitled: "RELATING TO THE OFFICE OF YOUTH SERVICES".

Gov. Msg. No. 252 transmitting his statement of objections to Senate Bill No. 1538 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 21, 1993

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1538

Honorable Members  
Seventeenth 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. 1538, entitled, 'A Bill for an Act Relating to Emergency Medical Services.'

The purpose of Senate Bill No. 1538 is to establish interim requirements which the Department of Health must follow when soliciting proposals for emergency ambulance services from private companies.

The requirements in the bill are already provided in the procurement provisions of chapter 103, Hawaii Revised Statutes (H.R.S.), and may be incorporated into bid documents with prospective contractors as well. The following are examples of redundant or unnecessary provisions in the bill:

- (1) Section 2(1) of the bill requires a public notice for bids. Sections 103-22 and 103-26, H.R.S., already have provisions requiring public notice for bids.
- (2) Under section 2(1) of the bill, a written request for proposals may include, but not be limited to, a list of the managers and trained and duly certified personnel who would perform the services. This requirement is already provided for in section 103-25, H.R.S., which requires that the contracting officer be satisfied as to the prospective bidder's experience and competence in performing similar work.
- (3) Section 2(2) requires an evaluation team, consisting of the emergency medical services advisory committee, to review personnel, qualifications, capabilities, and experience to assure high quality emergency medical services for the state's needs. These provisions can be incorporated into a bid document under a bid evaluation provision.

(4) Section 2(3) requires the Department to review the price component of proposals deemed to meet or exceed the needs of the county. Section 103-32, H.R.S., addresses this requirement by requiring the contracting officer to award the contract to the lowest responsible bidder. This requirement can also be incorporated in the method of award provision of a bid contract.

(5) Section 2(4) requires an award of a contract to the qualified bidder who submits the lowest responsive and responsible bid. This is consistent with section 103-25, H.R.S., which requires contracts to be awarded to the lowest responsible bidder.

(6) Section 2(4) of the bill provides that, if there is only one qualified emergency medical services company, the Department may negotiate with that company before awarding it the contract. Section 103-32, H.R.S., contains a more comprehensive and less ambiguous provision regarding the scope of negotiation under similar circumstances.

Accordingly, there is no need for a separate statute governing the procurement of emergency medical services.

For the foregoing reason, I am returning Senate Bill No. 1538 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1538, entitled, 'A Bill for an Act Relating to Emergency Medical Services,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1538 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1538 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 21st day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 253 returning House Bill No. 464, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 22, 1993

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 464

Honorable Members  
Seventeenth 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. 464, entitled, 'A Bill for an Act Relating to Ocean Resources.'

This bill will establish a marine and coastal affairs program within the Office of State Planning, elevate the Ocean Resources Branch of the Industry Promotion Division of the Department of Business, Economic Development, and Tourism (DBEDT) to division status, and repeal chapter 228, Hawaii Revised Statutes.

The establishment of a marine and coastal affairs program within the Office of State Planning, to strengthen the State's ability to coordinate various agency responsibilities for ocean policy development and ocean resource management, has already been assumed administratively by the Office of State Planning. Moreover, the mandated elevation of the Ocean Resources Branch to division level without the necessary appropriation of funds to effectuate the elevation appears to be unnecessary and cannot be implemented. Furthermore, even if necessary funds were appropriated, the removal of a small five-position branch from a small seventeen-position division to establish another division that is even smaller does not appear to be warranted from an organizational standpoint.

For the foregoing reasons, I am returning House Bill No. 464 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 464, entitled, 'A Bill for an Act Relating to Ocean Resources,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 464 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of

my plan to return House Bill No. 464 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 254 returning House Bill No. 192, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 23, 1993

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 192

Honorable Members  
Seventeenth 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. 192, entitled, 'A Bill for an Act Relating to Higher Education.'

The purpose of House Bill No. 192 is to increase the amount of funds deposited into the University of Hawaii (UH) Research and Training Revolving Fund (RTRF) by including the yearly management fee paid to the Research Corporation of the University of Hawaii (RCUH) pursuant to an internal agreement with the UH.

The amount to be paid RCUH as the management fee will not be subject to an appropriate level of legislative or executive oversight pursuant to Section 5 of Article VII of the State Constitution, because the amount of the management fee is determined or negotiated between UH and RCUH pursuant to the internal agreement. Furthermore, there will be loss of financial control and accountability because there is no review of how RCUH sets its overhead reimbursement rates.

Although RCUH should be promptly reimbursed for its costs, the means to expedite payment to RCUH will be provided by Senate Bill No. 1564, which was also passed by the Legislature. Since I intend to approve Senate Bill No. 1564, there is no necessity to also approve this bill to address that problem.

For the foregoing reasons, I am returning House Bill No. 192 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less

than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 192, entitled, 'A Bill for an Act Relating to Higher Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 192 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 192 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 23rd day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 255 returning House Bill No. 775, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS  
HONOLULU

June 23, 1993

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 775

Honorable Members  
Seventeenth 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. 775, entitled, 'A Bill for an Act Relating to No-Fault Insurance.'

The purpose of House Bill No. 775 is to revise the laws governing no-fault insurance. Among the key elements of this bill are the provisions repealing the requirement that insurers take all comers; establishing limits on the number of policies for which renewal can be denied or conditioned; and prohibiting, as to services or treatment obtained under the no-fault law, fee-splitting between health care providers and referral of patients by health care providers to another provider without disclosing any significant financial interest the referring provider has in the provider to which the referral is made.

The repeal of the 'take all comers' requirement is an idea whose time has come and would lead to a healthier and more competitive insurance climate in this State. Unfortunately, there are flaws in the way this repeal will be phased in under the bill. The bill sets forth the grounds for nonrenewal or cancellation of no-fault policies. It is unclear from the bill (and its legislative history) whether this bill should be interpreted to allow insurers to cancel policies up to the stated formula for the maximum number of cancellations in addition to those cancelled or not renewed for nonpayment of premiums or for failure of the insured to be properly licensed or whether the formula limit applies only if not exceeded by cancellations or nonrenewals for other reasons.

Moreover, the bill is not clear on the grounds for rejecting initial applications, because the provisions allowing rejection for nonpayment of premiums or failure to be properly licensed will be repealed.

The bill contains other provisions which regrettably contain serious technical flaws that would harm both consumers and health care providers.

One provision of this bill unfairly limits consumer choice in the purchase of insurance, upsetting a balanced approach contained in legislation adopted in 1992. The insurance code was amended in 1992 to prohibit automatic stacking of both uninsured and underinsured motorist coverages, but allowed consumers to obtain either optional stacking coverage, or optional higher limits, or both, by paying additional premiums. This arrangement balanced the needs of insurers by eliminating automatic coverage and of consumers by allowing them to select the extent of coverage they wished to purchase. This bill leaves to insurance companies, not consumers, the decision whether a policy would be issued to allow stacking or higher limits. Thus, it is unfair to consumers and deprives them of an important choice they ought to be able to make.

Furthermore, this bill prohibits certain referrals between health care providers where certain financial interests are present, but provides no guidance or criteria for measuring the extent of any financial interest. Therefore, providers are not adequately given notice as to their obligations. Moreover, these prohibitions, and the requirement that patients be referring provider's financial interest in the provider to which the patient is being referred, would pose insurmountable obstacles and risk of serious sanctions to health maintenance organizations and licensed health care providers employed by such organizations. Indeed, a licensed physician who runs afoul of these provisions risks the suspension or revocation of his or her license to practice medicine.

These provisions eliminating consumer choice in the purchase of additional uninsured and underinsured motorist coverage and restricting the delivery of health care services, on balance, are so seriously flawed as to outweigh the benefits of repealing the 'take all comers' requirement. However, repeal of that requirement is a high priority and thus will be contained in legislation prepared by my administration for the next legislative session.

For the foregoing reasons, I am returning House Bill No. 775 without my approval.

Respectfully,

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 775, entitled, 'A Bill for an Act Relating to No-Fault Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and



WHEREAS, House Bill No. 775 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 775 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 23rd day of June, 1993.

/s/ John Waihee

JOHN WAIHEE  
Governor of Hawaii

Gov. Msg. No. 256 informing the House that on June 22, 1993, he signed the following bills into law:

House Bill No. 115 as Act 319, entitled: "RELATING TO CHILD PROTECTION";

House Bill No. 313 as Act 320, entitled: "RELATING TO TIME SHARING PLANS";

House Bill No. 1730 as Act 321, entitled: "RELATING TO ACCREDITATION IN INSURANCE REGULATION";

House Bill No. 1885 as Act 322, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

House Bill No. 1955 as Act 323, entitled: "RELATING TO HISTORIC PRESERVATION";

Senate Bill No. 728 as Act 324, entitled: "RELATING TO OIL SPILLS"; and

Senate Bill No. 1770 as Act 325, entitled: "RELATING TO HOUSING".

Gov. Msg. No. 257 informing the House that on June 23, 1993, he signed the following bills into law:

House Bill No. 1624 as Act 326, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS";

House Bill No. 1739 as Act 327, entitled: "RELATING TO LIBRARIES";

House Bill No. 2042 as Act 328, entitled: "RELATING TO A HAWAII STATE LIBRARY FOUNDATION TRUST FUND";

Senate Bill No. 124 as Act 329, entitled: "RELATING TO MOTOR FUEL";

Senate Bill No. 301 as Act 330, entitled: "RELATING TO WAIHAOLE VALLEY"; and

House Bill No. 1971 as Act 331, entitled: "RELATING TO TIME SHARE PRACTICES".

Gov. Msg. No. 258 informing the House that he signed the following bills into law on the dates indicated:

June 28, 1993

House Bill No. 173 as Act 332, entitled: "RELATING TO TRANSPORTATION".

June 30, 1993

House Bill No. 1034 as Act 333, entitled: "RELATING TO DISASTER RELIEF AND REHABILITATION";

House Bill No. 1123 as Act 334, entitled: "RELATING TO AN INCREASE IN THE LOAN AMOUNTS UNDER THE STATE DISASTER LOAN PROGRAM";

House Bill No. 1124 as Act 335, entitled: "MAKING AN APPROPRIATION FOR RECOVERY COSTS ASSOCIATED WITH HURRICANE INIKI";

House Bill No. 1453 as Act 336, entitled: "RELATING TO THE HAWAII CHILDREN'S TRUST FUND";

House Bill No. 1473 as Act 337, entitled: "RELATING TO STATEWIDE ELECTRIC AND TELEPHONE RATE INCREASES TO ASSIST KAUAI'S ELECTRIC AND TELEPHONE RATEPAYERS";

House Bill No. 1773 as Act 338, entitled: "RELATING TO A PROGRAM OF REGIMENTAL DISCIPLINE FOR CORRECTIONS";

House Bill No. 1890 as Act 339, entitled: "RELATING TO LAWS AFFECTING INSURANCE";

House Bill No. 2015 as Act 340, entitled: "RELATING TO THE ISLAND OF KAHOLA'OLAWE";

Senate Bill No. 2 as Act 341, entitled: "RELATING TO ENTERPRISE ZONES";

Senate Bill No. 189 as Act 342, entitled: "RELATING TO EMPLOYMENT SECURITY"; and

Senate Bill No. 1752 as Act 343, entitled: "RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION".

Gov. Msg. No. 259 informing the House that on July 1, 1993, he signed the following bills into law:

House Bill No. 126 as Act 344, entitled: "RELATING TO STATE BONDS";

House Bill No. 525 as Act 345, entitled: "RELATING TO WATER POLLUTION";

House Bill No. 920 as Act 346, entitled: "RELATING TO MARRIED PERSONS";

House Bill No. 1363 as Act 347, entitled: "RELATING TO MEDICINE";

House Bill No. 1370 as Act 348, entitled: "RELATING TO HISTORIC PRESERVATIONS";

House Bill No. 1459 as Act 349, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 1628 as Act 350, entitled: "RELATING TO LAWS AFFECTING FINANCIAL INSTITUTIONS";

House Bill No. 2010 as Act 351, entitled: "RELATING TO THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL";

House Bill No. 2014 as Act 352, entitled: "RELATING TO HAWAIIAN HOME LANDS";

House Bill No. 2060 as Act 353, entitled: "RELATING TO EDUCATION";

House Bill No. 2098 as Act 354, entitled: "RELATING TO HAWAIIAN SOVEREIGNTY";

Senate Bill No. 336 as Act 355, entitled: "MAKING AN APPROPRIATION FOR HIGH SCHOOL ATHLETICS";

Senate Bill No. 539 as Act 356, entitled: "RELATING TO HUMAN SERVICES";

Senate Bill No. 920 as Act 357, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1027 as Act 358, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";

Senate Bill No. 1028 as Act 359, entitled: "RELATING TO HAWAIIAN SOVEREIGNTY";

Senate Bill No. 1137 as Act 360, entitled: "RELATING TO TUITION WAIVERS";

Senate Bill No. 1670 as Act 361, entitled: "RELATING TO LITERACY AND LIFELONG LEARNING PROGRAM"; and

Senate Bill No. 1905 as Act 362, entitled: "RELATING TO VACCINATION AND IMMUNIZATION";

Gov. Msg. No. 260 informing the House that on July 8, 1993, he signed the following bills into law:

House Bill No. 1149 as Act 363, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 2156 as Act 364, entitled: "RELATING TO EDUCATION"; and

Senate Bill No. 1148 as Act 365, entitled: "RELATING TO HEALTH INSURANCE".

Gov. Msg. No. 261 transmitting copies of the Domestic Violence Report prepared by the Hawaii State Commission on the Status of Women, Department of Human Services, pursuant to Act 257, relating to domestic violence enacted during the 1991 legislative session.

Gov. Msg. No. 262 transmitting copies of the 1992 Annual Report, prepared by the Executive Office on Aging.

Gov. Msg. No. 263 transmitting copies of the 1992 Annual Report prepared by the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 264 transmitting copies of the Report to the Legislature on the Telecommunications and Information Technology Coordination and Policy Advisory Council prepared by the Department of Budget and Finance, pursuant to House Concurrent Resolution No. 358, Sixteenth Legislature.

Gov. Msg. No. 265 transmitting copies of the 1992 Annual Report prepared by the Department of Labor and Industrial Relations, pursuant to Section 353, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 266 transmitting copies of the 1992 Annual Report prepared by the Department of Defense, pursuant to Chapter 93-12, Hawaii Revised Statutes, as amended.

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**DEPARTMENTAL COMMUNICATION RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE**

Dept. Com. No. 1 from Esther Ueda, Executive Officer, Department of Business, Economic Development and Tourism, acknowledging receipt of House Concurrent Resolution No. 304, requesting the Land Use Commission to consider the environmental, social, and related impacts in determining whether to reclassify conservation land to urban use in Aina Koa Valley.

**MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE**

Misc. Com. No. 1 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of the following resolutions and concurrent resolutions:

H.C.R. No. 59, HD 1, SD 1, urging the United States Congress to reauthorize and enhance the Federal Endangered Species Act and to express the concern of the Hawaii State Legislature in protecting threatened or endangered plants and animals.

H.R. No. 66, HD 1, requesting President Clinton and Congress to take immediate steps to resolve matters relating to Hawaiian lands and federal trust obligations.

H.C.R. No. 8, HD 1, supporting legislation that addresses the escalating problem of violence against women.

H.C.R. No. 6, HD 1, urging Hawaii's congressional delegation to introduce and support legislation that would ensure that the federal government provide sufficient funding to federally mandated programs over the programs' entire existence.

H.C.R. No. 213, HD 1, reaffirming support for the restoration of human, civil, property, and sovereign rights of Hawaii's indigenous people.

H.R. No. 27, HD 1, supporting efforts to achieve sovereignty for native Hawaiians through federal initiatives.

H.R. No. 24, HD 1, urging the President and the Congress of the United States to honor and fulfill the federal trust obligations to native Hawaiians.

H.C.R. No. 483, HD 1, requesting the Secretary of the Interior to assist the State Department of Agriculture on protecting Kauai's endangered birds from the apple snails.

Misc. Com. No. 2 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of a copy of House Concurrent Resolution No. 118, HD 1, that the State of Hawaii upholds the philosophy of State's rights and rejects coercive Federal laws which mandate compliance, such as revocating for six months the driver's license of a drug offender or suffer loss of Federal funds.

Misc. Com. No. 3 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of a copy of House Concurrent Resolution No. 105, HD 1, calling upon the Congress to pass a law to allow all naturalized Filipino World War II veterans to receive the same benefits as other veterans.

Misc. Com. No. 4 from Paul R. Lister, President, The Chamber of Commerce of Hawaii, acknowledging receipt of a copy of House Concurrent Resolution No. 312, HD 2, SD 1.

Misc. Com. No. 5 from the Honorable Stephen K. Yamashiro, Mayor, County of Hawaii, acknowledging receipt of a copy of House Concurrent Resolution No. 314, HD 2, SD 1, relating to Uniform Federal Accessibility Standards.

Misc. Com. No. 6 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of the following resolution and concurrent resolutions:

H.C.R. No. 165, HD 1, requesting the State Department of Education to negotiate with the United States Department of Defense to have the United States assume a fairer share of the cost of educating military dependents and requesting the assistance of the Hawaii delegation to the United States Congress thereto.

H.R. No. 272, HD 1, requesting the formation of an economic conversion task force.

H.C.R. No. 183, HD 1, requesting the Department of Land and Natural Resources hold facilitated public information meetings concerning facilitated management objectives and activities in the Puu O Umi natural reserve, Kohala Forest Reserve, and the Waimanu Valley National Estuarine Research Reserve.

Misc. Com. No. 7 from the Honorable Linda Crockett Lingle, Mayor, County of Maui, acknowledging receipt of a copy of House Concurrent Resolution No. 405.

Misc. Com. No. 8 from Hector O. Nevarez, Ph.D., Director, Section 6 Schools, Office of Assistant Secretary of Defense, acknowledging receipt of a copy of House Concurrent Resolution No. 165, HD 1, concerning the Impact Aid Program.

Misc. Com. No. 9 from the Honorable Patsy T. Mink, Member of Congress, acknowledging receipt of a copy of House Concurrent Resolution No. 275, recognizing 1993 as the year of the world's indigenous people.

Misc. Com. No. 10 from Scott Sklay, Executive Director, United States Export Council for Renewable Energy, acknowledging receipt of a copy of House Resolution No. 277, urging all state and federal agencies, companies, businesses, and research programs to develop and utilize sustainable energy.

Misc. Com. No. 11 from Frank J. Kelly, Legislative Assistant to the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of the House Concurrent Resolution concerning twenty-one gun salutes at veteran burial ceremonies.

Misc. Com. No. 12 from Tatsuki Shiramizu, Secretary of the Board of Regents, University of Hawaii, acknowledging receipt of House Resolution No. 250 and House Concurrent Resolutions Nos. 121, HD 1; 189; 281, HD 1; 314, HD 2, SD 1; 328, HD 1, SD 1; 339, HD 2, SD 1; 389, HD 1; and 476, HD 2.

Misc. Com. No. 13 from Frank J. Kelly, Legislative Assistant to the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 386, recognizing the Natatorium as a "living memorial" for all the people of Hawaii.

Misc. Com. No. 14 from Frank J. Kelly, Legislative Assistant to the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 272, HD 1, concerning an economic conversion task force.

Misc. Com. No. 15 from John S. Fairfield, Lt. General, USAF, Vice Commander, Pacific Air Forces, acknowledging receipt of a copy of House Concurrent Resolution No. 67, urging the services to recommence 21-

gun salutes for veterans' burial ceremonies on all the islands of Hawaii.

Misc. Com. No. 16 from John Womack, Acting Chief Counsel, U.S. Department of Transportation, acknowledging receipt of a copy of House Concurrent Resolution No. 118, HD 1.

Misc. Com. No. 17 from Donna Fay K. Kiyosaki, P.E., Chief Engineer, County of Hawaii, responding to House Concurrent Resolution No. 314, HD 2, SD 1, relating to uniform federal accessibility standards and the Americans with Disabilities Act accessibility guidelines.

Misc. Com. No. 18 from Mouryne B. Landing, Chief Clerk of the Assembly, State of Nevada, transmitting a copy of Assembly Joint Resolution No. 20, urging Congress to enact legislation to facilitate the establishment of the Western United States Trade District.