

## FIFTY-THIRD DAY

**Thursday, April 17, 1997**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:47 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Lillian Chou of the Baha'i Faith, after which the Roll was called showing all members present with the exception of Representatives Menor, Morihara and Okamura, who were excused.

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

## GOVERNOR'S MESSAGE

Gov. Msg. No. 187, transmitting copies of "The Economic Impacts of Shipboard Casinos and Pari-mutuel Horseracing in Hawaii," prepared by the Department of Business, Economic Development and Tourism, pursuant to Senate Concurrent Resolution No. 282, SD 1, HD 2 (1996), was received and announced by the Clerk and was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 706 and 707) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 706, informing the House that the President has, on April 16, 1997, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

**H.B. No. 20, HD 1, SD 2:**

Senators Kawamoto/Sakamoto/Chumbley/Matsunaga, Co-Chairs; McCartney and Slom.

**H.B. No. 33, HD 2, SD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Kawamoto and Anderson.

**H.B. No. 103, HD 2, SD 1:**

Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga, Co-Chairs; and Slom.

**H.B. No. 106, HD 1, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; McCartney, Metcalf and Anderson.

**H.B. No. 107, HD 1, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; McCartney, Metcalf and Anderson.

**H.B. No. 111, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Sakamoto and Anderson.

**H.B. No. 112, HD 2, SD 1:**

Senators Chumbley/Matsunaga/Fernandes Salling/Fukunaga, Co-Chairs; McCartney, Metcalf and Anderson.

**H.B. No. 113, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Metcalf and Anderson.

**H.B. No. 116, HD 2, SD 2:**

Senators Sakamoto/Chumbley/Kawamoto/Matsunaga, Co-Chairs; McCartney and Slom.

**H.B. No. 120, HD 1, SD 1:**

Senators Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and Anderson.

**H.B. No. 122, HD 1, SD 2:**

Senators Levin/Metcalf, Co-Chairs; Chun Oakland, Fernandes Salling, Fukunaga and Slom.

**H.B. No. 133, HD 2, SD 1:**

Senators Kanno/Chun Oakland/Aki/Tam/Fernandes Salling/Fukunaga, Co-Chairs; Baker, Levin and Anderson.

**H.B. No. 139, HD 2, SD 1:**

Senators Kanno/Chun Oakland/Fernandes Salling/Fukunaga, Co-Chairs; Metcalf, McCartney and Anderson.

**H.B. No. 140, HD 2, SD 2:**

Senators Matsunaga/Chumbley/Fernandes Salling/Fukunaga, Co-Chairs; Metcalf, McCartney and Anderson.

**H.B. No. 141, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Sakamoto and Anderson.

**H.B. No. 147, HD 1, SD 1:**

Senators Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Baker, Levin and Anderson.

**H.B. No. 167, HD 2, SD 1:**

Senators Metcalf/Levin, Co-Chairs; Chun Oakland and Slom.

**H.B. No. 214, SD 1:**

Senators Sakamoto/Kawamoto, Co-Chairs; and Slom.

**H.B. No. 233, SD 1:**

Senators Taniguchi/Chumbley/Matsunaga, Co-Chairs; and Slom.

**H.B. No. 258, SD 2:**

Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga, Co-Chairs; Ihara and Slom.

**H.B. No. 293, HD 1, SD 1:**

Senators Kawamoto/Sakamoto, Co-Chairs; Aki and Slom.

**H.B. No. 351, HD 2, SD 2:**

Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga/Kawamoto/Sakamoto, Co-Chairs; Ihara, Levin and Slom.

**H.B. No. 371, HD 2, SD 1:**

Senators Kanno/Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Baker, Sakamoto and Anderson.

**H.B. No. 432, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; McCartney and Metcalf.

**H.B. No. 480, HD 2, SD 1:**

Senators Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and Anderson.

**H.B. No. 581, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Sakamoto and Anderson.

**H.B. No. 623, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; Sakamoto and Anderson.

**H.B. No. 631, HD 2, SD 2:**

Senators Levin/Metcalf/Chumbley/Matsunaga, Co-Chairs; Chun Oakland and Slom.

**H.B. No. 646, HD 2, SD 2:**

Senators Levin/Metcalf, Co-Chairs; Chun Oakland and Slom.

**H.B. No. 675, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Metcalf and Anderson.

**H.B. No. 728, HD 1, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Taniguchi and Anderson.

**H.B. No. 872, SD 1:**

Senators Aki/Tam, Co-Chairs; M. Ige, D. Ige and Slom.

**H.B. No. 912, HD 1, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Sakamoto and Anderson.

**H.B. No. 931, HD 2, SD 1:**

Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga, Co-Chairs; and Anderson.

**H.B. No. 971, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; McCartney, Metcalf and Anderson.

**H.B. No. 979, HD 2, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; and Levin.

**H.B. No. 1006, HD 1, SD 2:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige and Slom.

**H.B. No. 1031, HD 1, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Ihara, Taniguchi and Anderson.

**H.B. No. 1086, HD 2, SD 2:**

Senators Taniguchi/Tanaka/Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Baker, Levin and Anderson.

**H.B. No. 1087, HD 1, SD 2:**

Senators Matsunaga/Chumbley, Fernandes Salling/Fukunaga, Co-Chairs; McCartney and Anderson.

**H.B. No. 1188, HD 1, SD 1:**

Senators Matsunaga/Chumbley/Fernandes Salling/Fukunaga, Co-Chairs; Bunda and Anderson.

**H.B. No. 1243, HD 1, SD 1:**

Senators Levin/Metcalf, Co-Chairs; and Tam.

**H.B. No. 1244, HD 2, SD 1:**

Senators Levin/Metcalf, Co-Chairs; Tam and Slom.

**H.B. No. 1247, SD 1:**

Senators Metcalf/Levin/Chumbley, Co-Chairs; Tam and Slom.

**H.B. No. 1250, HD 3, SD 2:**

Senators Metcalf/Levin, Co-Chairs; Tam and Slom.

**H.B. No. 1292, HD 1, SD 1:**

Senators Levin/Metcalf, Co-Chairs; Chun Oakland and Slom.

**H.B. No. 1300, HD 1, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; McCartney and Anderson.

**H.B. No. 1320, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Baker, Tam, Kawamoto and Anderson.

**H.B. No. 1367, SD 1:**

Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga, Co-Chairs; and Anderson.

**H.B. No. 1385, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Metcalf and Anderson.

**H.B. No. 1388, HD 2, SD 1:**

Senators Matsunaga/Chumbley/Fernandes Salling/Fukunaga, Co-Chairs; Bunda and Anderson.

**H.B. No. 1393, HD 1, SD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Chumbley, Matsunaga and Anderson.

**H.B. No. 1395, SD 1:**

Senators Kawamoto/Sakamoto, Co-Chairs; Kanno, Chumbley and Slom.

**H.B. No. 1410, HD 1, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; McCartney and Anderson.

**H.B. No. 1473, SD 1:**

Senators Kawamoto/Sakamoto/Chumbley/Matsunaga, Co-Chairs; McCartney and Anderson.

**H.B. No. 1485, HD 2, SD 2:**

Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga, Co-Chairs; and Slom.

**H.B. No. 1488, HD 2, SD 1:**

Senators Chun Oakland/Kanno/Iwase/Solomon, Co-Chairs; Baker, Sakamoto and Anderson.

**H.B. No. 1510, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; McCartney and Anderson.

**H.B. No. 1539, SD 1:**

Senators Chumbley/Matsunaga/Fernandes Salling/Fukunaga, Co-Chairs; McCartney and Anderson.

**H.B. No. 1547, HD 2, SD 1:**

Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga, Co-Chairs; Ihara, Chumbley and Slom.

**H.B. No. 1575, SD 1:**

Senators Taniguchi/Tanaka, Co-Chairs; Chumbley, Kawamoto and Slom.

**H.B. No. 1582, HD 2, SD 1:**

Senators Chumbley/Matsunaga/Fernandes Salling/Fukunaga, Co-Chairs; Bunda and Anderson.

**H.B. No. 1587, HD 1, SD 2:**

Senators Chumbley/Matsunaga/Fernandes Salling/Fukunaga, Co-Chairs; and Bunda.

**H.B. No. 1591, HD 2, SD 1:**

Senators Matsunaga/Chumbley/Fernandes  
Salling/Fukunaga, Co-Chairs; McCartney and  
Anderson.

**H.B. No. 1610, HD 2, SD 1:**

Senators Chumbley/Matsunaga, Co-Chairs; Metcalf and  
Anderson.

**H.B. No. 1618, HD 1, SD 2:**

Senators Kanno/Chun Oakland/Fernandes  
Salling/Fukunaga, Co-Chairs; Baker, Levin and  
Anderson.

**H.B. No. 1619, HD 2, SD 1:**

Senators Kanno/Chun Oakland/Fernandes  
Salling/Fukunaga, Co-Chairs; Baker, Sakamoto and  
Anderson.

**H.B. No. 1624, HD 1, SD 2:**

Senators Kanno/Chun Oakland/Fernandes  
Salling/Fukunaga, Co-Chairs; Baker, Levin and  
Anderson.

**H.B. No. 1625, HD 1, SD 1:**

Senators Kanno/Chun  
Oakland/Tanaka/Taniguchi/Fernandes  
Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and  
Anderson.

**H.B. No. 1638, HD 2, SD 1:**

Senators Matsunaga/Chumbley/Fernandes  
Salling/Fukunaga, Co-Chairs; McCartney and  
Anderson.

**H.B. No. 1639, HD 2, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Ihara, Iwase and Anderson.

**H.B. No. 1640, HD 1, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Ihara, Tam and Anderson.

**H.B. No. 1641, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Ihara, Kawamoto and Anderson.

**H.B. No. 1646, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Ihara  
and Anderson.

**H.B. No. 1648, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Ihara  
and Anderson.

**H.B. No. 1650, HD 1, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Taniguchi and Anderson.

**H.B. No. 1654, HD 1, SD 2:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige and  
Slom.

**H.B. No. 1655, HD 1, SD 1:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige and  
Slom.

**H.B. No. 1656, HD 1, SD 2:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige and  
Slom.

**H.B. No. 1657, HD 1, SD 1:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige and  
Slom.

**H.B. No. 1660, HD 2, SD 1:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige and  
Slom.

**H.B. No. 1664, HD 1, SD 2:**

Senators Aki/Tam, Co-Chairs; D. Ige and Taniguchi.

**H.B. No. 1675, HD 2, SD 1:**

Senators Baker/D. Ige/Fukunaga, Co-Chairs; Kanno  
and Anderson.

**H.B. No. 1688, HD 1, SD 2:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige and  
Slom.

**H.B. No. 1690, HD 1, SD 1:**

Senators Levin/Metcalf, Co-Chairs; Fernandes Salling,  
Fukunaga and Slom.

**H.B. No. 1694, SD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Taniguchi, M. Ige and Anderson.

**H.B. No. 1695, HD 2, SD 1:**

Senators Taniguchi/Tanaka/Fernandes  
Salling/Fukunaga, Co-Chairs; and Slom.

**H.B. No. 1701, HD 2, SD 2:**

Senators Taniguchi/Tanaka/Iwase/Solomon/Fernandes  
Salling/Fukunaga, Co-Chairs; Kawamoto and Slom.

**H.B. No. 1706, HD 2, SD 2:**

Senators Kanno/Chun Oakland/Fernandes  
Salling/Fukunaga, Co-Chairs; Baker, Levin and  
Kawamoto.

**H.B. No. 1715, HD 1, SD 1:**

Senators Chun Oakland/Kanno/Chumbley/Matsunaga,  
Co-Chairs; Levin, Sakamoto and Anderson.

**H.B. No. 1716, HD 1, SD 1:**

Senators Chun Oakland/Kanno/Fernandes  
Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and  
Anderson.

**H.B. No. 1721, HD 2, SD 2:**

Senators Chun Oakland/Kanno/Fernandes  
Salling/Fukunaga, Co-Chairs; Baker, Sakamoto and  
Anderson.

**H.B. No. 1724, HD 1, SD 1:**

Senators Chun Oakland/Kanno/Fernandes  
Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and  
Anderson.

**H.B. No. 1738, HD 1, SD 1:**

Senators Taniguchi/Tanaka, Co-Chairs; Chumbley and  
Slom.

**H.B. No. 1745, HD 2, SD 2:**

Senators Taniguchi/Tanaka/Chumbley/Matsunaga, Co-  
Chairs; and Slom.

**H.B. No. 1762, SD 1:**

Senators Sakamoto/Kawamoto, Co-Chairs; and  
Anderson.

**H.B. No. 1770, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.

**H.B. No. 1771, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.

**H.B. No. 1772, SD 1:**

- Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1773, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1774, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1775, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1776, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1777, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1778, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1779, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1780, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1781, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1782, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1783, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1784, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1785, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1786, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1787, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1788, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1789, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1790, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1791, SD 1:**
- Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1792, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1793, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Kanno, Chun Oakland, Taniguchi and Anderson.
- H.B. No. 1799, HD 1, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chair; and  
Tam.
- H.B. No. 1804, HD 1, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs; Tam,  
Ihara, Taniguchi and Anderson.
- H.B. No. 1805, HD 2, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs;  
Ihara, Taniguchi, Tanaka, Kawamoto and Anderson.
- H.B. No. 1806, HD 1, SD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs; Chun  
Oakland, Kanno and Kawamoto.
- H.B. No. 1814, HD 1, SD 1:**  
Senators Kanno/Chun Oakland/Fernandes  
Salling/Fukunaga, Co-Chairs; Baker, Sakamoto and  
Anderson.
- H.B. No. 1818, HD 2, SD 2:**  
Senators Metcalf/Levin/Baker, Co-Chairs; and Slom.
- H.B. No. 1819, HD 1, SD 1:**  
Senators Metcalf/Levin/Baker, Co-Chairs; and Slom.
- H.B. No. 1829, HD 3, SD 2:**  
Senators Metcalf/Levin, Co-Chairs; Chun Oakland and  
Slom.
- H.B. No. 1833, SD 2:**  
Senators Sakamoto/Levin/Kawamoto/Metcalf, Co-  
Chairs; and Slom.
- H.B. No. 1836, HD 2, SD 1:**  
Senators Levin/Metcalf, Co-Chairs; and Slom.
- H.B. No. 1837, HD 2, SD 2:**  
Senators Levin/Metcalf, Co-Chairs; Tam and Slom.
- H.B. No. 1838, HD 2, SD 1:**  
Senators Levin/Metcalf, Co-Chairs; Tam and Slom.
- H.B. No. 1841, HD 3, SD 2:**  
Senators Metcalf/Levin, Co-Chairs; Chun Oakland and  
Slom.
- H.B. No. 1842, HD 2, SD 1:**  
Senators Metcalf/Levin, Co-Chairs; and Slom.
- H.B. No. 1860, HD 3, SD 1:**  
Senators Aki/Tam/D. Ige, Co-Chairs; M. Ige, Metcalf  
and Slom.
- H.B. No. 1863, HD 2, SD 1:**  
Senators D. Ige/Fukunaga, Co-Chairs; and Slom.
- H.B. No. 1904, HD 3, SD 1:**  
Senators Aki/Tam/Fukunaga, Co-Chairs; M. Ige, D.  
Ige and Slom.
- H.B. No. 1965, HD 1, SD 1:**  
Senators Metcalf/Levin/Matsunaga, Co-Chairs; and  
Slom.



**H.B. No. 1984, SD 2:**

Senators Metcalf/Levin, Co-Chairs; Fernandes Salling, Fukunaga and Slom.

**H.B. No. 2019, HD 1, SD 2:**

Senators Levin/Metcalf/Fukunaga, Co-Chairs; Tam and Slom.

**H.B. No. 2202, HD 2, SD 1:**

Senators Baker/D. Ige/Fernandes Salling, Co-Chairs; and Slom.

**H.B. No. 2234, HD 1, SD 1:**

Senators Aki/Tam, Co-Chairs; D. Ige, M. Ige, Taniguchi and Slom.

**H.B. No. 2305, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; Metcalf and Anderson.

**H.B. No. 2308, HD 2, SD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; Sakamoto and Anderson.

Sen. Com. No. 707, informing the House that the President has, on April 16, 1997, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bills:

**S.B. No. 26, HD 1:**

Senators Tam/Aki, Co-Chairs; Metcalf and Slom.

**S.B. No. 37, SD 1, HD 2:**

Senators Taniguchi/Tanaka, Co-Chairs; Bunda and Slom.

**S.B. No. 58, SD 1, HD 1:**

Senators Tam/Aki/Fernandes Salling, Co-Chairs; D. Ige, Metcalf and Slom.

**S.B. No. 147, SD 1, HD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Ihara, M. Ige and Anderson.

**S.B. No. 152, SD 2, HD 1:**

Senators Baker/D. Ige, Co-Chairs; and Chumbley.

**S.B. No. 161, SD 1, HD 1:**

Senators Chun Oakland/Kanno/Aki/Tam/Baker/D. Ige, Co-Chairs; and Sakamoto.

**S.B. No. 202, SD 1, HD 1:**

Senators Kanno/Chun Oakland/Fernandes Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and Anderson.

**S.B. No. 208, SD 1, HD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Taniguchi, Levin and Anderson.

**S.B. No. 251, SD 1, HD 2:**

Senators Metcalf/Levin, Co-Chairs; and Slom.

**S.B. No. 252, SD 1, HD 2:**

Senators Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and Anderson.

**S.B. No. 257, SD 2, HD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Chun Oakland, Kanno and Kawamoto.

**S.B. No. 262, SD 1, HD 1:**

Senators Kanno/Chun Oakland/Fernandes Salling/Fukunaga, Co-Chairs; Baker, Kawamoto and Anderson.

**S.B. No. 263, SD 2, HD 1:**

Senators Chun Oakland/Kanno/Levin/Metcalf/Baker/D. Ige, Co-Chairs; and Anderson.

**S.B. No. 375, HD 2:**

Senators Levin/Metcalf/Fukunaga, Co-Chairs; and Tam.

**S.B. No. 388, SD 2, HD 2:**

Senators Aki/Tam/D. Ige, Co-Chairs; M. Ige, Metcalf and Slom.

**S.B. No. 426, SD 1, HD 2:**

Senators Aki/Tam/Fernandes Salling/Fukunaga, Co-Chairs; M. Ige, D. Ige and Anderson.

**S.B. No. 497, HD 2:**

Senators Metcalf/Levin, Co-Chairs; and Slom.

**S.B. No. 538, SD 3, HD 1:**

Senators Tam/Aki/Fukunaga, Co-Chairs; M. Ige, D. Ige and Slom.

**S.B. No. 623, SD 2, HD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; and Tam.

**S.B. No. 633, SD 2, HD 2:**

Senators Taniguchi/Tanaka/Kawamoto/Sakamoto, Co-Chairs; Chumbley, Fernandes Salling, Iwase, Solomon and Slom.

**S.B. No. 727, SD 2, HD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Baker, Chun Oakland, Kanno, Kawamoto and Anderson.

**S.B. No. 817, SD 1, HD 1:**

Senators Tam/Aki, Co-Chairs; M. Ige and Slom.

**S.B. No. 818, SD 1, HD 1:**

Senators D. Ige/Matsunaga, Co-Chairs; Chun Oakland and Slom.

**S.B. No. 843, SD 1, HD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Tanaka, Taniguchi, M. Ige and Anderson.

**S.B. No. 870, SD 2, HD 2:**

Senators Kawamoto/Matsunaga, Co-Chairs; Sakamoto, Kanno and Slom.

**S.B. No. 927, SD 1, HD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; and Levin.

**S.B. No. 938, SD 1, HD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Ihara, Taniguchi, Levin, M. Ige and Anderson.

**S.B. No. 969, HD 2:**

Senators Aki/Tam, Co-Chairs; M. Ige, D. Ige and Anderson.

**S.B. No. 989, SD 1, HD 1:**

Senators Matsunaga/Chumbley, Co-Chairs; Sakamoto and Anderson.

**S.B. No. 1018, SD 1, HD 2:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Taniguchi and Anderson.

**S.B. No. 1032, SD 2, HD 2:**  
Senators Baker/Fernandes Salling, Co-Chairs; and Chun Oakland.

**S.B. No. 1064, SD 1, HD 1:**  
Senators Chumbley/Matsunaga, Co-Chairs; McCartney, Metcalf and Anderson.

**S.B. No. 1082, SD 1, HD 2:**  
Senators Levin/Metcalf, Co-Chairs; and Tam.

**S.B. No. 1089, SD 2, HD 2:**  
Senators Levin/Metcalf, Co-Chairs; Chun Oakland and Slom.

**S.B. No. 1113, SD 1, HD 1:**  
Senators Baker/D. Ige/Chumbley/Matsunaga, Co-Chairs; and Slom.

**S.B. No. 1267, SD 1, HD 1:**  
Senators Chumbley/Matsunaga/Sakamoto, Co-Chairs; and Anderson.

**S.B. No. 1285, SD 1, HD 2:**  
Senators D. Ige/Baker/Fukunaga/Fernandes Salling, Co-Chairs; and Slom.

**S.B. No. 1293, SD 1, HD 1:**  
Senators Kanno/Chun Oakland/Fernandes Salling/Fukunaga, Co-Chairs; Baker, Levin and Anderson.

**S.B. No. 1316, SD 2, HD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs; Ihara and Anderson.

**S.B. No. 1421, SD 2, HD 1:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs; Kanno, Chun Oakland and Anderson.

**S.B. No. 1506, SD 1, HD 1:**  
Senators Baker, Chair; Kanno, Solomon, Fukunaga and Anderson.

**S.B. No. 1535, SD 1, HD 2:**  
Senators D. Ige/Fukunaga, Co-Chairs; Kanno and Slom.

**S.B. No. 1554, SD 1, HD 2:**  
Senators Chun Oakland/Kanno, Co-Chairs; Sakamoto, Levin and Anderson.

**S.B. No. 1581, SD 2, HD 2:**  
Senators Levin/Metcalf, Co-Chairs; Tam and Slom.

**S.B. No. 1599, SD 1, HD 1:**  
Senators Taniguchi/Tanaka, Co-Chairs; and Chumbley.

**S.B. No. 1624, HD 2:**  
Senators Tam/Aki, Co-Chairs; M. Ige and Slom.

**S.B. No. 1625, HD 2:**  
Senators Tam/Aki, Co-Chairs; M. Ige and Slom.

**S.B. No. 1628, SD 2, HD 2:**  
Senators Tam/Aki/Fernandes Salling, Co-Chairs; Metcalf, Kanno and Slom.

**S.B. No. 1636, SD 2, HD 1:**  
Senators Aki/Tam, Co-Chairs; M. Ige, D. Ige and Slom.

**S.B. No. 1683, SD 1, HD 2:**  
Senators Aki/Tam/Fernandes Salling/Fukunaga, Co-Chairs; D. Ige, Metcalf and Anderson.

**S.B. No. 1773, SD 2, HD 2:**  
Senators Levin/Metcalf/Fukunaga, Co-Chairs; and Tam.

**S.B. No. 1806, SD 2, HD 2:**  
Senators Taniguchi/Tanaka/Fernandes Salling/Fukunaga, Co-Chairs; Kawamoto and Anderson.

**S.B. No. 1874, SD 2, HD 2:**  
Senators Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Baker, Levin and Anderson.

**S.B. No. 1879, SD 2, HD 2:**  
Senators Chun Oakland/Kanno/Fernandes Salling/Fukunaga, Co-Chairs; Levin, Sakamoto and Anderson.

**S.B. No. 1951, HD 2:**  
Senators Fernandes Salling/Fukunaga, Co-Chairs; Kawamoto, Tam, Tanaka, Taniguchi and Anderson.

At this time, the following introductions were made to the members of the House:

Representative Kahikina introduced 24 students from the Kukula Wai Program at Nanakuli High School. They were accompanied by their teacher, Ms. Carnation Guerra.

Representative Hamakawa, on behalf of Representative Case and himself, introduced 24 fifth grade students from Keaukaha Elementary School. They were accompanied by Kumu Lehua Vincent and Kumu Hokulani Kaikaina; parents, Roberta Souza and Jason Cuba; and Kupuna Kane Hiram Kaikaina.

The members of the House and audience were then entertained with songs in Hawaiian from the students from Keaukaha Elementary School.

Representative Arakaki, on behalf of Representatives Goodenow, Pendleton and himself, introduced Linda Chu Takayama, Chair of the Foodbank, and Sheri Rolf, Chair of the Food Drive Committee, and Laura Maeshiro of his office, saying:

"In case Linda looks a little bit familiar, she was the former Insurance Commissioner, now a practicing attorney. They will be judging our Foodbank Food Drive display contest, starting at 12:00 noon.

"They wanted to express their thanks to all the members for your contributions to this year's Foodbank Food Drive, and they wanted to invite all of you to their celebration this Saturday at Restaurant Row, somewhere between 9:00 a.m. to 12:00 noon. And so I want to thank them for their efforts and they want to thank all of you for your efforts. Mahalo."

## ORDER OF THE DAY

### COMMITTEE REASSIGNMENTS

House Bill No. 1604 was re-referred jointly to the Committee on Judiciary and the Committee on Public Safety and Military Affairs, then to the Committee on Finance.

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

**S.C.R.**  
**No.      Re-referred to:**

109 Committee on Water and Land Use, then to the Committee on Legislative Management

223 Committee on Finance

### UNFINISHED BUSINESS

**Stand. Com. Rep. No. 1698 and S.B. No. 1336:**

By unanimous consent, action was deferred one day.

### STANDING COMMITTEE REPORTS

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1839) recommending that H.R. No. 77, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and H.R. No. 77, HD 1, entitled: "HOUSE RESOLUTION URGING THE HOUSE OF REPRESENTATIVES TO RESEARCH THE DEVELOPMENT OF WELFARE-TO-WORK PROGRAMS IN THE VISITORS INDUSTRY," was referred to the Committee on Finance, with Representatives Halford, Menor, Morihara, Nakasone, Okamura and Santiago being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1840) recommending that S.C.R. No. 203, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and S.C.R. No. 203, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE HOMELESS AT THE HONOLULU INTERNATIONAL AIRPORT," was referred to the Committee on Finance, with Representatives Halford, Menor, Morihara, Nakasone, Okamura and Santiago being excused.

At 11:59 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:02 o'clock p.m.

### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 233 and 234) were announced by the Clerk and the following action taken:

H.R. No. 233, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING OUTRIGGER HOTELS AND RESORTS ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING AND FOR SHARING FIVE DECADES OF ALOHA WITH THE PEOPLE OF HAWAII AND MILLIONS OF VISITORS FROM AROUND THE WORLD," was jointly offered by Representatives Herkes and White.

Representative Herkes moved that H.R. No. 233 be adopted, seconded by Representative White.

Representative Herkes rose to speak in favor of the resolution, stating:

"Mr. Speaker, today we are honoring a very special family, a family that changed the face of tourism in Hawaii forever. In thinking about what I was going to say over the last few weeks, I seriously considered saying nothing, because the accomplishments of the Kelley family could fill a book, and indeed they have. The book, 'The Kelleys of the Outrigger,' was published a few years ago. I recommend its reading to anybody that is interested in the visitor industry in Hawaii. It details how Roy and Estelle Kelley arrived in Hawaii with \$106 to their names. Roy Kelley was an architect. I will not go into the buildings that he designed in Honolulu, but rather the family's accomplishments as hoteliers because that is what our purpose is here today.

"BK, that is before the Kelleys, tourists arrived by boat, with steamer trunks and settled down at places like the Royal Hawaiian for two or three weeks' stay. The combination of jet travel and Roy Kelley's ability to design, build and manage hotels at affordable rates opened up Hawaii to entire new markets and re-defined the industry.

"Roy and Estelle worked very hard and built Hawaii's largest hotel chain, literally from nothing. Roy Kelley had enormous mental capacity and it seemed, to many of us, endless energy. Estelle worked side by side with her husband and was very much of a stabilizing influence.

"Along the way, they raised three children: Richard, Jean and Pat.

"Those of us that were fortunate to have worked for the Kelleys, or fortunate to have known them over the years, could tell stories by the hour about our experiences. Although I only worked for Roy Kelley for a very short time, I learned more from him than anyone else in my entire business career. I will share just one short story with you -- my favorite.

"Roy was enlarging the Edgewater. I think it was going from 150 rooms to 300 rooms -- I forgot the room numbers -- with continuous hallways. We would sell the rooms as soon as they were finished, well, almost as soon as they were finished. It was not unusual for us to room a guest without a door or a bed, but we would assure them that before nightfall came, that there would be a bed and a door. And Roy said to me one day: 'We're going to change all the room numbers.' I said: 'Why?' I was a young man, fresh out of hotel school, and I told him that I would notify the front desk, the bellmen, housekeeping, the switchboard, etc. etc. And he said to me with a twinkle in his eyes that he always had: 'Bob, if you ever want to accomplish anything in this world and it needs to be done, just do it. If we wait to do all of the things you're talking about, we will never get it done. Don't worry about it, everything will work out.'

"About an hour later, Roy Kelley and I, hammer in hand, changed all of the room numbers in the entire hotel. It was chaos. The guests had no idea where their rooms were, the bellmen were confused, the switchboard didn't know what to ring, and Roy Kelley went on to another project. But just like he predicted, in a few days everything worked out; we got the job done. That was in 1951, and I am probably the only one that remembers that day and many others like it.

"If you worked for Roy Kelley and you had open rooms at 11:00 p.m., you sold them for any price that you could get. He knew that nothing was as perishable as a hotel room. You cannot sell last night's vacant hotel room tonight. That opportunity is lost forever.

"Now fifty years later, the company has changed. It is now managed by Roy and Estelle's family. It is a much different company. Roy's somewhat rough and tumble ways have given way to sophisticated management.

"Mr. Speaker, allow me to introduce some of the family members. Typical of the Kelley family, the current Chairman of the Board, Dr. Richard Kelley, is hard at work. He is attending a conference in London; the President, David Carey, Richard's son-in-law, is, I believe, in the South Pacific looking for new opportunities for expansion. It seems like they are always hard at work. But in this family, there is an awful lot of talent to go around.

"Representing the family, first, I would ask Jean Rolles to please stand. Jean is very active in the company, Roy and Estelle's daughter, a classmate of mine at Cornell Hotel School, and a long-time friend. Members, please welcome Jean Rolles.

"Next is another daughter, Pat Kelley. Pat has been active in the travel business for many years. Those of you that were at Roy's funeral a few weeks ago were told of another side of Roy Kelley, as Pat described her relationship with her father. It touched all of us deeply, Pat.

"Next is Richard's daughter, Bitsey. You remember Bitsey when she was in the Speaker's office a few years back. Bitsey is also very active in the company, and with Bitsey is another of Richard's daughters, Colleen Heyer.

"Mr. Speaker, may I defer to Representative White for additional introductions?"

Representative White rose and stated:

"Before I introduce the remaining members of the team seated before us, I would just like to say that this is a hotel company that not only changed the face of tourism in Hawaii early on, but continues to play an integral role in the ongoing development of tourism in this state not only from a hotel perspective, but also by being extremely engaged in the community that they represent not just here on Oahu, but on the neighbor islands as well. This is a company that continues to be one of the most vibrant hotel companies in the state.

"I feel I can speak from some experience because we've had a marketing arrangement with them, handling our reservation services for, I believe, about nine years now. So we have gotten to know not just the individuals seated before us, but many of the individuals throughout the company that have really provided one heck of a surge, and provided a model for many of the rest of us in the industry.

"The individual who I would like to introduce at this time is the Chief Operating Officer, Perry Swanson. Perry, as I've gotten to know, as Outrigger has engaged for quite a number of years now in the same program that we engaged in, preserving the Hawaiian culture to the best that we can in our hotel environment, and Perry has been a guiding light for everyone at the Outrigger and for many of us in the visitor industry. So to him, we thank you and share all of our aloha. Thank you very much, Perry.

"Sitting next to him is Barry Wallace, the Senior Vice President; Mildred Courtney, Military Liaison. Mildred has been with the Outrigger for 44 years; and seated next to Mildred is Tony DelPiano who is the former manager of the Prince Kuhio Hotel. He is now retired but was with the Outrigger for 40 years.

"So, members, please join me in welcoming these individuals.

"And, Mr. Speaker, also with us in the chamber today is the backbone of the company. We have individuals joining us from Outrigger who have been with the company for over 20 years of wonderful service to the visitor industry and helping fuel our economy, along with members of the Executive team from Outrigger," and asked them to stand to be recognized.

Representative Cachola then rose to speak in support of the resolution, stating:

"Mr. Speaker, as your Chair of the House Tourism Committee, I'm really very honored to commend the Outrigger Resort and Hotel on the occasion of their 50th anniversary.

"Aside from being the largest hotel operator in Hawaii, operating about 29 properties and employing three thousand, I know the Outrigger Hotels are good corporate citizens, in the sense that they sponsor a lot of sports, like basketball, volleyball, hydro-fast, and as you read in the papers about the current Chess Tournament that is going on. You know, the Outrigger is one of the hotel operators here in the state of Hawaii that really helps a lot of local people and with that, my gratitude to the Outrigger Hotels and their executives.

"Mr. Speaker, I do hope that the next fifty years will be as good, if not better, than the past fifty years. To the Outrigger chain and ohana, may God bless you, and congratulations. Aloha."

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

"Mr. Speaker, I would like to add my thanks to the Outrigger Hotels for their contributions to the state and especially their participation in so many charitable projects in promoting our vast communities, but I would like to extend my congratulations, in particular, to Mildred Courtney.

"Mildred had been with the Outrigger for 44 years, but before that we worked together at Hawaiian Telephone, and I congratulate her on achieving the level of success that she has in contributing so much to the Outrigger Hotels.

"But I guess Representative Herkes and I are probably the only ones, since more than a century ago, have had the pleasure of knowing and working with Roy Kelley. When I was at Hawaiian Telephone, I remember well, in the 1950s there was a flood which destroyed the equipment which is in the parking on the lower floor, and we had to work together to coordinate the restoration of service, and Mr. Kelley is well known for all of his accomplishments. I look at him at that as well, as being one of the most unforgettable characters that I have ever known, because of his prudent manner, his no-nonsense, no-frills approach being so forthright. And the evidence showed when I went into his office and it was no wider than his desk. It was really a cubbyhole, but that indicated the level of forthrightness and his prudence, and I will long remember him for that.

"Congratulations again to the Outrigger Hotels."

Representative Abinsay then rose in support of the resolution, stating:

"Mr. Speaker, I would like to offer my sincere congratulations to the Outrigger Hotels and Resorts, the

Kelley family, its management and employees, for 50 years of service to the people of Hawaii.

"The Outrigger Hotels and Resorts have become such an integral part of the Hawaii economy, providing jobs and endless opportunities to our people.

"As an immigrant, I recognize the importance of employers like the Outrigger Hotels who are cognizant of the immediate needs of many immigrants by hiring them, thereby demonstrating the true spirit of aloha.

"Some of my relatives and many of my fellow immigrants from the Philippines are employed by the Outrigger Hotel chain, and in their behalf, Maraming Salamat, which means thank you for giving them the opportunity to make it in this country -- which to many of us immigrants, the 'land of opportunity.'

"Again, my heartfelt congratulations, and I wish you good luck and more success in the next 50 years.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose in support of the resolution, stating:

"I just wanted to make a few notes. I know that we are all very familiar with the wonderful success that the Outrigger Hotels has had in our business community and keeping our economy going, all the contributions to the tourist industry, and also all of their community work with the various charitable organizations they participate with and help our larger community.

"But one area that I am especially appreciative of is their effort to continue things Hawaiian and Hawaiiana within their corporate culture. It is so impressive to see that they train and they teach all of their employees, from the top level right down to their new employees -- things about the Hawaiian culture. They try to implement a sense of place, they try to bring a sense of aloha to the Outrigger Hotel chains and their various activities. They have wonderful employee groups now that do the hula, sing or chant Hawaiian oli. These things are important, because by doing this they help to preserve our Hawaiian culture, and it helps to translate that or to transmit that on to our visitors that frequent our islands, and for that I am very appreciative.

"Mr. Speaker, I would also be remiss if I didn't note a wonderful woman in business. You know, yesterday I had the great honor of introducing the 1997 Women in Business Advocate of the Year, and I guess I have a colleague of sorts who is affiliated with Outrigger Hotels. I suppose she has been affiliated with them ever since her birth. This is Bitsey. She happens to be a classmate of mine, and I am very proud to see her moving forward in the business community. Mahalo."

The motion was put to vote by the Chair and carried, and H.R. No. 233 was adopted, with Representatives Halford, Menor, Morihara, Nakasone, Okamura and Whalen being excused.

A Certificate of Recognition and floral leis were presented to the honorees.

H.R. No. 234, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING THE ALOHA PATROL AND TCP-110 FOR THEIR OUTSTANDING CONTRIBUTIONS TO PUBLIC SAFETY IN THE STATE OF HAWAII," was offered by Representative Fox.

Representative Fox moved that H.R. No. 234 be adopted, seconded by Representative Yamane.

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

"Mr. Speaker and colleagues, during volunteer week it is my pleasure to honor the Aloha Patrol, and its Japanese-speaking counterpart, TCP-110.

"The all-volunteer Aloha Patrollers walk Waikiki nightly and report suspicious activity to the police via cellular phones. They also offer friendly advice, while reporting everything from lights being out at the zoo parking lot, creating a haven for theft, to complaints about prostitution, rubbish bins overflowing, and dangerous potholes on the streets.

"TCP-110 stands for Tourist Crime Prevention, with 110 being the '911' emergency number in Japan. TCP-110 has assisted Japanese tourists with directions and advice, but also helps Japanese-speaking crime victims fill out police reports and provide suspect descriptions. TCP-110 has 20 members, all bilingual, who hand out 500 to 700 fliers per night that offer crime prevention tips in Japanese, including how to carry purses and handbags, and where to walk safely on the sidewalk.

"It is my privilege to pay tribute once again today to Ms. Jean Rolles. If I could please ask Jean to stand. On top of her duties as Outrigger Hotel's vice president of property management, Jean gives generously of her time and energy to the community. Jean handles the seven-day-a-week scheduling and coordinating of Aloha Patrol volunteers, who already total over 165.

"She frequently leads patrols herself, and goes out personally to find new volunteers. She launched the Aloha Patrol on November 1st last year, after having secured free 911-only cellular phones from Honolulu Cellular, scores of bright yellow-and-blue Aloha Patrol T-shirts from Crazy Shirts and Happy Shirts Hawaii, and from the Hale Koa Hotel, parking for the group's members who come from all over the island.

"Jean, we commend you for your great volunteer work in making Waikiki safer and better for visitors, employees and residents. Thank you so much.

"Mr. Speaker, if I could have Mr. Kohki Nishitani stand.

"Under his leadership, TCP-110 volunteer teams work nightly to support and assist our Japanese visitors. A resident of Hawaii for more than two decades, Mr. Nishitani runs a business, Magic Island Productions, which makes TV commercials and videos for Japanese companies.

"As criminals increasingly preyed upon unsuspecting Japanese tourists, and growing numbers began notifying Japan Consular officials about their troubles in paradise, Mr. Nishitani could not just stand by. Hawaii's economy was in danger. Mr. Nishitani responded by launching TCP-110 to make our streets safer for Japanese tourists.

"Mr. Nishitani, not only are you a Good Samaritan to the Japanese visitors you help, you are a God-send to all Hawaii. We thank you and commend you.

"May I ask Honolulu Police Officer Bruce Kauer to stand and be recognized?

"Bruce, you have been instrumental in the training of the Aloha Patrol members, conducting workshops, and offering unselfish assistance and tips to provide for a safer Waikiki. You keep Aloha Patrollers safe by instructing them in the 'do's and don'ts,' and you help actively

recruit new members through your community speaking. We all commend you for your crime-fighting service.

"And finally, let me ask Mr. David Dodge and Ms. Kayleen Polichetti of the Waikiki Improvement Association to stand.

"David and Kayleen, we who have worked with both of you on improving Waikiki know how happy you are to see your concept for a citizen patrol made up of 'Ambassadors of Aloha' come into fruition. It is a tribute to you that your hard work supports the very name of the organization you represent -- Waikiki has definitely seen improvement from the Aloha Patrol.

"We all commend you for your crime-fighting concept, and want to show you our appreciation.

"Mr. Speaker, we are honored by the attendance of many of the rank-and-file Aloha Patrol and TCP-110 volunteer heroes who have joined us today in the gallery. I would like to ask these volunteers to stand up and be recognized for their generous commitment to the community.

"We also have members of the Honolulu District 6 police force in the gallery. May we recognize them as well."

Representative Yamane then rose in support of the resolution, stating:

"It is my honor today to commend both the Aloha Patrol and its Japanese counterpart, TCP-110.

"Mr. Speaker, as we legislators grapple with the need to fight crime, we read that citizen involvement is vital to any effective crime-fighting strategy.

"All of us know the seriousness of the crime problem here. The March 20th Advertiser carried a large photograph of two Japanese tourists being assisted by para-medics after a drive-by purse snatching. These images are really terrifying not only for the victims, but for the whole state economy.

"Mr. Speaker, it is important that we honor citizens who do take the responsibility of helping to keep our streets safe.

"Thank you, Mr. Speaker."

Representative Cachola then rose in support of the resolution, stating:

"Mr. Speaker, setting up a Neighborhood Watch for Aloha Patrol is not an easy task. I would like to commend the Waikiki Improvement Association (WIA) and David Dodge and Jean Rolles for really setting these things up. And the reason why I say it is really hard to set it up is because, before they set it up, I was able to set up the Kalihi Neighborhood Watch whereby we deal with drug problems, the distribution of drugs, prostitution and other things also in Kalihi. But when it comes to prostitution, it is only on a very small scale.

"So I attended the WIA meeting once, to look at the problems in Waikiki relating to prostitution. And right there, I kind of suggested to David Dodge that the best thing to do without spending that much money and go one-on-one with the prostitutes, as well as those committing crimes in Waikiki, is to set up the Aloha Patrol.

"I am really very honored and excited that the Aloha Patrol in Waikiki is really working. You know, the

volunteers up there are not just rank-and-file. They are the backbone of what makes Aloha Patrol and Neighborhood Watch really work. You know, it's taking control of one street and neighborhood. You are the eyes and ears of the police and your neighbors. This is what Aloha Patrol is all about in trying to help clean up your community.

"To all of you, again, congratulations for a job well done. This is good for Waikiki, the state of Hawaii, and tourism. We don't want any kind of negative perception in countries like Japan and others that crimes committed are in our No. 1 destination area -- Waikiki.

"Again, continue your good work, and aloha."

Representative Ward then rose in support of the resolution, stating:

"Mr. Speaker, I find this one of the most exciting new concepts of volunteerism in the state of Hawaii. I commend these volunteers for not only protecting \$4 billion worth of economy, looking from it from an economic point of view, but from a personal point of view, the tragedies that are being prevented in the lives of people that come here for a vacation. And the first thing a vacation needs to be is certainly to be safe, and for the protection of the aloha spirit by which this stands for. It is very, very large and commendable.

"There is a debt of gratitude, Mr. Speaker. We can't really repay these people, but for the genius of the idea of Mr. Nishitani, I think he should be commended for the thought process and all of the people who work with him to make this realization that truly Hawaii is a better place to be because of these people. So thank you, and keep up the good work."

Representative Kahikina then rose to speak in favor of the resolution, stating:

"It's been said that evil creeps in when good people do nothing and, today we are honoring good people who won't tolerate evil, and so I want to congratulate you and, you know, I was part of a community policing in Nanakuli, prior to our efforts, because our schools were getting vandalized and just like your efforts, we saw that when our community got involved and said we weren't going to tolerate any of these kinds of negative activities in our schools, especially affecting our kids, it just dropped down.

"And so today, we are honoring you and actually we are honoring the aloha spirit, and as I sat here I just couldn't help but say that this is truly aloha at work, and we congratulate you, the Honolulu Police Department, and all your volunteer workers -- congratulations."

The motion was put to vote by the Chair and carried, and H.R. No. 234 was adopted, with Representatives Goodenow, Jones, Morihara, Nakasone, Okamura and Whalen being excused.

Certificates of Recognition and floral leis were presented to the honorees.

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

The House of Representatives reconvened at 12:43 o'clock p.m.

## HOUSE COMMUNICATION

House communication dated April 17, 1997, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, from Patricia Mau-Shimizu, Clerk, House of Representatives, giving written notice of the final form of House Bill No. 117, SD 1, CD 1, entitled: "PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, was placed on file.

#### ANNOUNCEMENTS

Representative White: "I would just like to mention that the hats, as you might have been able to tell, are from Outrigger. I would like to thank them for the hats, and also invite all the members to a luncheon that Outrigger is hosting in Room 325 following session."

Representative Ward: "I want to commend your leadership, and Chair Tom, and the conference committee last night which looks to be a historic agreement on resolving marriage in the state, and to note, Mr. Speaker, this gives us an even better opportunity now to turn to the bread and butter issues, fixing the economy. It's day eight, we got seven to go. The world was created in seven, we can do it for the economy."

At this time, Representative Kawanakoa was permitted a late introduction and he introduced Mr. Ron Watson, a former constituent of his, an advocate for mass transit and people movers, and a former mentor "when I used to play rugby."

Representative Pendleton: Just a brief announcement on behalf of Chairman Arakaki and Co-Chair Kenny Goodenow regarding the Food Drive. There will be a photo opportunity, Friday, April 18th, in the chamber lounge, next to the Majority Caucus Room, so we would appreciate it if you can come and take a picture along with all the food that this body is donating."

#### ADJOURNMENT

At 12:45 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, April 18, 1997. (Representatives Goodenow, Jones, Menor, Morihara, Nakasone, Okamura and Whalen were excused.)



## FIFTY-FOURTH DAY

Friday, April 18, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:46 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Mari Gabrielson of the Unity Church of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Kahikina, Menor and Okamura, who were excused.

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

## GOVERNOR'S MESSAGE

Gov. Msg. No. 188, transmitting copies of the 1997 Report on the Hawaii Enterprise Zones Program, prepared by the Business Services Division of the Department of Business, Economic Development, and Tourism, pursuant to Chapter 209E, Hawaii Revised Statutes, was received and announced by the Clerk and was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 708 through 714) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 708, returning House Concurrent Resolution No. 59 which was adopted by the Senate on April 17, 1997.

Sen. Com. No. 709, informing the House that the Senate has reconsidered its action of April 10, 1997, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate Bills passed Final Reading in the Senate on April 17, 1997:

S.B. No. 1016, HD 1, entitled: "RELATING TO PUBLIC LANDS";

S.B. No. 1385, HD 1, entitled: "RELATING TO STATE WAR MEMORIALS AND VETERANS' CEMETERIES";

S.B. No. 1553, SD 1, HD 1, entitled: "RELATING TO HEALTH RESOURCES"; and

S.B. No. 1766, SD 1, HD 1, entitled: "RELATING TO PUBLIC SAFETY AND INTERNAL SECURITY".

Sen. Com. No. 710, informing the House that the Senate has reconsidered its action of April 10, 1997, in disagreeing to the amendments proposed by the House to Senate Bill No. 1631, SD 1 (HD 2), and has moved to agree to the amendments, and said Senate Bill No. 1631, SD 1, HD 2, entitled: "RELATING TO EARLY CHILDHOOD EDUCATION," passed Final Reading in the Senate on April 17, 1997:

Sen. Com. No. 711, informing the House that the President has discharged Senators Kanno and Chun Oakland as members and has added them as Co-Chairs on the Conference of Senate Bill 727, SD 2, HD 1, on April 17, 1997.

Sen. Com. No. 712, informing the House that the President has, on April 17, 1997, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bill:

**S.B. No. 1891, SD 1, HD 2:**

Senators Taniguchi/Tanaka, Co-Chairs; Chumbley, Fukunaga, Ihara and Slom.

Sen. Com. No. 713, informing the House that the President has, on April 17, 1997, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following House Bills:

**H.B. No. 143, HD 2, SD 1:**

Senators M. Ige/Bunda, Fernandes Salling/Fukunaga, Co-Chairs; Tam and Anderson.

**H.B. No. 454, HD 1, SD 1:**

Senators Iwase/Solomon/Chumbley/Matsunaga, Co-Chairs; Tanaka and Anderson.

**H.B. No. 636, HD 2, SD 1:**

Senators Iwase/Solomon/Chumbley/Matsunaga, Co-Chairs; Tanaka and Anderson.

**H.B. No. 777, HD 1, SD 2:**

Senators Bunda/D. Ige/M. Ige/Baker, Co-Chairs; Aki, Kanno, Matsunaga and Anderson.

**H.B. No. 780, HD 1, SD 1:**

Senators Bunda/D. Ige/M. Ige/Baker, Co-Chairs; Aki, Solomon and Anderson.

**H.B. No. 793, HD 1, SD 2:**

Senators Bunda/D. Ige/M. Ige/Baker, Co-Chairs; Aki, Solomon and Anderson.

**H.B. No. 1287, HD 1, SD 2:**

Senators M. Ige/Bunda/Fernandes Salling/Fukunaga, Co-Chairs; Tam and Anderson.

**H.B. No. 1309, HD 1, SD 2:**

Senators Bunda/D. Ige/M. Ige/Baker, Co-Chairs; Aki, Matsunaga, Solomon and Anderson.

**H.B. No. 1370, HD 2, SD 1:**

Senators Iwase/Solomon/Fernandes Salling/Fukunaga, Co-Chairs; Tanaka and Anderson.

**H.B. No. 1593, SD 1:**

Senators M. Ige/Bunda/Fernandes Salling/Fukunaga, Co-Chairs; Tam and Anderson.

**H.B. No. 1686, HD 1, SD 2:**

Senators M. Ige/Bunda/Fernandes Salling/Fukunaga, Co-Chairs; Tam and Anderson.

**H.B. No. 1689, HD 1, SD 2:**

Senators M. Ige/Bunda/Fernandes Salling/Fukunaga, Co-Chairs; Tam and Anderson.

**H.B. No. 1713, HD 1, SD 1:**

Senators Iwase/Solomon/Fernandes Salling/Fukunaga, Co-Chairs; Tanaka and Anderson.

**H.B. No. 1732, HD 2, SD 1:**

Senators Iwase/Solomon/Fernandes Salling/Fukunaga, Co-Chairs; Tanaka and Anderson.

**H.B. No. 1796, HD 1, SD 1:**



Senators M. Ige/Bunda/Fernandes Salling/Fukunaga,  
Co-Chairs; Matsunaga and Anderson.

**H.B. No. 1797, HD 1, SD 2:**

Senators M. Ige/Bunda/Fernandes Salling/Fukunaga,  
Co-Chairs; Matsunaga and Anderson.

**H.B. No. 1843, HD 2, SD 2:**

Senators Metcalf/Levin, Co-Chairs; Tam and Slom.

**H.B. No. 1857, HD 1, SD 1:**

Senators  
Iwase/Solomon/Matsunaga/Chumbley/Fernandes  
Salling/Fukunaga, Co-Chairs; Tanaka and Anderson.

**H.B. No. 2207, HD 2, SD 1:**

Senators Iwase/Solomon/Fernandes Salling/Fukunaga,  
Co-Chairs; Ihara, Tanaka and Anderson.

Sen. Com. No. 714, informing the House that the President has discharged Senator M. Ige as a member and adds him as a Co-Chair on the Conference of House Bill 1660, HD 2, SD 1.

At this time, the following introductions were made to the members of the House:

Representative M. Oshiro introduced Lieutenant Rich Piece from the Wahiawa Salvation Army, his "shadow" for today.

Representative Cachola introduced Mr. Enrique Morones, Director of Multi-Culture Marketing; and Mr. Jack Wiers, mascot of the San Diego Padres, saying:

"Mr. Speaker, this weekend the San Diego Padres and the St. Louis Cardinals games will be the first major league regular season games to come to Hawaii, or ever played here in Hawaii. The Padres play the Cardinals in a doubleheader at 4:05 tomorrow and a single game at 2:05 P.M. on Sunday. This is a rematch of the National League Division Playoffs, the Padres winning the Western Division; the Cardinals winning the Central Division."

Representative Ahu Isa introduced her "shadows" from Dole Middle School: Jennifer Hanson, 7th grade classroom representative; and Lester Manding, 7th grade Vice President and Secretary.

Representative Arakaki introduced his "shadows" from Dole Middle School: Janna Lee Mariano, 8th grade class President; Daniel Cardenos, 6th grade class representative; and Connie Watanabe, former teacher at Dole Middle School.

Representative Marumoto, on behalf of Representative Yamane and herself, introduced a group of visitors from Waialae Baptist Church.

Representative Tarnas introduced Tiger Espere and Karen Vercenis from the Pua Ka'ilima 'O Kawaihae Community Association in Kona. "These two individuals are literally forging their way and establishing community partnerships with government for cultural stewardship and to provide recreational opportunities. They are working to restore the use and perpetuate the culture for a very fine surfing site in Kawaihae, which actually was the most favorite of Queen Kaahumanu."

## ORDER OF THE DAY

### COMMITTEE REASSIGNMENTS

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

### S.C.R. Nos.

### Re-referred to:

109	Committee on Legislative Management
124	Committee on Education
171	Committee on Education
182	Committee on Education
233	Committee on Health, then to the Committee on Finance
270	Committee on Education

## UNFINISHED BUSINESS

### Stand. Com. Rep. 1698 and S.B. No. 1336:

By unanimous consent, action was deferred one day.

## STANDING COMMITTEE REPORTS

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1841) recommending that S.C.R. No. 10, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and S.C.R. No. 10, HD 1, be adopted, seconded by Representative Garcia.

Representative Tarnas rose to speak in support of the resolution, stating:

"I just spoke a moment ago about the Pua Ka 'Ilima 'O Kawaihae Community Association in my introduction.

"I just wanted to note to the members that I really believe that this resolution is a signal for the future. It's a community association that is really standing and working in partnership with government agencies in the state to provide recreational opportunities for our families, and also promote the cultural stewardship of a very important area. This is being done with the goodwill and resources of the community. All that the government agencies need to do is to sign agreements rather than sending out checks. So that at no cost to the government, we're able to get this sort of recreational opportunity and cultural stewardship for the community.

"I think that's really the direction we're going, and I do appreciate the members' support for this resolution.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 10, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THAT PUA KA'ILIMA 'O KAWAIIHA BE DESIGNATED A SITE FOR RECREATIONAL, EDUCATIONAL AND CULTURAL OCEAN ACTIVITIES," was adopted, with Representatives Kahikina, Kawanakoa, Menor and Okamura being excused.

Representative Hiraki, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1842) recommending that S.C.R. No. 164, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 164, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A NEW DISCUSSION ON A RAPID TRANSIT PLAN FOR OAHU," was adopted, with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

Representative Tarnas, for the Committee on Ocean Recreation and Marine Resources, presented a report (Stand. Com. Rep. No. 1843) recommending that S.C.R. No. 90, SD 2, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 90, SD 2, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF RESEARCH INTO THE PRESERVATION OF HAWAII'S GREEN SEA TURTLES," was adopted, with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1844) recommending that S.C.R. No. 275 be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and S.C.R. No. 275 be adopted, seconded by Representative Garcia.

Representative Ward rose to speak in support of the resolution, stating:

"Mr. Speaker, this is a good resolution but there is one thing missing in the 'BE IT RESOLVED' clause, and that is an objective look at whether Olelo is serving all points of view in the Legislature or not.

"Thank you, Mr. Speaker."

Representative McDermott then rose in support of the resolution, stating:

"As an amateur television producer, and anyone who's seen my show knows I'm certainly an amateur, but this resolution has Olelo take a look at itself because it was a move in the foot to take two of the stations and commence with finding a way in transferring it to UH and DOE. And I don't think that's a good idea, and I just felt compelled to speak out about that. But Olelo does offer an opportunity for all of us to speak out, and I encourage the Majority Party to tune in to my show on Sunday nights at 8:30, Channel 53."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 275, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING OLELO TO PROVIDE A COMPREHENSIVE REVIEW ON OPTIMIZING ITS PUBLIC, EDUCATION, AND GOVERNMENT TELEVISION ACCESS," was adopted, with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

Representative Herkes, for the Committee on Economic Development and Business Concerns, presented a report (Stand. Com. Rep. No. 1845) recommending that S.C.R. No. 184 be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 184, entitled: "SENATE CONCURRENT RESOLUTION

ESTABLISHING A COMMISSION ON THE TWENTY-FIRST CENTURY," was referred to the Committee on Finance with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1846) recommending that S.C.R. No. 33, SD 1, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 33, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF TOW TRUCK OPERATORS," was referred to the Committee on Legislative Management with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

Representative Menor, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1847) recommending that S.C.R. No. 128, SD 1, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE LICENSING OF MASSAGE SCHOOLS," was referred to the Committee on Legislative Management with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1848) recommending that S.C.R. No. 22, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 22, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO PROVIDE FINANCIAL SUPPORT TO THE NATIVE HAWAIIAN HEALTH CARE SYSTEMS," was referred to the Committee on Finance with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

Representative Case, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1849) recommending that S.C.R. No. 11, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 11, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON NATIVE HAWAIIAN CULTURAL FOOD RESOURCES," was referred to the Committee on Finance with Representatives Kahikina, Kawananakoa, Menor and Okamura being excused.

#### CONFERENCE COMMITTEE REPORTS

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 117, SD 1, presented a report (Conf. Com. Rep. No. 1) recommending that H.B. No. 117, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and H.B. No. 117, SD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," was deferred for a period of ten (10) days.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 118, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 2) recommending that H.B. No. 118, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and H.B. No. 118, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNMARRIED COUPLES," was deferred for a period of 48 hours.

### ANNOUNCEMENTS

Representative Thielen rose and stated:

"I would just like to note that you look very handsome in your industrial hemp shirt. . .

The Chair asked: "Is it the shirt or the man?"

Representative Thielen answered:

"The shirt makes the man, the man makes the shirt.

"And I would also like to note that I also am supporting a small business that has opened up in the state of Hawaii that is called Island Hemp Wear, operating on the island of Kauai. And my outfit is made with industrial hemp.

"I should disclose, Mr. Speaker, for any potential conflict, that the operator of Island Hemp Wear, the wholesale clothing business, is my son, Peter Thielen. They have two employees, Peter and Shannon Congdon, and they're alive and struggling, but they're alive. It's a new business, and let's hope that we can improve the economy so they can keep operating, too.

"Thank you, Mr. Speaker; you look very good in that."

The Chair responded:

"Thank you very much. You are very kind, and so do you, Representative Thielen."

Representative Say then rose and requested waiver of the 48-hour hearing notice requirement for a public hearing on HR 77, HD 1; SCR 11, HD 1; SCR 26, HD 1; SCR 203, SD 1, HD 1; SCR 242; SCR 163; SCR 184; SCR 198; and SCR 22, at 1:00 p.m. this afternoon in Conference Room 308, and the Chair "so ordered."

Representative Arakaki then rose and stated:

"In your behalf and also in behalf of Representatives Pendleton and Goodenow, I'd like to thank everyone for their efforts in supporting the Foodbank Food Drive.

"Today, is the final day -- I need my bag of rice prop here -- this will be going to the Foodbank, but I have no idea what the Senate is doing. I think they're having a stealth campaign, but I hear that they're raising a lot of money and they plan to buy a lot of rice and, hopefully, they'll beat us with that.

"At this point, we have collected approximately 952 pounds of food items and about \$639 in cash, so we'd like to encourage those who haven't participated yet, to please send in their donation. We'll be going around the offices, to the different offices, to pick up your donations, I believe at 4:30. We're having a photo shoot of all our collections. So again, mahalo and thank you for those who participated in the Display Contest. I want to extend my congratulations to Representatives Takai and Meyer for their outstanding displays.

"Thank you, Mr. Speaker."

### ADJOURNMENT

At 12:06 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Monday, April 21, 1997. (Representatives Kahikina, Kawanakoa, Menor and Okamura were excused.)

## FIFTY-FIFTH DAY

Monday, April 21, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:46 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Pastor Danny Yamashiro, after which the Roll was called showing all members present with the exception of Representatives Okamura and Takamine, who were excused.

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

At this time, Representative Ahu Isa introduced to the members of the House a group of 24 students from Lycee d'Enseignement Technique d'Uturoa High School of Tahiti. They were accompanied by their teachers, Delphine Fabianek, Chantal Pin and Gilles Guerin; and Rene Decauwert, interpreter and escort.

## GOVERNOR'S MESSAGE

Gov. Msg. No. 189, informing the House that on April 17, 1997, he signed House Bill No. 1839 as Act 29, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH, CHILD AND ADOLESCENT MENTAL HEALTH DIVISION", was announced by the Clerk and was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 715 through 720) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 715, returning House Concurrent Resolution No. 168, HD 1, which was adopted by the Senate on April 18, 1997.

Sen. Com. No. 716, informing the House that the President has added Senator Levin as an additional conferee on the part of the Senate at the conference on Senate Bill No. 623, SD 2, HD 1, on April 18, 1997.

Sen. Com. No. 717, informing the House that the President has, on April 18, 1997, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following Senate Bill:

**S.B. No. 871, SD 2, HD 3:**

Senators M. Ige/Sakamoto/Fernandes Salling/Fukunaga, Co-Chairs; Ihara, Taniguchi and Anderson.

Sen. Com. No. 718, informing the House that the President has discharged Senators Chumbley and Matsunaga as Co-Chairs on the Conference on House Bill No. 454, HD 1, SD 1, on April 18, 1997.

Sen. Com. No. 719, informing the House that the President has added Senator Levin as an additional conferee on the part of the Senate at the conference of House Bill No. 1799, HD 1, SD 1, on April 18, 1997.

Sen. Com. No. 720, informing the House that the President has, on April 18, 1997, appointed as conferees on the part of the Senate for the consideration of

amendments proposed by the Senate to the following House Bills:

**H.B. No. 1613, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Matsunaga and Anderson.

**H.B. No. 1714, HD 2, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Chun Oakland and Anderson.

**H.B. No. 1840, HD 1, SD 1:**

Senators Fernandes Salling/Fukunaga, Co-Chairs; Levin and Anderson.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

**S.C.R.****Nos.****Re-referred to:**

9	Committee on Legislative Management
55	Committee on Legislative Management
166	Committee on Legislative Management

## UNFINISHED BUSINESS

**Stand. Com. Rep. No. 1698 and S.B. No. 1336:**

By unanimous consent, action was deferred to Tuesday, April 29, 1997.

**Conf. Com. Rep. No. 2 and H.B. No. 118, HD 1, SD 1, CD 1:**

By unanimous consent, action was deferred to Tuesday, April 29, 1997.

## STANDING COMMITTEE REPORTS

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1850) recommending that S.C.R. No. 178, SD 1, be referred to the Committee on Transportation.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 178, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION, HAWAII'S CONGRESSIONAL DELEGATION, AND OTHER STATE AND FEDERAL PUBLIC OFFICIALS TO PURSUE 'OPEN SKIES' NEGOTIATION BY INITIATING APPROPRIATE ACTION TO GIVE THE STATE OF HAWAII MORE INPUT IN FEDERAL POLICIES AND REGULATIONS AFFECTING HAWAII'S AIRWAYS AND AIR RIGHTS WITH JAPAN AND OTHER PACIFIC RIM COUNTRIES," was referred to the Committee on Transportation, with Representatives Okamura, Takamine and White being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1851)

recommending that S.C.R. No. 248, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 248, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF FUNDING OPTIONS FOR TOURISM MARKETING AND PROMOTION," was referred to the Committee on Finance, with Representatives Okamura, Takamine and White being excused.

Representative Cachola, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1852) recommending that S.C.R. No. 249, SD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.C.R. No. 249, SD 1, be referred to the Committee on Finance, seconded by Representative Garcia.

Representative Thielen rose to speak against the resolution, stating:

"I recognize that the intent of the resolution does have some merit; however, I'm concerned about the price tag that's attached to it.

"If members would look at page 2, lines 15 through 19 of the SCR, and you'll see specifically that the resolution is asking the Department of Business and Economic Development and Tourism to conduct a study in conjunction with the two Tourism Committees -- the House and Senate Tourism Committees -- to formulate with those committees a plan for future expansion of the promising visitor industry's sector, which is the sports tourism. That comes with a price tag, Mr. Speaker, and I would like to note, in advance of it coming back with the price tag, asking for money from the General Fund, that I think we have a lot of other places that that money should go.

"Once we do the study, then there will be a push to appropriate money for more sports tourism. I certainly think that there's a number of us sitting on this floor that would rather see that money go to fund some of the much more life and death matters, such as keeping food on someone's table, and a roof over someone's head."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 249, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF SPORTS TOURISM," was referred to the Committee on Finance, with Representative Thielen voting no, and Representatives Okamura, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1853) recommending that S.C.R. No. 9, SD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 9, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING FULL INSURANCE COVERAGE FOR DIAGNOSTIC EXAMINATIONS FOR PROSTATE CANCER," was referred to the Committee on Consumer Protection and Commerce, with Representatives Okamura, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1854) recommending that S.C.R. No. 55, SD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 55, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT TO DETERMINE THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING INSURANCE COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE EQUAL TO COVERAGE FOR ALL OTHER MEDICAL ILLNESSES," was referred to the Committee on Consumer Protection and Commerce, with Representatives Okamura, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1855) recommending that S.C.R. No. 113, SD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 113, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO IMPOSE ONLY A SIMPLE PERMIT REQUIREMENT IN ORDER TO OBTAIN PERMISSION TO INTER FAMILY MEMBERS IN FAMILY BURIAL PLOTS UNDER STATE LAW," was referred to the Committee on Judiciary, with Representatives Okamura, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1856) recommending that S.C.R. No. 131, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 131, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER THE RECOMMENDATIONS OF THE BIG ISLAND SUBAREA HEALTH PLANNING COUNCIL'S MENTAL HEALTH AND SUBSTANCE ABUSE COMMITTEE, UNDER THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY, REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE PROGRAMS FOR DUAL DIAGNOSIS INDIVIDUALS IN ITS JANUARY, 1997 REPORT TO THE LEGISLATURE," was referred to the Committee on Finance, with Representatives Okamura, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1857) recommending that S.C.R. No. 166, SD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 166, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO UPDATE REPORT NO. 93-27, A REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR CONTRACEPTIVE SERVICES," was referred to the Committee on Consumer Protection and Commerce, with Representatives Okamura, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1858)

recommending that S.C.R. No. 233, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 233, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPACT OF PROVIDER REIMBURSEMENT ASSIGNMENT PRACTICES OF HEALTH INSURERS, HEALTH/DENTAL PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS ON DENTAL COSTS AND COMPETITION AMONG DENTAL CARE PROVIDERS," was referred to the Committee on Finance, with Representatives Okamura, Takamine and White being excused.

Representative Santiago, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1859) recommending that S.C.R. No. 274 be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 274, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONTINUATION OF MENTAL HEALTH SERVICES FOR EAST HONOLULU," was referred to the Committee on Finance, with Representatives Okamura, Takamine and White being excused.

Representative Takamine, for the Committee on Water and Land Use, presented a report (Stand. Com. Rep. No. 1860) recommending that S.C.R. No. 212 be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND KAMEHAMEHA SCHOOLS/BISHOP ESTATE TO ENTER INTO LAND EXCHANGE NEGOTIATIONS FOR CERTAIN LANDS ON THE ISLAND OF HAWAII," was referred to the Committee on Finance, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1861) recommending that S.C.R. No. 11, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 11, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON NATIVE HAWAIIAN CULTURAL FOOD RESOURCES," was adopted, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1862) recommending that S.C.R. No. 26, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 26, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A CONCERTED STATE EFFORT TO ENCOURAGE STATE AGENCIES AND PRIVATE PROVIDERS TO MEET THE NEEDS OF YOUTH IN THE WAIALUA AND LAIE REGION," was adopted, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1863) recommending that S.C.R. No. 163 be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 163, entitled: "SENATE CONCURRENT RESOLUTION URGING CONSIDERATION OF A BREAK-DOWN SYSTEM OF AWARDED FEDERAL CONSTRUCTION PROJECTS IN HAWAII," was adopted, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1864) recommending that S.C.R. No. 184 be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 184, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A COMMISSION ON THE TWENTY-FIRST CENTURY," was adopted, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1865) recommending that S.C.R. No. 194 be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 194, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO USE TAX INCREMENT FINANCING FOR INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT," was adopted, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1866) recommending that S.C.R. No. 198, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 198, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION ON THE SUBJECT OF JUDICIAL TAXATION," was adopted, with Representative Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1867) recommending that S.C.R. No. 203, SD 1, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and S.C.R. No. 203, SD 1, HD 1, be adopted, seconded by Representative Garcia.

Representative Whalen rose to speak against the resolution, stating:

"Although the goal of this resolution is laudable, I believe the expense is one that we shouldn't have to pay. The original intent behind the resolution was to look at the business concerns behind those operating at the airport as well as the tourism and the experience the tourists face when they come and are sometimes physically assaulted or come across feces and things like that that are left by the homeless population. The intention of the bill originally was to develop, I believe, some rules and



regulations which are absent at this time to help the State in its effort to curb some of the homeless problems at the airport.

"The resolution was changed to change it from the Department of Transportation to the Hawaii Housing Authority and numerous homeless advocates were put on this committee, changing the focus from the reso to how do we solve the homeless problem at the airport versus the business and economic concerns that they are facing.

"And, Mr. Speaker, I'm asking a no vote because I believe the original intention of the resolution was not being met. Thank you."

Representative Arakaki, in response, stated:

"We do share the concerns that there does need to be some rules and regulations to allow the airport officials to have the sanctions to deal with the homeless; however, when dealing with the homeless and other populations like that, it's like a balloon -- you squeeze one end and it pops up on the other end.

"And I think that rather than create more problems by just having rules and regulations that can be enforced, we need to look for alternatives, we need to find out how we can get at the root causes of homelessness. A lot of these people are mentally ill, some of them need treatment, some of them need alternatives to sleeping at the airport, and we all have heard of what a comfortable place the airport is because it offers a lot of amenities, so it's a matter of what can be done.

"And there are agencies and organizations that look at how we can deal with the problem, including the Hawaii Housing Authority, which is charged with looking at dealing with homelessness not only at the airport, but statewide, so we think it's appropriate that they deal with the problem at that level with the cooperation of the Department of Transportation and other agencies.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 203, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE HOMELESS AT THE HONOLULU INTERNATIONAL AIRPORT," was adopted, with Representative Whalen voting no, and Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1868) recommending that S.C.R. No. 242 be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 242, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT FEDERAL PROPOSALS TO REDIRECT REVENUES FROM THE FEDERAL MOTOR FUELS TAX INCREASES INTO THE HIGHWAY TRUST FUND," was adopted, with Representatives Okamura, Takamine and White being excused.

Representatives Tom and Menor, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1869) recommending that S.C.R. No. 256, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the

Committees was adopted and S.C.R. No. 256, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE TORT SYSTEM AND THE IMPACTS OF PROVIDING STATUTORY IMMUNITY UNDER CERTAIN CIRCUMSTANCES," was adopted, with Representatives Okamura, Takamine and White being excused.

Representatives Tom and Menor, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1870) recommending that S.C.R. No. 116, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and S.C.R. No. 116, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO STUDY AN IMPLEMENTATION PROCEDURE FOR THE CERTIFICATION OF LEGAL SPECIALISTS WITHIN THE STATE OF HAWAII," was adopted, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1871) recommending that H.R. No. 77, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.R. No. 77, HD 1, entitled: "HOUSE RESOLUTION URGING THE HOUSE OF REPRESENTATIVES TO RESEARCH THE DEVELOPMENT OF WELFARE-TO-WORK PROGRAMS IN THE VISITORS INDUSTRY," was adopted, with Representatives Okamura, Takamine and White being excused.

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1872) recommending that H.R. No. 191, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.R. No. 191, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO RETAIN AND OPERATE THE OPEN DOORS PROGRAM AS A PROGRAM SEPARATE AND DISTINCT FROM OTHER CHILD CARE PROGRAMS," was adopted, with Representatives Okamura, Takamine and White being excused.

Representatives Arakaki and Santiago, for the Committees on Human Services and Housing and Health, presented a joint report (Stand. Com. Rep. No. 1873) recommending that S.C.R. No. 52, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the joint report of the Committees was adopted and S.C.R. No. 52, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH GUIDELINES FOR THE MED-QUEST PROGRAM," was referred to the Committee on Finance, with Representatives Okamura, Takamine and White being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 1874) recommending that S.C.R. No. 251, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 251, SD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT EFFORTS IN THE UNITED STATES CONGRESS TO PROVIDE ASSISTANCE TO LEGAL, NON-CITIZEN IMMIGRANTS WHO HAVE BEEN DENIED PARTICIPATION IN THE FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM AND TO RETURN THESE INDIVIDUALS TO THE PROGRAM, AND TO RESTORE ASSISTANCE TO LEGAL, NON-CITIZEN IMMIGRANTS FOR ALL NEED-BASED PROGRAMS," was referred to the Committee on Finance, with Representatives Okamura, Takamine and White being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1875) recommending that S.C.R. No. 124, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted and S.C.R. No. 124, HD 1, be adopted, seconded by Representative Garcia.

Representative Ward rose to speak in support of the resolution with reservations, stating:

"I rise with reservations not out of substance, but out of sadness. It's Monday, I know this is Blue Monday, categorically but we, in this chamber, listened to the Governor's State of the State, even this year with the Chief Justice's State of the Judiciary, this reso, unfortunately, looks like the State of the State of education.

"It's very sad that -- from the mouths of the teachers if the WHEREAS number 6 is correct. It says: 'WHEREAS, teachers in Hawaii's public schools feel in general that they are being harassed verbally and even physically by students;' and when those teachers report that there's been an average of 23 percent of their day disciplining students.

"Mr. Speaker, this reso is really a wake-up call that, as I represented this body at the East-West Center last week, Mickey Cantor, in his great address about world trade and the future of America, said that the real Achilles' heel of America is education, and what we're not doing with and for our children.

"And as I look at this reso saying that there's chaos in our classrooms and teachers feel they are threatened and fear for their lives, I would hope we would go beyond this resolution. I would hope we would go beyond even the statistics now. Because teachers know this, they put their kids into private schools, that there would be something that says that this is not a tolerable, acceptable state of the art of education, that there should be a zero tolerance if we're going to educate our students.

"And, Mr. Speaker, these are the sound reservations I have for a reso that has a good intention, but a real statement about the state of the art of our educational system.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 124, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT A POLICY AND PROGRAM TO

PREVENT SCHOOL VIOLENCE AGAINST TEACHERS AND STUDENTS," was adopted, with Representatives Herkes, Okamura, Takamine and White being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1876) recommending that S.C.R. No. 270, SD 1, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 270, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Herkes, Okamura, Takamine and White being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1877) recommending that S.C.R. No. 171, SD 1, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 171, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE HAWAII STATE LIBRARY SYSTEM," was adopted, with Representatives Herkes, Okamura, Takamine and White being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1878) recommending that S.C.R. No. 182, SD 1, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 182, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO ADOPT A POLICY RELATING TO AN EDUCATIONAL BILL OF RIGHTS FOR HAWAII'S DEAF, HARD-OF-HEARING, AND DEAF-BLIND CHILDREN," was adopted, with Representatives Herkes, Okamura, Takamine and White being excused.

## SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representatives Herkes, Okamura, Takamine and White were excused.)

## RECONSIDERATION OF ACTION TAKEN

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House reconsidered its action taken on April 10, 1997, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 293, HD 1 (SD 1); 623 (SD 1); 1385 (SD 1); and 1395 (SD 1). (Representatives Herkes, Okamura, Takamine and White were excused.)

At this time, Representative M. Oshiro gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 293, HD 1 (SD 1); 623 (SD 1); 1385 (SD 1); and 1395 (SD 1).

## ANNOUNCEMENTS



Representative Case: "There will be a Conference Committee meeting tomorrow, Tuesday, April 22nd, at 1:30 in Conference Room 224, on House Bill 1688, relating to the King Kamehameha Celebration Commission."

Representative Moses rose and stated:

"I think all the members of this body by now know that our cemeteries were vandalized over the weekend, and I think it may be appropriate to call for a moment of silence, to grieve with all of those families' loved ones and others who have witnessed this desecration of our cemeteries." (A moment of silence was observed by the members of the House.)

Representative Kawanakoa rose and stated:

"I just wanted to note that we have three days left to get our budget finalized and to figure out how we're going to pay for everything. And as we do that, I also note that we have seven days left for the legislative session. I hope that as we focus towards the ending of our session, that we can begin to focus also on our economy. I think that we have some lapses in our judgment and foresight with regard to stimulating the economy."

Representative Arakaki rose and stated:

"I have some good news and some bad news. The good news is that the House contributed 4,394 pounds of food and \$550 to the Foodbank Food Drive. And I guess the bad news is that the Senate collected a total of 11,415 points which includes the cash that was collected. Even though we were wiped out by the Senate on this Food Drive, I think we can all be proud that collectively, the Legislature contributed 16,359 points in terms of the Food Drive, so we're one of the most successful agencies and organizations to contribute to the Food Drive. And I really want to thank all the members for their contribution, and I especially want to thank Assistant Sergeant-At-Arms Frank Arakaki and his staff for helping us to collect the food items."

#### ADJOURNMENT

At 12:14 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 22, 1997. (Representatives Okamura and Takamine were excused.)

## FIFTY-SIXTH DAY

Tuesday, April 22, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:44 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by 4th grade students from Punahou School, after which the Roll was called showing all members present with the exception of Representatives Menor, Okamura and Souki, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 190 and 191) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 190, informing the House that on April 9, 1997, he signed into law Senate Bill No. 1548 as Act 10, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE STATE MEDICAL ASSISTANCE PROGRAM".

Gov. Msg. No. 191, transmitting copies of the 1996 Annual Report prepared by the High Technology Development Corporation pursuant to Chapter 206M, Hawaii Revised Statutes, as amended.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. No. 721 through 747) were received and announced by the Clerk and were placed on file.

Sen. Com. No. 721, returning H.C.R. No. 18, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ASSESSING THE COSTS OF MENTAL HEALTH SERVICES IN HAWAII AND THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE IN HEALTH CARE INSURANCE PLANS EQUIVALENT TO THE COVERAGE FOR ANY OTHER MEDICAL ILLNESSES," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 722, returning H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH LOCAL INDUSTRIES, THE HAWAII VISITORS AND CONVENTION BUREAU, THE DEPARTMENT OF AGRICULTURE AND OTHER APPROPRIATE AGENCIES TO SHOWCASE HAWAII-MADE PRODUCTS," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 723, returning H.C.R. No. 72, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE RURAL TRANSITION PLAN THAT PROMOTES NEW AND DIVERSIFIED AGRICULTURE AND INCREASES RURAL EMPLOYMENT AND DEVELOPMENT IN THE STATE," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 724, returning H.C.R. No. 76, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING IMPLEMENTATION OF EXPEDITED AUTOMATIC BORDER CLEARANCE; EXTENSION OF THE VISA WAIVER PROGRAM; AND ELIMINATION OF VISA REQUIREMENTS WHERE POSSIBLE," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 725, returning H.C.R. No. 107, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO PROCEED WITH THE FUNDING OF THE NEW CARRIER KNOWN AS CVN-77, AND HOMEPORING THE SHIP AT PEARL HARBOR," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 726, returning H.C.R. No. 128, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES DEPARTMENT OF DEFENSE TO CONTINUE ITS EFFORTS TO EVALUATE THE CURRENT UNITED STATES MILITARY PRESENCE IN OKINAWA," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 727, returning H.C.R. No. 153, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE AUDITOR TO CONDUCT AN AUDIT OF THE REVENUES, COSTS, AND SERVICES OF ALL STATE-RUN SMALL BOAT HARBORS AND BOAT RAMPS," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 728, returning H.C.R. No. 206, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE WAIMANALO HOUSING RESIDENTS ASSOCIATION, HAWAII HOUSING AUTHORITY, HOUSING FINANCE AND DEVELOPMENT CORPORATION, OFFICE OF HAWAIIAN AFFAIRS, AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO RESEARCH ISSUES AND IDENTIFY OPTIONS TO ENABLE THE RESIDENTS OF THE WAIMANALO HOMES PROJECT TO REMAIN LIVING THERE," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 729, returning H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO NOMINATE AND THE UNITED STATES SENATE TO CONFIRM AT LEAST ONE QUALIFIED RESIDENT FROM THE STATE OF HAWAII TO SERVE AS AN ACTIVE JUDGE ON THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 730, returning H.C.R. No. 239, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING RECOGNITION AND DESIGNATION OF SURFING AND OUTRIGGER CANOE RACING AS OLYMPIC SPORTS," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 731, returning H.C.R. No. 257, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH OTHER AGENCIES AND BIG ISLAND COMMUNITY ORGANIZATIONS TO DETERMINE HOW THE COMMERCIAL FOREST INDUSTRY AND THE HILO-HAMAKUA COMMUNITY CAN WORK TOGETHER TO HELP DETERMINE FUTURE OPTIONS FOR THE

COMMUNITY," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 732, returning H.C.R. No. 66, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC LIBRARY SYSTEM," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 733, returning H.C.R. No. 119, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO SUPPORT SENATOR JOHN MCCAIN'S FEDERAL LEGISLATION TO PROVIDE FOR THE MANAGEMENT OF THE AIRSPACE OVER UNITS OF THE NATIONAL PARK SYSTEM," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 734, returning H.C.R. No. 125, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A MENTAL HEALTH STATUTES TASK FORCE," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 735, returning H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO EXPEDITE THE CONVEYANCE OF KALIHI VALLEY STATE PARK TO THE STATE," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 736, returning H.C.R. No. 152, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DETERMINE STATE AND DISTRICT LEVEL MANAGEMENT AUTHORITY FOR THE HAWAIIAN STUDIES PROGRAM," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 737, returning H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SUPPORT FOR NATIVE HAWAIIAN NUTRITION EDUCATION," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 738, returning H.C.R. No. 215, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON LAND USE PLANNING," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 739, returning H.C.R. No. 252, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RECRUITMENT OF THE 'AMERICA'S SMITHSONIAN' EXHIBITION TO HAWAII," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 740, returning H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE DESIGNATION OF THE WAILOA STATE PARK AS THE PERMANENT SITE OF THE ANNUAL HAARI BOAT RACE," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 741, returning H.C.R. No. 259, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH HUNTING ORGANIZATIONS TO DISCUSS THE FEASIBILITY OF ESTABLISHING A HUNTING AREA RESERVES COUNCIL," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 742, returning H.C.R. No. 262, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO MAKE AVAILABLE A DEFINITION OF EACH GRADE LEVEL'S ROLE IN A CHILD'S EDUCATIONAL PROGRESSION," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 743, returning H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PREPARATION OF A LONG-RANGE FINANCIAL AND OPERATIONAL PLAN TO ENSURE THE DEVELOPMENT OF THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," which was adopted by the Senate on April 21, 1997.

Sen. Com. No. 744, informing the House that the President has, on April 21, 1997, appointed, as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following bills:

**S.B. No. 944, SD 2, HD 2:**

Senators Kanno, Chun Oakland, Levin, Baker, Fernandes Salling and Fukunaga, Co-Chairs; and Anderson.

**S.B. No. 1919, SD 1, HD 2:**

Senators Fukunaga and Fernandes Salling, Co-Chairs; Ihara and Taniguchi.

Sen. Com. No. 745, informing the House that the President has, on April 21, 1997, appointed, as conferees on the part of the Senate for the consideration of amendments proposed by the Senate to the following bills:

**H.B. No. 108, HD 2, SD 1:**

Senators Chumbley, Matsunaga, Fernandes Salling and Fukunaga, Co-Chairs; McCartney, Metcalf and Anderson.

**H.B. No. 417, HD 3, SD 1:**

Senators Sakamoto, Taniguchi, Kawamoto and Tanaka, Co-Chairs; and Aki.

**H.B. No. 1012, SD 1:**

Senators Tam, Aki Chumbley and Matsunaga, Co-Chairs; and Sakamoto.

**H.B. No. 1023, SD 1:**

Senators Tam, Aki and Fernandes Salling, Co-Chairs; M. Ige and Slom.

**H.B. No. 1105, HD 2, SD 1:**

Senators Tam, Levin, Aki and Fernandes Salling, Co-Chairs; Metcalf and Slom.

**H.B. No. 1132, HD 1, SD 1:**

Senators Tam and Aki, Co-Chairs; Metcalf and Slom.

**H.B. No. 1138, HD 1, SD 1:**

Senators Tam, Aki and Fernandes Salling, Co-Chairs; M. Ige and Slom.

**H.B. No. 1433, HD 2, SD 3:**

Senators Tam, Aki and Fernandes Salling, Co-Chairs; M. Ige and Slom.

**H.B. No. 1731, HD 1, SD 2:**

Senators Tam, Aki and Fernandes Salling, Co-Chairs; M. Ige and Slom.

**H.B. No. 1798, SD 1:**

Senators Fernandes Salling and Fukunaga, Co-Chairs; Bunda, Chun Oakland, M. Ige and Kanno.

**H.B. No. 1831, HD 1, SD 2:**

Senators Tam, Aki and Levin, Co-Chairs; Metcalf and Slom.

**H.B. No. 2032, HD 2, SD 2:**

Senators Tam, Aki, Fernandes Salling, Kanno and Chun Oakland, Co-Chairs; Kawamoto and Slom.

Sen. Com. No. 746, informing the House that H.B. No. 118, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNMARRIED COUPLES," passed Final Reading in the Senate on April 21, 1997.

Sen. Com. No. 747, informing the House that the President has, on April 21, 1997, appointed as conferees on the part of the Senate for the consideration of amendments proposed by the House to the following bill:

**S.B. No. 1472, SD 2, HD 2:**

Senators Fernandes Salling and Fukunaga, Co-Chairs; Bunda, Chun Oakland, M. Ige and Kanno.

At this time, the following introductions were made to the members of the House:

Representative Chang introduced his parents, Alma and Leslie Chang, and his Campaign Chairman, Delbert Nishimoto.

Representative Takumi introduced members of the United Public Workers Local 646, along with State Director Gary Rodrigues, who were seated in the gallery.

At 11:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1879) recommending that S.C.R. No. 2, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 2, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSIST THE LEGISLATURE IN ESTABLISHING AN APPROPRIATE SALARY STRUCTURE AND PAY INCREMENTS FOR LENGTH OF CONTINUOUS CREDITABLE JUDICIAL SERVICE TO THE STATE," was adopted, with Representatives Menor, Okamura and Souki being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1880) recommending that S.C.R. No. 152, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 152, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LAW ENFORCEMENT COALITION, IN CONSULTATION WITH THE JUDICIARY, TO STUDY WAYS TO SIMPLIFY PROOF OF PRIOR CRIMINAL CONVICTIONS," was adopted, with Representatives Menor, Okamura and Souki being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1881) recommending that S.C.R. No. 165 be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 165, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIPAHU CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was adopted, with Representatives Menor, Okamura and Souki being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1882) recommending that S.C.R. No. 257 be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 257, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO NOMINATE AND THE UNITED STATES SENATE TO CONFIRM AT LEAST ONE QUALIFIED RESIDENT FROM THE STATE OF HAWAII TO SERVE AS AN ACTIVE JUDGE ON THE UNITED STATES NINTH CIRCUIT COURT OF APPEALS," was adopted, with Representatives Menor, Okamura and Souki being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1883) recommending that S.C.R. No. 43 be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT STATE AND FEDERAL MONEYS FOR SPECIAL EDUCATION AND RELATED SERVICES ARE NOT CO-OPTED THROUGH SITE-BASED MANAGEMENT AND FISCAL FLEXIBILITY," was referred to the Committee on Finance with Representatives Menor, Okamura and Souki being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1884) recommending that S.C.R. No. 99 be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A SCHOOL-TO-WORK TRANSITION CENTER AT KA'U HIGH AND PAHALA ELEMENTARY SCHOOL," was referred to the Committee on Finance with Representatives Menor, Okamura and Souki being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1885) recommending that S.C.R. No. 277, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 277, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION, THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AND THE HAWAII SCHOOL OFFICE SERVICES ASSOCIATION DEVELOP A PLAN TO PROVIDE FUTURE CLERICAL STAFFING TO ALL SCHOOLS," was referred to the Committee on

Finance with Representatives Menor, Okamura and Souki being excused.

### SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Menor, Okamura, Souki and Yonamine were excused.)

At 12:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:02 o'clock p.m.

### FINAL READING

#### H.B. No. 293, HD 1, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 293, HD 1, and H.B. No. 293, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION," passed Final Reading by a vote of 47 ayes, with Representatives Menor, Okamura, Souki, Yonamine being excused.

#### H.B. No. 623, SD 1:

Representative M. Oshiro moved that the House agree to the amendments proposed by the Senate to H.B. No. 623 and H.B. No. 623, SD 1, pass Final Reading, seconded by Representative Ward.

Representative Thielen rose in support of the measure and noted this was a House Women's Caucus bill, and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Thielen's remarks are as follows:

"Mr. Speaker, this bill eliminates the possibility of expungement of records relating to a person's arrest, trial, conviction, dismissal or discharge involving abuse of a family or household member. Violence against women is one of our most critical social law enforcement and health problems facing our communities today.

"The majority of assault related hospital records in Hawaii indicate that intentional injuries are caused by acquaintances, family members and intimate partners. The Hawaii State Commission on the Status of Women estimated that at least 20% of all the women in this state, ages 18-64, have been victims of domestic violence.

"In most domestic abuse situations, the violence increases in both severity and frequency over time. By the time most perpetrators are arrested, they have moved far along the continuum of violence and are among the most violent members of our community.

"Tracking and establishing a history of domestic violence by perpetrators is critical in assessing lethality and for the purposes of ensuring appropriate adjudication of domestic violence cases. It is only by ensuring quick, certain and appropriate consequences that we can hope to increase the protection of the victims of domestic violence.

"For the reasons stated above, I am in support of this measure."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 623, and H.B. No. 623, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Final Reading by a vote of 47 ayes, with Representatives Menor, Okamura, Souki and Yonamine being excused.

#### H.B. No. 1385, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1385, and H.B. No. 1385, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Final Reading by a vote of 47 ayes, with Representatives Menor, Okamura, Souki and Yonamine being excused.

#### H.B. No. 1395, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1395, and H.B. No. 1395, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," passed Final Reading by a vote of 47 ayes, with Representatives Menor, Okamura, Souki and Yonamine being excused.

The Chair directed the Clerk to note that H.B. Nos. 293, 623, 1385 and 1395 had passed Final Reading at 12:03 o'clock p.m.

### ANNOUNCEMENTS

Representative Meyer: "Mr. Speaker, I'd just like to remind the members we have four days left to pass bills that will help stimulate our lagging economy. I just ask that we all keep this a top priority."

Representative Moses: "I'd just like to make the announcement that it is Passover and I wish all our Jewish brethren the best in their holy days."

### ADJOURNMENT

At 12:04 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 23, 1997. (Representatives Menor, Okamura, Souki and Yonamine were excused.)

## FIFTY-SEVENTH DAY

**Wednesday, April 23, 1997**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:48 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Michelle Whiteveen and Chris Nakamura, 8th Grade students from Punahou School, after which the Roll was called showing all members present with the exception of Representatives Okamura, Santiago and Takumi, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 192 and 193) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 192, transmitting copies of the report, STATISTICS OF HAWAIIAN AGRICULTURE 1995. This cooperative effort between the State and U.S. Departments of Agriculture is considered the official reference book for agriculture in Hawaii.

Gov. Msg. No. 193, informing the House that on April 21, 1997, he signed the following bills into law:

House Bill No. 519 as Act 30, entitled: "RELATING TO CHILDREN AND YOUTH."

Senate Bill No. 57 as Act 31, entitled: "RELATING TO GOLD AND SILVER STAMPING."

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 748 through 751) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 748, returning H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY AND REPORT ON THE NEED TO REGULATE THE PRACTICE OF OCCUPATIONAL THERAPY," which was adopted by the Senate on April 22, 1997.

Sen. Com. No. 749, returning H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY WHETHER ALL REAL ESTATE APPRAISERS SHOULD BE LICENSED OR CERTIFIED, AND WHETHER ALL APPRAISALS SHOULD BE CONDUCTED IN CONFORMANCE WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISALS PRACTICE," which was adopted by the Senate on April 22, 1997.

Sen. Com. No. 750, informing the House that the Senate has reconsidered its action of April 10, 1997, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate Bills have passed Final Reading in the Senate on April 22, 1997:

S.B. No. 818, SD 1, HD 1, entitled: "RELATING TO TRADEMARK COUNTERFEITING";

S.B. No. 952, SD 1, HD 1, entitled: "RELATING TO CONSUMER PROTECTION";

S.B. No. 969, HD 2, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

S.B. No. 1560, SD 1, HD 2, entitled: "RELATING TO ELECTRONIC PRESCRIPTIONS"; and

S.B. No. 1714, HD 1, entitled: "RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING".

Sen. Com. No. 751, returning H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO URGE NATIVE HAWAIIANS TO PARTICIPATE IN AN EARLY CANCER DETECTION PROGRAM," which was adopted by the Senate on April 22, 1997.

At this time, Representative Kanoho introduced his brother, Ralph Kanoho, and niece, Galen, "visiting from Seattle," and her daughter, Alana.

## CONFERENCE COMMITTEE REPORTS

Representatives Santiago and Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 135, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 51) recommending the S.B. No. 135, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and S.B. No. 135, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," was deferred for a period of 48 hours.

Representatives Santiago and Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 512, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 52) recommending the S.B. No. 512, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and S.B. No. 512, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS," was deferred for a period of 48 hours.

## SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representatives Hiraki, Okamura, Santiago and Takumi were excused.)

## RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action taken on April 10, 1997, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 112, HD 2 (SD 1); 1619, HD 2 (SD 1); 1625, HD 1 (SD 2); and 1814, HD 1 (SD 1), seconded by Representative Ward and carried. (Representatives Hiraki, Okamura, Santiago and Takumi were excused.)

Representative M. Oshiro then gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 112, HD 2 (SD 1); 1619, HD 2 (SD 1); 1625, HD 1 (SD 2); and 1814, HD 1 (SD 1). (Representatives Hiraki, Okamura, Santiago and Takumi were excused.)

#### ANNOUNCEMENTS

Representative M. Oshiro: "Mr. Speaker, a general announcement for the members that we will be convening tomorrow evening at 9:00 o'clock p.m."

Representative Moses then rose and stated:

"I'd like to indicate to the members that on your desk you have a flier concerning Jimmy Query who is a leukemia patient. This Saturday, in Makakilo, we're having a Fun Fair and trying to get bone marrow donors to come take the blood test. I'm asking for the kokua of the House and the staff. We need some help manning these booths. There's going to be booths for ring toss, throwing darts at balloons, and leading kids around on the pony rides. We need some help out there and I know it's a very difficult weekend for all of us. If people cannot make it to Makakilo, then at Daiei in Waipahu from 9 - 3, there'll be people there accepting blood samples also.

"We have other children beside Jimmy dying right now, waiting for marrow transplants. We have diverse ethnic backgrounds here, of course. We have Samoan, Chinese and Filipino Caucasian mix, very difficult to find matches. So please help us out, give my office a call. We could use any kind of help we can get."

Representative Fox: "Mr. Speaker, we have three days left in the session and we all want to stay very much focused on the need to stimulate Hawaii's economy in these tough times."

Representative Kawanakoa: "I just want to make a brief announcement to remind my colleagues that this entire week has been Secretary's Week and especially that today happens to be Secretary's Day. I just happen to know of a place that if any of my colleagues are too busy and need to get a gift certificate for a therapeutic massage or aroma therapy basket, I'll be happy to help you."

#### ADJOURNMENT

At 11:58 o'clock a.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 9:00 o'clock p.m. tomorrow, Thursday, April 24, 1997. (Representatives Okamura, Santiago and Takumi were excused.)



## FIFTY-EIGHTH DAY

**Thursday, April 24, 1997**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 9:14 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Marilyn B. Lee, after which the Roll was called showing all members present with the exception of Representatives Menor and Okamura, who were excused.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the House of Representatives of the Forty-Sixth, Forty-Seventh, Forty-Eighth, Forty-Ninth, Fiftieth and Fifty-First Days were subsequently approved. (Representatives Goodenow, Hiraki, Menor, Okamura, Stegmaier and Yoshinaga were excused.)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 194 and 195) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 194, informing the House that on April 22, 1997, he signed the following bills into law:

Senate Bill No. 958 as Act 32, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE";

Senate Bill No. 985 as Act 33, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE";

Senate Bill No. 1110 as Act 34, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 1490 as Act 35, entitled: "RELATING TO PUBLIC ACCOUNTANCY";

Senate Bill No. 1501 as Act 36, entitled: "RELATING TO THE INSURANCE CODE";

Senate Bill No. 1507 as Act 37, entitled: "RELATING TO THE LICENSURE EXAMINATION REQUIREMENTS FOR PSYCHOLOGISTS";

Senate Bill No. 1508 as Act 38, entitled: "RELATING TO THE PRELICENSING INSPECTIONS";

Senate Bill No. 1509 as Act 39, entitled: "RELATING TO EDUCATION REQUIREMENTS FOR PROFESSIONAL AND VOCATIONAL LICENSING";

Senate Bill No. 1510 as Act 40, entitled: "RELATING TO NOTARIZED SIGNATURES ON PROFESSIONAL AND VOCATIONAL LICENSE APPLICATIONS";

Senate Bill No. 1511 as Act 41, entitled: "RELATING TO OPTOMETRY EXAMINATION REQUIREMENTS";

Senate Bill No. 1513 as Act 42, entitled: "RELATING TO MASSAGE THERAPY";

Senate Bill No. 1514 as Act 43, entitled: "RELATING TO OPTOMETRY LICENSURE";

Senate Bill No. 1517 as Act 44, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY LICENSING";

Senate Bill No. 1518 as Act 45, entitled: "RELATING TO REAL ESTATE BROKER SALESPERSONS";

Senate Bill No. 1532 as Act 46, entitled: "RELATING TO REGULATION OF PRIVATE DETECTIVES AND GUARDS".

Gov. Msg. No. 195, informing the House that on April 23, 1997, he signed the following bills into law:

House Bill No. 364 as Act 47, entitled: "RELATING TO SECURITIES";

House Bill No. 387 as Act 48, entitled: "RELATING TO NURSES";

House Bill No. 460 as Act 49, entitled: "RELATING TO THE DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS";

House Bill No. 462 as Act 50, entitled: "RELATING TO FINES FOR LATE FILERS OF FINANCIAL INTERESTS DISCLOSURES";

House Bill No. 463 as Act 51, entitled: "RELATING TO FRIVOLOUS CHARGES";

House Bill No. 617 as Act 52, entitled: "RELATING TO CHILDREN BORN TO PARENTS NOT MARRIED TO EACH OTHER";

House Bill No. 789 as Act 53, entitled: "RELATING TO FIREARMS";

House Bill No. 1085 as Act 54, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 1203 as Act 55, entitled: "RELATING TO CRIMINAL PROCEDURE";

House Bill No. 1296 as Act 56, entitled: "RELATING TO GARNISHMENT";

House Bill No. 1326 as Act 57, entitled: "RELATING TO LIQUOR";

House Bill No. 1377 as Act 58, entitled: "RELATING TO THE DISPOSITION OF JUDICIARY RECORDS";

House Bill No. 1382 as Act 59, entitled: "RELATING TO ADJUDICATION OF TRAFFIC INFRACTIONS";

House Bill No. 1387 as Act 60, entitled: "RELATING TO MOTOR VEHICLE DRIVER LICENSING";

House Bill No. 1407 as Act 61, entitled: "RELATING TO THE CERTIFICATION OF ELECTION RESULTS";

House Bill No. 1579 as Act 62, entitled: "RELATING TO AGRICULTURE";

House Bill No. 1580 as Act 63, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

House Bill No. 1693 as Act 64, entitled: "RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION";

House Bill No. 1718 as Act 65, entitled: "RELATING TO RECOVERY OF PAYMENTS";



House Bill No. 1748 as Act 66, entitled: "RELATING TO KAHOLAWE PENALTIES";

House Bill No. 1750 as Act 67, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1756 as Act 68, entitled: "RELATING TO PENALTIES FOR VIOLATIONS OF ADMINISTRATIVE RULES";

House Bill No. 1760 as Act 69, entitled: "RELATING TO MOTOR VEHICLE SAFETY";

Senate Bill No. 137 as Act 70, entitled: "RELATING TO HEALTH";

Senate Bill No. 1159 as Act 71, entitled: "RELATING TO BUSINESS CORPORATION";

Senate Bill No. 1303 as Act 72, entitled: "RELATING TO INSURANCE RATE REGULATION";

Senate Bill No. 1304 as Act 73, entitled: "RELATING TO HIGHWAY SAFETY";

Senate Bill No. 1363 as Act 74, entitled: "RELATING TO MEDICINE AND SURGERY";

Senate Bill No. 1484 as Act 75, entitled: "RELATING TO THE INSURANCE CODE";

Senate Bill No. 1778 as Act 76, entitled: "RELATING TO THE ELECTRICIANS".

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 752 through 756) were received and announced by the Clerk and were placed on file.

Sen. Com. No. 752, informing the House that the President has on April 23, 1997, added Senator Kawamoto as a Co-Chair at the Conference of Senate Bill 871, SD 2, HD 3.

Sen. Com. No. 753, informing the House that the Senate has reconsidered its action of April 1, 1997, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate bills have passed Final Reading in the Senate on April 23, 1997:

S.B. No. 305, SD 1, HD 1, entitled: "RELATING TO CHILD ABUSE";

S.B. No. 823, SD 1, HD 1, entitled: "RELATING TO FIREARMS";

S.B. No. 1279, SD 1, HD 1, entitled: "RELATING TO SEXUAL ASSAULT";

S.B. No. 1428, SD 1, HD 1, entitled: "RELATING TO FILM PERMITTING".

Sen. Com. No. 754, informing the House that the Senate has reconsidered its action of April 1, 1997, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate Bills have passed Final Reading in the Senate on April 23, 1997:

S.B. No. 1286, HD 1, entitled: "RELATING TO RETAIL TOBACCO SALES TO MINORS";

S.B. No. 1599, SD 1, HD 1, entitled: "RELATING TO A COMMERCIAL MARINE DEALER LICENSE".

Sen. Com. No. 755, informing the House that the Senate disagreed to the amendments proposed by the House and has on April 23, 1997, named conferees to the following Senate Concurrent Resolutions:

#### S.C.R. No. 124, HD 1:

Senators Tam and Aki, Co-Chairs; M. Ige and Slom.

#### S.C.R. No. 171, SD 1, HD 1:

Senators Tam, Aki and Fernandes Salling, Co-Chairs; M. Ige and Slom.

#### S.C.R. No. 182, SD 1, HD 1:

Senators Tam, Aki and Fernandes Salling, Co-Chairs; M. Ige and Slom.

#### S.C.R. No. 270, SD 1, HD 1:

Senators Tam, Aki and Fernandes Salling, Co-Chairs; M. Ige and Metcalf.

Sen. Com. No. 756, informing the House that the Senate has reconsidered its action of April 10, 1997, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate bills have passed Final Reading in the Senate on April 24, 1997:

S.B. No. 161, SD 1, HD 1, entitled: "RELATING TO CHILD CARE FACILITIES";

S.B. No. 242, SD 1, HD 2, entitled: "RELATING TO LOBBYISTS";

S.B. No. 262, SD 1, HD 1, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

S.B. No. 653, SD 2, HD 2, entitled: "RELATING TO EMPLOYMENT PRACTICES";

S.B. No. 1277, SD 1, HD 1, entitled: "RELATING TO DANGEROUS DRUGS";

S.B. No. 1874, SD 2, HD 2, entitled: "RELATING TO WELFARE TO WORK TRANSITION ASSISTANCE".

At this time, Representative McDermott introduced his father, Bob, who was seated in the gallery, to the members of the House.

At 9:20 o'clock p.m., Representative M. Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:34 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1886) recommending that S.C.R. No. 109, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE," was adopted with Representatives Hiraki, Menor, Okamura, P. Oshiro, Tom, Yonamine and Yoshinaga being excused.

Representative Kanoho, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1887) recommending that S.C.R. No. 128, S.D. 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 128, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE LICENSING OF MASSAGE SCHOOLS," was adopted with Representatives Hiraki, Menor, Okamura, P. Oshiro, Tom, Yonamine and Yoshinaga being excused.

#### CONFERENCE COMMITTEE REPORTS

Representatives Tarnas and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1745, H.D. 2, S.D. 2, presented a report (Conf. Com. Rep. No. 3) recommending that H.B. No. 1745, H.D. 2, S.D. 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and H.B. No. 1745, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT," was deferred for a period of 48 hours.

Representatives Tom and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1610, H.D. 2, S.D. 1, presented a report (Conf. Com. Rep. No. 4) recommending that H.B. No. 1610, H.D. 2, S.D. 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4 and H.B. No. 1610, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF THE UNITED STATES," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 214, SD 1, presented a report (Conf. Com. Rep. No. 5) recommending that H.B. No. 214, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and H.B. No. 214, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KEAHOE AIRPORT," was deferred for a period of 48 hours.

Representatives Tarnas and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1965, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 6) recommending that H.B. No. 1965, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and H.B. No. 1965, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARMFUL AQUATIC LIFE," was deferred for a period of 48 hours.

Representatives Hiraki, Menor and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B.

No. 2, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 7) recommending that H.B. No. 2, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and H.B. No. 2, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred for a period of 48 hours.

Representatives Morihara and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1660, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 8) recommending that H.B. No. 1660, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and H.B. No. 1660, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives Garcia and Kanoho, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1638, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 9) recommending that H.B. No. 1638, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and H.B. No. 1638, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," was deferred for a period of 48 hours.

Representatives Yonamine and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1706, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 10) recommending that H.B. No. 1706, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10 and H.B. No. 1706, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND," was deferred for a period of 48 hours.

Representatives Yoshinaga and Kanoho, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 175 HD 1, presented a report (Conf. Com. Rep. No. 53) recommending that S.B. No. 175, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and S.B. No. 175, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

Representatives Yoshinaga and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 373, HD 1, presented a report (Conf. Com. Rep. No. 54) recommending that S.B. No. 373, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54 and S.B. No. 373, HD 1, CD 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

Representatives Santiago, Tom and Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 165, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 55) recommending that S.B. No. 165, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55 and S.B. No. 165, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DONATION OF PHARMACEUTICALS AND HEALTH CARE SUPPLIES," was deferred for a period of 48 hours.

Representatives Arakaki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1554, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 56) recommending that S.B. No. 1554, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56 and S.B. No. 1554, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," was deferred for a period of 48 hours.

Representatives Arakaki, Santiago and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1879, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 57) recommending that S.B. No. 1879, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57 and S.B. No. 1879, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1619, HD 2, presented a report (Conf. Com. Rep. No. 58) recommending that S.B. No. 1619, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and S.B. No. 1619, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was deferred for a period of 48 hours.

Representatives Santiago and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 377, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 59) recommending that S.B. No. 377, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and S.B. No. 377, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," was deferred for a period of 48 hours.

Representatives Santiago and Menor, for the Committee on Conference on the disagreeing vote of the Senate to the

amendments proposed by the House in S.B. No. 835, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 60) recommending that S.B. No. 835, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60 and S.B. No. 835, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIANS," was deferred for a period of 48 hours.

Representatives Santiago and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1589, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 61) recommending that S.B. No. 1589, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61 and S.B. No. 1589, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD DEATH REVIEW," was deferred for a period of 48 hours.

### INTRODUCTION OF RESOLUTIONS

H.R. No. 235, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMEMORATING THE OUTSTANDING ACCOMPLISHMENTS OF THE 1996-1997 UNIVERSITY OF HAWAII AT MANOA RAINBOW WAHINE BASKETBALL TEAM," was jointly offered by Representatives Goodenow and Morihara.

On motion by Representative Goodenow, seconded by Representative Morihara, H.R. No. 235 was adopted, with Representatives Hiraki, Menor, Okamura, P. Oshiro, Tom and Yoshinaga being excused.

H.R. No. 236, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMEMORATING THE OUTSTANDING ACCOMPLISHMENTS OF THE 1996-1997 UNIVERSITY OF HAWAII AT MANOA RAINBOW MEN'S BASKETBALL TEAM," was jointly offered by Representatives Goodenow and Morihara.

On motion by Representative Goodenow, seconded by Representative Morihara, H.R. No. 236 was adopted, with Representatives Hiraki, Menor, Okamura, P. Oshiro, Tom and Yoshinaga being excused.

### SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representatives Herkes, Menor, Okamura, Tom and Yoshinaga were excused.)

### RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action taken on April 10, 1997, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 1, HD 1, (SD 1); 133, HD 2, (SD 1); 872, (SD 1); 1485, HD 2, (SD 2); 1575, (SD 1); 1654, HD 1, (SD 2); 1655, HD 1, (SD 1); 1724, HD 1, (SD 1); and 1904, HD 3, (SD 1), seconded by Representative Ward and carried. (Representatives Herkes, Menor, Okamura, Tom and Yoshinaga were excused.)

Representative M. Oshiro then gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 1, HD 1, (SD 1); 133, HD 2, (SD 1); 872, (SD 1); 1485, HD 2, (SD 2); 1575, (SD 1); 1654, HD 1, (SD 2); 1655, HD 1, (SD 1); 1724, HD 1, (SD 1); and 1904, HD 3, (SD 1).

### SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Herkes, Menor, Okamura, Tom and Yoshinaga were excused.)

### FINAL READING

The following bills were taken from the Clerk's desk and the following actions taken:

#### H.B. No. 112, HD 2, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 112, HD 2, and H.B. No. 112, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Final Reading by a vote of 48 ayes, with Representatives Menor, Okamura and Yoshinaga being excused.

#### H.B. No. 1619, HD 2, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1619, HD 2, and H.B. No. 1619, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF TRUSTS FOR THE DEFERRED COMPENSATION PLANS," passed Final Reading by a vote of 48 ayes, with Representatives Menor, Okamura and Yoshinaga being excused.

#### H.B. No. 1625, HD 1, SD 2:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1625, HD 1, and H.B. No. 1625, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSOLIDATING EMPLOYMENT AND TRAINING ADVISORY BODIES INTO A WORKFORCE DEVELOPMENT COUNCIL," passed Final Reading by a vote of 48 ayes, with Representatives Menor, Okamura and Yoshinaga being excused.

#### H.B. No. 1814, HD 1, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1814, HD 1, and H.B. No. 1814, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 48 ayes, with Representatives Menor, Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 112, 1619, 1625 and 1814 had passed Final Reading at 9:41 o'clock p.m.

The following concurrent resolutions were taken from the Clerk's desk and the following actions taken:

#### H.C.R. No. 18, HD 1, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 18, HD 1, and H.C.R. No. 18, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ASSESSING THE COSTS OF MENTAL HEALTH SERVICES IN HAWAII AND THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE IN HEALTH CARE INSURANCE PLANS EQUIVALENT TO THE COVERAGE FOR ANY OTHER MEDICAL ILLNESSES," was Finally adopted, with Representatives Menor, Okamura and Yoshinaga being excused.

#### H.C.R. No. 128, HD 1, SD 1:

Representative M. Oshiro moved to agree to the amendments proposed by the Senate to H.C.R. No. 128, HD 1, and H.C.R. No. 128, HD 1, SD 1, be Finally adopted, seconded by Representative Ward.

Representative Ward rose and stated:

"I don't want to repeat myself, Mr. Speaker, but I would like to speak with reservations on the U.S. military presence in Okinawa.

"Unfortunately, I didn't have the opportunity to meet with the Mayor who was here I believe this morning in your Chambers. I think it was an opportune time to really see what was at the core, at least from the hypothesis that the Japanese gave me while I was there in December. They were very much in need of the American presence so the commerce of Asia can carry on. I'm not sure that this resolution really gets to the essence of that; it's a bit of a civil matter. So with those reservations, I would say that someday I hope those troops will have to be pulled out because it will be a safe place. However, until it does take place, I think this resolution is a little bit skewed.

"Thank you, Mr. Speaker."

Representative Thielen then rose to speak in support of the resolution with some reservations, stating:

"I did have an opportunity to speak to the Governor of Okinawa. I explained to him about the positive economic impact that the Kaneohe Marine Base has on the Windward side, and I queried as to whether or not businesses in Okinawa, in fact, did not appreciate the presence of the military there. It was a brief exchange and we didn't have time to really go into detail. I am concerned about us as a state entering into what is really a matter to be dealt with by Washington, D.C. rather than the State of Hawaii. I think there may be more sides to the issue than is portrayed in this resolution.

"Thank you, Mr. Speaker."

Representative Ahu Isa then rose and stated:

"I rise to speak in support of the resolution because I think this is a fair thing to ask of the Federal government. I guess people don't know the history of the Okinawans in Japan where they've always been looked down upon.

"I can tell you from experience that my mother-in-law still has the tattoos on her hands that showed she is an Okinawan. And seventy-five percent of the military bases in Japan are on Okinawa. I don't know why the Japanese government cannot spread it all over instead of

just putting it all on that island, and so I speak in support. Thank you."

Representative Arakaki then rose in strong support of the measure stating:

"If I could just add a little perspective to this; actually, the Senate did tone it down a little bit. I think they felt the original resolution was a little too strong. However, I also met with the governor -- Governor Ota of Okinawa and there were several people who asked why Hawaii would have an interest in supporting such a resolution and supporting the efforts of a foreign prefecture. The basic reason is we, in Hawaii, are a multicultural society and we're also part of the Pacific community just like they are.

"I think that if anybody can empathize with what the Okinawan people have gone through -- they suffered huge losses in the Battle of Okinawa; they were occupied for 27 years; and now they suffer a different kind of occupation with over 70%, as the previous Representative had said, of the bases in Japan being located in Okinawa. So I think it's a matter of justice. I think we know what the Okinawan people went through because many of us do belong to the Okinawan community. We are part of that effort to help them after the war.

"It has a lot to do with their economic development because many of the prime lands are occupied by the military, just as they are here. So I think we want to get a message to our government, as well as to the Japanese government, let's be fair; let's be equitable. We're not saying that the presence of the U.S. military is not needed because we certainly think it is, but in a matter of being just and equitable, we want to support that effort."

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

"I had intended not to speak on this measure but I just want to say that I'm very thankful that the Okinawans are no longer tattooed. That is due, in no small part, to the presence of the United States military being on the soil to protect their interests.

"Thank you, Mr. Speaker."

Representative M. Oshiro then rose to speak in strong support of the resolution, stating:

"Just to clarify a comment made by the previous speaker. The tattooing on the Okinawan people, especially the women of Okinawa, is part of the traditional Okinawan practice by which women were identified. Their identification of tattooing was to show that a woman was married and in a committed relationship. It was a practice that was done since ancient times in Okinawa, similar to many of the other cultures in the Pacific Rim.

"Mr. Speaker, I rise to speak in support of this resolution also because as one of Okinawan decent who has had the privilege of visiting my mother country, I learned a great deal a few years ago. In visiting the areas that were occupied during the war there, I learned also that the effects of war upon that nation-state of Okinawa was very traumatic for the people.

"Personally, Mr. Speaker, one of the tragedies that I realized when I went back to look at my roots, was cut short because I discovered that my koden which would give me my own genealogy to my forefathers was destroyed in the war, in the Battle of Okinawa. That preempted me from going further back and learning about my roots.

"Mr. Speaker, the Governor of Okinawa was kind enough to give me a video today, a short 20-minute video, which graphically and very intelligently sets forth the cause of the Okinawan people today. I would invite any member who might be interested in learning more about the situation there to stop by my office.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 128, HD 1, and H.C.R. No. 128, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES DEPARTMENT OF DEFENSE TO CONTINUE ITS EFFORTS TO EVALUATE THE CURRENT UNITED STATES MILITARY PRESENCE IN OKINAWA," was Finally adopted, with Representatives Menor, Okamura and Yoshinaga being excused.

#### H.C.R. No. 168, HD 1, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 168, HD 1, and H.C.R. No. 168, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF PROVIDING CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS, DEPUTY SHERIFFS, AND LIQUOR COMMISSION INVESTIGATORS WITH CLASS A MEMBERSHIP WITHIN THE EMPLOYEES' RETIREMENT SYSTEM," was Finally adopted, with Representatives Menor, Okamura and Yoshinaga being excused.

#### ANNOUNCEMENT

Representative Moses: "I just want to say that we have but two legislative days remaining to get the economy of Hawaii moving."

Representative M. Oshiro 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. (Representatives Menor, Okamura and Yoshinaga were excused.)

At 9:51 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. 11 to 38 and 62 to 88) were received in the Clerk's Office:

Conf. Com. Rep. No. 11 and H.B. No. 1894, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE ELEVATOR MECHANICS LICENSING BOARD," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 12 and H.B. No. 1863, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER AND BUSINESS EDUCATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.



Conf. Com. Rep. No. 13 and H.B. No. 939, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 14 and H.B. No. 2202, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 15 and H.B. No. 1899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 16 and H.B. No. 1006, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 17 and H.B. No. 106, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 18 and H.B. No. 141, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 19 and H.B. No. 103, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 20 and H.B. No. 351, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 21 and H.B. No. 582, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMBAT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 22 and H.B. No. 1309, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 23 and H.B. No. 636, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 24 and H.B. No. 1762, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF IMPOUNDED VESSELS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 25 and H.B. No. 1105, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 26 and H.B. No. 1819, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 27 and H.B. No. 631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 28 and H.B. No. 111, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 29 and H.B. No. 581, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 30 and H.B. No. 1713, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 31 and H.B. No. 20, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 32 and H.B. No. 116, HD 2, SD 2, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 33 and H.B. No. 1012, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 34 and H.B. No. 1841, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 35 and H.B. No. 65, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 36 and H.B. No. 113, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 37 and H.B. No. 107, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 38 and H.B. No. 1451, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 62 and S.B. No. 426, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 63 and S.B. No. 1160, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," were placed on

the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 64 and S.B. No. 1588, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 65 and S.B. No. 130, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 66 and S.B. No. 382, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 67 and S.B. No. 991, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 68 and S.B. No. 1197, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 69 and S.B. No. 1621, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 70 and S.B. No. 633, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST OPERATIONS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 71 and S.B. No. 647, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 72 and S.B. No. 718, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-SENTENCE DIAGNOSIS AND REPORT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 73 and S.B. No. 986, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 74 and S.B. No. 989, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 75 and S.B. No. 1069, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE NOMINATION PAPERS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 76 and S.B. No. 1267, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 77 and S.B. No. 5, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORSPORTS INSURANCE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 78 and S.B. No. 138, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REIMBURSEMENTS OF MENTAL HEALTH AND SUBSTANCE ABUSE BENEFITS FOR ADVANCED PRACTICE REGISTERED NURSES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 79 and S.B. No. 141, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASE-PURCHASE AGREEMENTS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 80 and S.B. No. 152, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 81 and S.B. No. 656, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 82 and S.B. No. 1114, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 83 and S.B. No. 1191, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 84 and S.B. No. 1487, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 85 and S.B. No. 1522, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 86 and S.B. No. 1901, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 87 and S.B. No. 817, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 88 and S.B. No. 870, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PICKUP TRUCKS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock p.m. tomorrow, Friday, April 25, 1997.

## FIFTY-NINTH DAY

Friday, April 25, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 10:12 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Ezra R. Kanoho, after which the Roll was called showing all members present with the exception of Representatives Menor, Okamura, Stegmaier and Yoshinaga, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 196 through 198) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 196, transmitting copies of the following: Alcohol and Drug Abuse Division, Annual Report, Fiscal Year 1996.

Gov. Msg. No. 197, transmitting copies of the following: Report to the Nineteenth Legislature, State of Hawaii, 1997, on SLH 1995, Act 189, Requesting the Department of Health to Keep Waiting Lists of All Individuals with Developmental Disabilities, Mental Retardation or Both, who are Eligible for Services and Supports but for whom Services and Supports have not been Provided for any Reason, and to Report Annually to the Legislature the Numbers of Persons Waiting for Services and Supports and the Reasons for the Lack of Services and Supports.

Gov. Msg. No. 198, transmitting copies of the report, "The Department of Transportation to Establish the Hawaii Airports Cultural Development Committee," pursuant to Act 218, Section 17, Session Laws of Hawaii 1995.

At this time, the following introductions were made to the members of the House:

Representative Kanoho, on behalf of Representatives Kawakami, Morita and himself, introduced five Kauai residents: Lori Yoshida, Gary Baldwin, Jeffrey Kaohi, Ernest Lau and Mike Ballas.

Representative Kahikina introduced Mrs. Manoa, a teacher and a constituent of his from Nanakuli.

Representative Thielen introduced two friends: Ron Albu and Norman Lau.

Representative Morita, on behalf of the Education Committee, introduced teachers (HSTA members) from throughout the State, who were seated in the gallery.

Representative Takai introduced Lt. Colonel Frank Y.P. Lau and Staff Sgt. Russell Matusiak. "These two men represent the 17 men and women who recently returned from service in Germany, replacing active duty medical personnel who were deployed to Bosnia as part of Operation Joint Endeavor and Joint Guard." Lt. Colonel Lau was accompanied by his wife, Darilyn, and his daughter, Natalie.

Representative Moses introduced David Gilbert, a member of the HSTA, former Chair of Neighborhood Board 23, and currently a member of Neighborhood Board 34.

## UNFINISHED BUSINESS

**Conf. Com. Rep. No. 51 and S.B. No. 135, SD 1, HD 2, CD 1:**

By unanimous consent, action was deferred one day.

**Conf. Com. Rep. No. 52 and S.B. No. 512, SD 2, HD 2, CD 1:**

By unanimous consent, action was deferred one day.

## CONFERENCE COMMITTEE REPORTS

Representative Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1894, SD 1, presented a report (Conf. Com. Rep. No. 11) recommending that H.B. No. 1894, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11 and H.B. No. 1894, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE ELEVATOR MECHANICS LICENSING BOARD," was deferred for a period of 48 hours.

Representatives Menor and Kanoho, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1863, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 12) recommending that H.B. No. 1863, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12 and H.B. No. 1863, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER AND BUSINESS EDUCATION," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 939, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 13) recommending that H.B. No. 939, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13 and H.B. No. 939, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES," was deferred for a period of 48 hours.

Representatives Menor and Kanoho, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2202, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 14) recommending that H.B. No. 2202, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14 and H.B. No. 2202, HD 2, SD 1, CD 1,



entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1899, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 15) recommending that H.B. No. 1899, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15 and H.B. No. 1899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," was deferred for a period of 48 hours.

Representatives Takai and Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1006, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 16) recommending that H.B. No. 1006, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16 and H.B. No. 1006, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 106, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 17) recommending that H.B. No. 106, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17 and H.B. No. 106, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 141, SD 1, presented a report (Conf. Com. Rep. No. 18) recommending that H.B. No. 141, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18 and H.B. No. 141, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE," was deferred for a period of 48 hours.

Representatives Herkes and Ito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 103, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 19) recommending that H.B. No. 103, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19 and H.B. No. 103, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," was deferred for a period of 48 hours.

Representatives Herkes, Menor and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 351, HD 2, SD 1, presented a report (Conf. Com.

Rep. No. 20) recommending that H.B. No. 351, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20 and H.B. No. 351, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred for a period of 48 hours.

Representatives Menor and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 582, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 21) recommending that H.B. No. 582, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21 and H.B. No. 582, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMBAT," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1309, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 22) recommending that H.B. No. 1309, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22 and H.B. No. 1309, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME," was deferred for a period of 48 hours.

Representatives Hamakawa and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 636, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 23) recommending that H.B. No. 636, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23 and H.B. No. 636, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was deferred for a period of 48 hours.

Representatives Hiraki and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1762, SD 1, presented a report (Conf. Com. Rep. No. 24) recommending that H.B. No. 1762, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24 and H.B. No. 1762, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF IMPOUNDED VESSELS," was deferred for a period of 48 hours.

Representatives Santiago, Stegmaier and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1105, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 25) recommending that H.B. No. 1105, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25 and H.B. No. 1105, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

DENTAL HEALTH," was deferred for a period of 48 hours.

Representatives Santiago and Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1819, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 26) recommending that H.B. No. 1819, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26 and H.B. No. 1819, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred for a period of 48 hours.

Representatives Santiago and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 631, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 27) recommending that H.B. No. 631, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27 and H.B. No. 631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 111, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 28) recommending that H.B. No. 111, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28 and H.B. No. 111, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," was deferred for a period of 48 hours.

Representatives Herkes and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 581, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 29) recommending that H.B. No. 581, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29 and H.B. No. 581, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," was deferred for a period of 48 hours.

Representatives Case, Tom and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1713, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 30) recommending that H.B. No. 1713, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30 and H.B. No. 1713, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 20, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 31)

recommending that H.B. No. 20, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31 and H.B. No. 20, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 116, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 32) recommending that H.B. No. 116, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32 and H.B. No. 116, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Representatives Stegmaier and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1012, SD 1, presented a report (Conf. Com. Rep. No. 33) recommending that H.B. No. 1012, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33 and H.B. No. 1012, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," was deferred for a period of 48 hours.

Representatives Santiago, Tom and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1841, HD 3, SD 2, presented a report (Conf. Com. Rep. No. 34) recommending that H.B. No. 1841, HD 3, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34 and H.B. No. 1841, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," was deferred for a period of 48 hours.

Representatives Menor and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 65, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 35) recommending that H.B. No. 65, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35 and H.B. No. 65, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 113, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 36) recommending that H.B. No. 113, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36 and H.B. No. 113, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 107, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 37) recommending that H.B. No. 107, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37 and H.B. No. 107, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," was deferred for a period of 48 hours.

Representatives Yoshinaga, Menor and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1451, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 38) recommending that H.B. No. 1451, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38 and H.B. No. 1451, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1287, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 39) recommending that H.B. No. 1287, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39 and H.B. No. 1287, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1686, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 40) recommending that H.B. No. 1686, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40 and H.B. No. 1686, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives Menor and Suzuki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1675, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 41) recommending that H.B. No. 1675, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41 and H.B. No. 1675, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1771, SD 1, presented a report (Conf. Com. Rep. No. 42)

recommending that H.B. No. 1771, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42 and H.B. No. 1771, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1774, SD 1, presented a report (Conf. Com. Rep. No. 43) recommending that H.B. No. 1774, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43 and H.B. No. 1774, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1776, SD 1, presented a report (Conf. Com. Rep. No. 44) recommending that H.B. No. 1776, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44 and H.B. No. 1776, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1777, SD 1, presented a report (Conf. Com. Rep. No. 45) recommending that H.B. No. 1777, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45 and H.B. No. 1777, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1778, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 46) recommending that H.B. No. 1778, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46 and H.B. No. 1778, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1792, SD 1, presented a report (Conf. Com. Rep. No. 47) recommending that H.B. No. 1792, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47 and H.B. No. 1792, SD 1, CD 1, entitled:

"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Representatives Santiago and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 979, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 48) recommending that H.B. No. 979, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48 and H.B. No. 979, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES AND TOBACCO TAX," was deferred for a period of 48 hours.

Representatives Morihara and Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1664, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 49) recommending that H.B. No. 1664, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49 and H.B. No. 1664, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN GOVERNORS UNIVERSITY," was deferred for a period of 48 hours.

Representatives Hamakawa, Hiraki and Kanoho, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 417, HD 3, SD 1, presented a report (Conf. Com. Rep. No. 50) recommending that H.B. No. 417, HD 3, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50 and H.B. No. 417, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS PROGRAM," was deferred for a period of 48 hours.

Representatives Takai and Say, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 426, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 62) recommending that S.B. No. 426, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62 and S.B. No. 426, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," was deferred for a period of 48 hours.

Representatives Yoshinaga, Hiraki and Kanoho, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1160, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 63) recommending that S.B. No. 1160, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63 and S.B. No. 1160, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," was deferred for a period of 48 hours.

Representatives Santiago and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1588, SD

1, HD 2, presented a report (Conf. Com. Rep. No. 64) recommending that S.B. No. 1588, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64 and S.B. No. 1588, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 130, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 65) recommending that S.B. No. 130, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65 and S.B. No. 130, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 382, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 66) recommending that S.B. No. 382, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66 and S.B. No. 382, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 991, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 67) recommending that S.B. No. 991, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67 and S.B. No. 991, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1197, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 68) recommending that S.B. No. 1197, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68 and S.B. No. 1197, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1621, HD 1, presented a report (Conf. Com. Rep. No. 69) recommending that S.B. No. 1621, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com.

Rep. No. 69 and S.B. No. 1621, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE," was deferred for a period of 48 hours.

Representatives Herkes and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 633, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 70) recommending that S.B. No. 633, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70 and S.B. No. 633, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST OPERATIONS," was deferred for a period of 48 hours.

Representatives Herkes and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 647, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 71) recommending that S.B. No. 647, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71 and S.B. No. 647, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 718, HD 1, presented a report (Conf. Com. Rep. No. 72) recommending that S.B. No. 718, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72 and S.B. No. 718, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-SENTENCE DIAGNOSIS AND REPORT," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 986, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 73) recommending that S.B. No. 986, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73 and S.B. No. 986, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 989, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 74) recommending that S.B. No. 989, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74 and S.B. No. 989, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1069, SD 1, HD 1,

presented a report (Conf. Com. Rep. No. 75) recommending that S.B. No. 1069, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75 and S.B. No. 1069, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE NOMINATION PAPERS," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1267, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 76) recommending that S.B. No. 1267, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76 and S.B. No. 1267, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was deferred for a period of 48 hours.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 5, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 77) recommending that S.B. No. 5, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77 and S.B. No. 5, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORSPORTS INSURANCE," was deferred for a period of 48 hours.

Representatives Santiago, Menor and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 138, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 78) recommending that S.B. No. 138, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78 and S.B. No. 138, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REIMBURSEMENTS OF MENTAL HEALTH AND SUBSTANCE ABUSE BENEFITS FOR ADVANCED PRACTICE REGISTERED NURSES," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 141, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 79) recommending that S.B. No. 141, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79 and S.B. No. 141, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASE-PURCHASE AGREEMENTS," was deferred for a period of 48 hours.

Representatives Menor and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 152, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 80) recommending that S.B. No. 152, SD 2, HD 1, as amended in CD 1, pass Final Reading.



In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80 and S.B. No. 152, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred for a period of 48 hours.

Representatives Santiago, Menor and Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 656, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 81) recommending that S.B. No. 656, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81 and S.B. No. 656, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1114, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 82) recommending that S.B. No. 1114, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82 and S.B. No. 1114, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1191, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 83) recommending that S.B. No. 1191, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83 and S.B. No. 1191, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1487, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 84) recommending that S.B. No. 1487, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84 and S.B. No. 1487, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1522, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 85) recommending that S.B. No. 1522, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85 and S.B. No. 1522, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," was deferred for a period of 48 hours.

Representative Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1901, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 86) recommending that S.B. No. 1901, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86 and S.B. No. 1901, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," was deferred for a period of 48 hours.

Representative Stegmaier, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 817, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 87) recommending that S.B. No. 817, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87 and S.B. No. 817, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Hiraki and Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 870, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 88) recommending that S.B. No. 870, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88 and S.B. No. 870, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PICKUP TRUCKS," was deferred for a period of 48 hours.

Representatives Morihara and Chang, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1683, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 89) recommending that S.B. No. 1683, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89 and S.B. No. 1683, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAIIAN LANGUAGE COLLEGE," was deferred for a period of 48 hours.

Representatives Arakaki and Say, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 252, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 90) recommending that S.B. No. 252, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90 and S.B. No. 252, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred for a period of 48 hours.

Representatives Takamine, Yoshinaga and Kanoho, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1370, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 101) recommending that H.B. No. 1370, HD 2, SD 1, as amended in CD 1, pass Final Reading.



In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101 and H.B. No. 1370, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FOREST RESERVES," was deferred for a period of 48 hours.

Representatives Arakaki and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1796, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 102) recommending that H.B. No. 1796, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102 and H.B. No. 1796, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," was deferred for a period of 48 hours.

Representatives Morihara, Stegmaier and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1657, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 103) recommending that H.B. No. 1657, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103 and H.B. No. 1657, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Representatives Morihara and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2234, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 104) recommending that H.B. No. 2234, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104 and H.B. No. 2234, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

#### **SUSPENSION OF RULES**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the rules were suspended for the purpose of reconsidering action previously taken, with Representatives Menor, Okamura, Stegmaier and Yoshinaga being excused.

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

Representative M. Oshiro moved that the House reconsider its action taken on April 10, 1997, in disagreeing to the amendments proposed by the Senate to House Bill Nos. 233 (SD 1); 728, HD 1 (SD 1); 777, HD 1 (SD 2); 780, HD 1 (SD 1); 793, HD 1 (SD 2); 872 (SD 1); 912, HD 1 (SD 1); 1132, HD 1 (SD 1); 1216, HD 1 (SD 1); 1300, HD 1 (SD 1); 1388, HD 2 (SD 1); 1410, HD 1 (SD 1); 1450 (SD 1); 1510 (SD 1); 1593 (SD 1); 1641 (SD 1); 1645, HD 1 (SD 2); 1648 (SD 1); 1689, HD 1 (SD 2); 1715, HD 1 (SD 1); 1716, HD 1 (SD 1); 1818, HD 2 (SD 2); 1842, HD 2 (SD 1); 1854, HD 1 (SD 1); 1858 (SD 1); 1864, HD 1 (SD 1); 1893 (SD 1); 1900, HD 1 (SD 1); 1902 (SD 1); 2305 (SD 1); and 2308, HD 2 (SD 1), seconded by Representative Ward

and carried, with Representatives Menor, Okamura, Stegmaier and Yoshinaga being excused.

Representative M. Oshiro then gave notice of intent to agree to the amendments proposed by the Senate to House Bill Nos. 233 (SD 1); 728, HD 1 (SD 1); 777, HD 1 (SD 2); 780, HD 1 (SD 1); 793, HD 1 (SD 2); 872 (SD 1); 912, HD 1 (SD 1); 1132, HD 1 (SD 1); 1216, HD 1 (SD 1); 1300, HD 1 (SD 1); 1388, HD 2 (SD 1); 1410, HD 1 (SD 1); 1450 (SD 1); 1510 (SD 1); 1593 (SD 1); 1641 (SD 1); 1645, HD 1 (SD 2); 1648 (SD 1); 1689, HD 1 (SD 2); 1715, HD 1 (SD 1); 1716, HD 1 (SD 1); 1818, HD 2 (SD 2); 1842, HD 2 (SD 1); 1854, HD 1 (SD 1); 1858 (SD 1); 1864, HD 1 (SD 1); 1893 (SD 1); 1900, HD 1 (SD 1); 1902 (SD 1); 2305 (SD 1); and 2308, HD 2 (SD 1).

#### **ANNOUNCEMENTS**

Representative M. Oshiro: "There will be a Majority caucus in Room 325 at 10:00 a.m. Monday morning."

Representative Thielen: "There will be a Minority caucus at 10:00 a.m. in Room 309."

At this time, Representative M. Oshiro, on behalf of the members of the House, wished Speaker Souki a "Happy Birthday."

Representative M. Oshiro 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, with Representatives Menor, Okamura, Stegmaier and Yoshinaga being excused.

At 10:28 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. 91 through 100 and 105 through 167) were received in the Clerk's Office and the following actions taken:

Conf. Com. Rep. No. 91 and S.B. No. 1266, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 92 and S.B. No. 1268, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 93 and S.B. No. 1794, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SANITATION PERMITS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 94 and S.B. No. 1032, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 95 and S.B. No. 1535, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO THE INSURANCE CODE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 96 and S.B. No. 375, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 97 and S.B. No. 257, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 98 and S.B. No. 717, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT EDUCATION FOR SEPARATING PARTIES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 99 and S.B. No. 208, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 100 and S.B. No. 927, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 105 and H.B. No. 1775, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 106 and H.B. No. 1732, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 107 and H.B. No. 1547, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 108 and H.B. No. 1023, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 109 and H.B. No. 1731, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE PUBLIC LIBRARY SYSTEM," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 110 and H.B. No. 120, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 111 and H.B. No. 147, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 112 and H.B. No. 1836, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRINKING WATER," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 113 and H.B. No. 2032, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 114 and H.B. No. 1781, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 115 and H.B. No. 1857, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 116 and H.B. No. 2207, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 117 and H.B. No. 931, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 118 and H.B. No. 1690, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 119 and H.B. No. 1656, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 120 and H.B. No. 1804, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 121 and S.B. No. 1618, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSPORTATION IMPROVEMENT SPECIAL FUND," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 122 and S.B. No. 1943, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 123 and S.B. No. 1919, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 124 and S.B. No. 1571, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 125 and S.B. No. 1421, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYROLL PERIODS," were placed on

the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 126 and S.B. No. 1632, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 127 and S.B. No. 37, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 128 and S.B. No. 1891, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 129 and S.B. No. 58, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KINDERGARTENS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 130 and S.B. No. 1951, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 131 and S.B. No. 1581, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 132 and S.B. No. 1082, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 133 and H.B. No. 1640, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 134 and H.B. No. 1646, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AN AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 135 and H.B. No. 1840, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 136 and H.B. No. 1721, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELIGIBILITY FOR PAYMENT PROGRAMS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 137 and H.B. No. 258, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 138 and H.B. No. 139, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES'

RETIREMENT SYSTEM," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 139 and H.B. No. 1838, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 140 and H.B. No. 122, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 141 and H.B. No. 167, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 142 and H.B. No. 1984, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 143 and H.B. No. 1829, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 144 and H.B. No. 1831, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 145 and H.B. No. 1843, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 146 and H.B. No. 1250, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 147 and H.B. No. 1701, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 148 and H.B. No. 1591, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 149 and H.B. No. 1688, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KING KAMEHAMEHA CELEBRATION COMMISSION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 150 and H.B. No. 143, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 151 and H.B. No. 108, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO CRIME," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 152 and H.B. No. 1613, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 153 and H.B. No. 1582, HD 2, SD 1, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 154 and H.B. No. 1188, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A SYMPOSIUM ON CRIME IN HAWAII," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 155 and H.B. No. 140, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 156 and H.B. No. 1393, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 157 and H.B. No. 1539, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CORRECTIONAL FACILITIES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 158 and H.B. No. 1587, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 159 and H.B. No. 472, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 160 and H.B. No. 350, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 161 and H.B. No. 1390, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 162 and H.B. No. 2060, HD 1, SD 1, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 163 and H.B. No. 2019, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 164 and H.B. No. 1292, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 165 and H.B. No. 1837, 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 Tuesday, April 29, 1997.

Conf. Com. Rep. No. 166 and H.B. No. 1243, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

Conf. Com. Rep. No. 167 and H.B. No. 1798, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," were placed on the calendar for Final Reading on Tuesday, April 29, 1997.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m. on Tuesday, April 29, 1997.

## SIXTIETH DAY

Tuesday, April 29, 1997

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 10:23 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Stanley Amos from Trinity Missionary Baptist Church, after which the Roll was called showing all members present with the exception of Representative Okamura, who was excused.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the House of Representatives of the Fifty-Second, Fifty-Third, Fifty-Fourth, Fifty-Fifth, Fifty-Sixth, Fifty-Seventh and Fifty-Eighth Days were subsequently approved. (Representatives Cachola, Okamura and Stegmaier were excused.)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 757 through 760) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 757, informing the House that the Senate has agreed to the amendments proposed by the House to the following Senate Concurrent Resolutions and that said resolutions were finally adopted in the Senate on April 25, 1997: S.C.R. Nos. 10, HD 1; 11, HD 1; 26, HD 1; 116, HD 1; 164, HD 1; 203, SD 1, HD 1; and 256, HD 1.

Sen. Com. No. 758, returning H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AND SUPPORT LEGISLATION AND THE PRESIDENT OF THE UNITED STATES TO ISSUE AN EXECUTIVE ORDER TO ASSIST AMERASIAN CHILDREN OF UNITED STATES SERVICEMEMBERS IN THE PHILIPPINES," which was adopted by the Senate on April 25, 1997.

Sen. Com. No. 759, returning H.C.R. No. 48, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT LEGISLATION PERMITTING THE IMMIGRATION OF THE CHILDREN OF FILIPINO VETERANS OF WORLD WAR II TO THE UNITED STATES WITHOUT LIMIT AS TO NUMBER AND WITHOUT THE REQUIREMENT OF FINANCIAL SPONSORSHIP," which was adopted by the Senate on April 25, 1997.

Sen. Com. No. 760, returning H.C.R. No. 250, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EVALUATE THE BIG ISLAND PILOT PROJECT ON MENTAL HEALTH SERVICES," which was adopted by the Senate on April 25, 1997.

At 10:29 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:20 o'clock a.m., the following late introductions were made to the members of the House:

Representative Abinsay introduced the following honored guests: The Honorable Joselito L. Atienza, Jr.,

Vice Mayor of the City of Manila, Philippines; The Honorable Marlon M. Lacson, Councilmember, 2nd District; The Honorable Miles M. Roces, Councilmember, 3rd District, Downtown Manila; and their host, Mr. Orlando Valentin.

Representative Ward introduced Mr. Mark Spangler, "a constituent of Representative Whalen."

## ORDER OF THE DAY

## SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering House and Senate Bills on Final Reading on the basis of a modified consent calendar. (Representatives Arakaki, Okamura and Yoshinaga were excused.)

## UNFINISHED BUSINESS

## Stand. Com. Rep. No. 1698 and S.B. No. 1336:

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, Stand. Com. Rep. No. 1698 and S.B. No. 1336, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," were recommitted to the Committee on Finance with Representatives Arakaki, Goodenow, Kanoho, Menor, Okamura and Yoshinaga being excused.

## Conf. Com. Rep. No. 160 and H.B. No. 350, HD 1, SD 1, CD 1:

Representative Say moved that the report of the Committee be adopted and H.B. No. 350, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Kawakami.

Representative Say rose and stated:

"Mr. Speaker and members of the House, I rise in support of the State Budget. However, before I speak on behalf of this bill, I want to recognize the outstanding job that the staff of the Finance Committee has done over the course of the session.

"First, I'd like to introduce to all of the members, the session staff: the front office crew who always had coffee, the drinks, and the food ready for the Finance Committee members, we have Lillinoe, who is in her second year; we have Karen, our receptionist; Cindy, the young cub of the pack; and Tess, my personal secretary. They all did a wonderful job with keeping me well organized.

"The two researchers that the members of this House were very fortunate to meet and work with were Brad, who's an attorney from the private sector; and Lisa, who always had an upbeat and positive attitude.

"Last, but not least, were the Analysts that the subject Committee Chairs got to meet and mingle with. We have Shari, who was always saying 'thank you' and 'I'm sorry'; Rumiko, who educated me on the intricacies of the Department of Human Services with Chair Arakaki; Lance, a former teacher who did our Education budget with Chair Stegmaier; Jocelyn, who came to us late in the session but managed to catch up quickly; and Ed, who did our Public Safety areas. There were two Michelles --



Michelle Apana and Michelle Kim; and last, Ellen and Brent who were the most happy to see the session come to a conclusion.

"Finally, my permanent staff: Kevin, the Chief Clerk who always had time to educate the members; and Rod, my right hand man in regards to the research that he did on all prospective bills. Brian Furuto and Brian Hallett, the two people who kept this place energized; RJ, our staff attorney; Jody, who knows about the process through his many years of experience; and Gail, who keeps me on my toes every day.

"This November will mark my 21st year in public office. As a freshman that year, in 1976, Hawaii began its initial ascent to economic glory. In the 80's, fortune shined even brighter. Unlike today, our economy was built upon many different sectors, such as military spending, agriculture, construction and tourism. In fact, if one were to tell us then that our economy might someday falter, we would have laughed it off and continued on. In fact, I just might be the only House money chair that has ever had to deal with these continuous fiscal shortfalls.

"Mr. Speaker, almost two months ago, on March 6th of this year, I spoke to the members of the House about House Draft 1 of this bill. At that time, I spoke about the State's fixed costs: the debt service for previous years'; CIP; indispensable tourism dollars; the cost for our State employees; our payment programs; and the mandated programs and services by the Federal Courts. Therefore, at this time, I will not speak at length about these items.

"Today, I would like to speak, at least, about what the Finance Committee used as an outline in formulating House Draft 1. We tried, as a House, in increasing economic development and I point to the additional \$2 million that was given to DBEDT. We maintained all of the fundamental educational services, as much as possible, as we speak about construction and plans for our new schools that are underway. We also tried to alleviate prison overcrowding, and once again, we have provided for the transfer of Hawaii's prisoners; and last, but not least, we provided monies for those who needed it the most.

"Finally, I spoke at length of accelerating our capital improvement programs, to not only provide needed infrastructure and facilities, but also to stimulate our economy and create new jobs. And thanks to Subcommittee Chair, Representative Bob Nakasone, we were able, in Conference, to get the Senate to agree to the Governor's original CIP request of a \$1 billion authorization.

"While all of the above played a vital role in forming this budget, what I do want to speak at length about are the cuts that the majority of our State departments have taken. The budget that you see in front of you represents a reduction of approximately \$291 million, or -4.6%, from the Governor's request. In fact, only four agencies have received increases - the Department of Business and Economic Development and Tourism, the Department of Health, the Department of Public Safety, and our State's Counties. All are areas which - and I must reiterate - are either fixed costs or areas of concern.

"Mr. Speaker, on my desk before me lies a list of each of our departments with the amount of reductions that they have taken. From the Department of Human Resources Development, which is taking a reduction of over 30%, to the University of Hawaii, which is taking only a 1/2% reduction. Not one department - except for the ones mentioned previously - has been left untouched. Moreover, and I speak to my colleagues across the aisle,

we have, over the past years, reduced almost 850 positions in this budget.

"While most departments did take cuts, it is important to note that we have provided for all of the public's essential needs, which we have met. We provided for our welfare recipients, we have provided for our children and youth, and we have provided money for economic stimulus - through funds for economic diversification as well as capital improvement projects.

"Almost two weeks ago, we began our budget deliberations in Conference. At that time, the Committee was taken aback by the large difference between the House and Senate drafts of the budget. Almost \$460 million separated the two bodies. Both houses held firm.

At this time, Representative M. Oshiro rose and yielded his time to Representative Say.

Representative Say thanked the Chair and continued, saying:

"Both houses held firm with their respective drafts. However, the House held a firm stance of no more than a \$279 million cut in reductions for this year. Although I firmly believe that we will encounter several more years of budget cuts, I do not believe that our State programs and services could have taken the outrageous reduction of over \$460 million in a two year period. Why?

"In the past, we as Hawaii's government, have made it our duty and responsibility to provide for all needs of the public. We took pride in the fact that Hawaii, more than any other state, provides most for its people. Because of this, unfortunately, the public has become too dependent on State government. You see, once one gets used to a certain standard, it is unfair and too painful to diminish that standard overnight. Nonetheless, it is time that we say once and for all, 'government cannot, must not, and will not, be all things to all people.'

"Mr. Speaker and members of the House, I will not lie to you and tell you that the budget you see before you will not impact programs and services of the State. However, under our current economic situation, it is shaped to address the basic needs of the people. It is a sound, responsible, and responsive way to deal with the problem we are facing today and it is a proactive way to deal with the problems we will face tomorrow.

"Mr. Speaker, I ask for your support on House Bill No. 350, House Draft 1, Senate Draft 1, Conference Draft 1, and I'd like to thank the Vice Chair and members of the Finance Committee. Thank you."

Representative Ward then rose to speak in opposition to the State Budget, stating:

"Mr. Speaker, I begin my remarks with admiration for the Chair of Finance, his skills, his agility to balance the budget, his technical expertise, to not only work with numbers, but with a diverse number of people and interests, and I commend his staff as he introduced them earlier for doing a fine job. However, where some others and I disagree with the Chair is on his assumptions behind the budget and his modeling of our future. Why? According to my analysis, this budget doesn't fit the economy. This budget doesn't fit the economic times that we are in.

"Let's look at some of the assumptions of this budget. One of the first assumptions, and a major premise of the budget is that business as usual will get us by. That is, if we just keep doing what we've always done -- cut a little



here, cut a little there -- we're going to make it. Yet, the reality of the present economy, Mr. Speaker, and all the numbers show it, this is the worst economy since statehood. Even the best and the brightest economists in the private sector, not DBEDT's, have said that we're in tough times. We've lost 15,000 jobs in the private sector and we're losing more. Even the Tax Foundation can't even support, what otherwise is, the opposing voice of our fiscal policies in this State. Another assumption is that for the first time in a decade, more people left Hawaii -- even though we wouldn't believe it -- than actually came to Hawaii. We're assuming that that is not a reality.

"We're also assuming that the visitor industry is always going to have Japanese visitors. Last week, the newspapers said that we are being eclipsed by Japanese visitors preferring another destination -- even though this is the best place in the world -- than coming here; they would rather go to other places.

"Mr. Speaker, is this the kind of budget we need for these hard economic times? My problem is, as a member of Finance and I know the Finance Chair always says, well you should know better, you're on the Finance Committee. I think that's why I'm going to say what I'm going to say. I've watched this body year after year see the economy slip, and always hold out the hope that things are going to get better and pretending that this budget somehow is going to work out. We have to stop pretending that the emperor has new clothes on. We are in hard serious economic times and the budget must fit those hard economic times.

"Last year the great rush was to buy, in effect, take away, if you will, the tax credits of the poor and this year, some people say well when the Convention Center comes on line, we're going to be okay. Somebody even said yesterday: Senator Inouye is going to save us with an aircraft carrier and we're going to create all of our jobs just by that. Mr. Speaker, that has been the problem -- we've lived off our good looks and some external stimulus comes in and saves us at the hour. Quite frankly it's almost like the book: 'Death of a Salesman,' or those of you who are older who know Jackie Gleason as Ralph Cramden. He was always going to get rich quick, if there's just another deal, 'Alice, we're going to make it tomorrow, just wait on, just hold on.' If I can bring that into the contemporary and the present, I think that's probably why this body considers gambling every year. It's a quick fix, if we just wait long enough, if we just bring those casinos in, we can make it. I think optimism is good, but reality in our hard economic times is better for what we're facing.

"Mr. Speaker, I would be wrong to say there's famine coming in the land, but there are hard times, lean times that are coming. Everyone out there with their jobs have jeopardy, like our jobs are in jeopardy when we don't fix the economy. Unless we stimulate the economy and make the size of government fit the size of the economy, we're going to be in worst trouble.

"Now what does this budget do to fix the economy? I think that's what Representative Say was speaking of. First, the budget basically says all we need is CIPs to fix our economy. I think that comes from the top floor, from the Governor, right on down to the Senate and the House floor. That is, if we just keep up construction, we'll succeed. Mr. Speaker, there's two problems with this assumption. Number one, our private sector economists have said that construction is down 50% in the private sector. Half of our CIPs get sucked up just to stay even with where we were in the last few years. The second thing is a million dollars borrowed increases the cost of government and jeopardizes again our bond rating that's already slipped. Of course, I should acknowledge that

this budget contains a possible big catch of Continental Airlines. It may cause the renovation of few hotel rooms, which a lot of hostellers are not too excited about and some other -- what I would call manini gestures -- they're probably more political than substantive and I know we have some businesses -- advocates in the gallery today who will probably give a full dissertation on this.

"The fundamental reality that this budget does not face is that we have an internal stimulation problem. We've never looked at seriously lowering taxes to business, looking at a friendlier business environment and more take-home pay for our residents. That's a fundamental structural blind side, if you will, in this budget.

"Mr. Speaker, I would contend that this is not Republican rhetoric, it's empirical evidence from states that had hard times such as New York, California, Massachusetts. . .

At this time, Representative Aiona rose and yielded his time to Representative Ward.

Representative Ward thanked the Chair and continued his remarks, saying:

"I think that maybe you or I have this thinking as the way the economy is going, Mr. Speaker. We think we hear the right voices about just keep business as usual, steady as you go, and what happens in 1999 is where we may really find the surprise. The future of Hawaii must be linked to the Asia-Pacific region if we're going to prosper again and the chief economic cheerleader, the Governor and his departments need to realize this before it's too late. We need to link up with this area -- not just in words, but in deeds and actual economic exports. Unfortunately, the bill that we had to export services, and gets a 4% GE tax break. We nixed it. It's deep six into the Pacific and we never went that far.

"Overall, my biggest fear in the next two years: what are we going to say to those who lose their jobs? Will we tell them that this budget fit the economy? What are we going to say to our children when they have to leave for the Mainland to get a job and buy a house? What about those in business that close their doors or go bankrupt as we've seen each year? The statistics keep rising and beating new highs. What are we going to say to the teachers, Mr. Speaker, when we do cuts to the budget of our schools? When we do tell the professors: there's no more money for either your classrooms or your students. What about those on general assistance, when we run out of money in 1999? Or our elderly? You know all of the people who are going to get hurt by this.

"When we run out of money, Mr. Speaker, the unfortunate thing is we will have run out of gimmicks. I don't say that in the political spin. I say it with the way that we've taken from the employee retirement funds, and health funds, from the highway funds for potholes. We've taken and pocketed it in as many places as possible, which is a good cash flow analysis. I commend the expertise of the Finance Committee to do that. However, being able to raid different funds does not a budget make. The heavy days are over and the Convention Center and a battleship are not likely to scoop us off our feet.

"By 1999, everyone in this building must be prepared to face the music we are seeing with this budget. Mr. Speaker, as long as the Legislature rejects privatization and today, I hope, on the floor, we're going to come to a straight reality of looking that one in the face. Until we face smaller government and lower taxes, we will be doomed to the mediocrity that this budget brings us.

"Finally, Mr. Speaker, you and I know Hawaii has a great destiny, but it's not the kind of thinking and economic policies contained in this budget that are going to get us there. We have the best talent in Hawaii, from all over the world, we have the best entrepreneurs in the Pacific, from Tokyo to New York, to Seoul to Manila, Hong Kong, China, and Polynesia to turn around our State economy. However, those entrepreneurs need policies, those environments need friendliness to our business community. We can do it with the right policies and the right esprit de corps together, Mr. Speaker.

"As often said on this floor, our society will be judged on the basis of how it treats the least among us. Well there's also a corollary to the same that states, politicians will be judged on the basis of how well we manage the economy. Put differently, we will be judged on the basis of what we do with their money and with this budget. This budget puts their money into activities that gets them through the day, but it offers no security and no turn-around for tomorrow. Because each of us knows, Mr. Speaker, we can do a better job, I must respectfully vote no on this budget.

"Thank you."

Representative Kawakami then rose to speak in strong support of the budget, stating:

"Mr. Speaker and members of the House, the State of Hawaii's financial picture for the next two years is now before this body. Your Finance Chairman and the Committee has made unprecedented cuts in the Executive Budget, keeping in mind always, the need to balance fiscal constraints with sensitivity to those less fortunate. Chairman Say has delineated the specifics about the budget and I would like to add a few comments.

"This was no quick fix budget. The budget shows that we care about the people of Hawaii. We care about those in poverty, we care about those who are weak, and we care about the disabled and those who have come from other countries to make a better life for themselves here in our Aloha State.

"This budget shows also that we care about our children and their education. We are also looking towards our future by promoting economic development and diversification today.

"Thus, Mr. Speaker and colleagues, our budget is not just about numbers and balancing expenditures to income. Our budget is a huge pie cut into all different shapes and sizes. Whenever one slice wants to become larger, it invariably comes at the expense of another slice. This we have seen time and time again and smaller slices scream just as loud as bigger ones, and the pie plate can never accommodate all of our wishes. That is why the task of Chairman Say and the members of the Finance Committee is so daunting.

"This was not an easy budget to piece together, Mr. Speaker and members, it has been a learning situation for many of us and we have tried to meet this task head on.

"My thanks to Chairman Say for his budgetary acumen, his dedicated staff, who were always there throughout the long budget conferences. The Finance Committee members who gave up so much of their time and sleep to make sure that the State's fiscal pie fit into its plate.

"Well that pie is before us today; ready to serve the people of our State. Your Finance Committee has included all the necessary ingredients, even though its taste may not suit everyone's liking. But you know, Mr.

Speaker, there is a slice for everyone here, and it's enough to survive, and hopefully prosper down the road. That's what it's about -- balance.

"Thank you very much, Mr. Speaker."

Representative Kawanakoa then rose to speak in opposition to this measure, stating:

"As my colleague before me, I will also be voting no on the budget. This will be the third year that I vote no, Mr. Speaker. I'd like to explain some of my concerns. I first wanted to thank the Chair and the Vice-Chair of the Finance Committee. I understand that the budget is a very difficult document to deal with and to work with the Senate and try to find the best route. I suppose though, in good conscience, I cannot vote for this budget with the understanding that we're actually increasing spending for the next two years on this budget. I may note that in the next fiscal year, we are looking at an increase of some \$630 million or roughly a 9.7% increase. For the following fiscal year, we're looking at roughly \$473 million increase in the budget or equating to about a 7.3% increase. Combine those two and I guess it averages out at about an 8.5% increase in the total budget -- total spending.

"Mr. Speaker, I don't have the privilege of sitting on the Finance Committee, nor am I privy to all of the knowledge and understandings. However, I do know by a very simple analysis that we are increasing our spending by some 8.5%. My first year we increased spending by some 12%; the following year, 11%; this year, 8.5%. I guess we're moving in the right direction, but when I look to my constituents, I find that their economic situation is worst than ours -- they're spending less each year. They are reducing their spending and I believe our government should do the same.

"Perhaps another aspect of this budget that is particularly egregious for me is the priorities that we have set. General Assistance will not be fully funded. I can't understand how we cannot find \$8 million to fund General Assistance fully. These are payments for people who cannot support themselves, people who are unable to work or provide for themselves. I believe it is appropriate for government to help such people. In a humane society, that is for us to do.

"I'm also concerned that we can't find the roughly \$9 million more to fully fund the community hospitals. The needs that are out there in the community that need to be addressed with regard to health care. This is a critical issue. In some areas, people will not have access to appropriate health care, emergency health care and without this -- community hospitals fully funded, we may see egregious actions or difficulties there.

"I guess finally, Mr. Speaker, I'm concerned with this budget because it does not have an economic stimulus package. We have the . . . I guess the CIP initiative that is supposed to increase our budget, or increase the economy or get it kick-started, but I find that this particular policy is not well thought out. We need to reduce the measures and regulations that government now holds upon business. The taxation and other measures that otherwise hinder our private sector and allow small business to buoy themselves up and not try to throw money at the private sector through an economic CIP stimulus, that ultimately we need to borrow money to fund.

"Finally, Mr. Speaker, I just need to mention that the Legislature, in my understanding, is very concerned, and rightfully so -- with its own budget -- meeting our own salaries, paying our workers, providing for our programs.

What I don't see is a concerted effort on everyone here, looking out to the economy and worrying about the family budget, worrying about the small business budget. I think we need to have an attitudinal change here at the Legislature so that we look for the long-term benefit of our islands. That will be by looking to our economy, looking to our citizens, looking to the society outside of these walls.

"Thank you, Mr. Speaker."

Representative Tarnas then rose to speak in support of this measure, stating:

"As the Chair of your Committee on Ocean Recreation and Marine Resources, I'm very aware of the value of ocean industries in the State and the contribution of ocean resources to our quality of life. So I'd like to commend the Finance Committee and the Legislature, as a whole, because we have stood up and answered the Governor's challenge of supporting the ocean initiative. As well, we should because in a state surrounded by the ocean, this budget increase for aquatics and conservation enforcement is a smart investment. We will see a solid return on this investment. The ocean environment is an asset in our quality of life and for our industries. Improved understanding of our oceans with better management and enforcement will make sure that we have fish to catch. We will have vibrant ocean industries, and a clear and beautiful ocean in which to boat, swim and dive.

"So I commend the priorities in terms of our support for ocean resources and support the budget. Thank you very much, Mr. Speaker."

Representative Pendleton then rose to speak in support of the measure with reservations," stating:

"Mr. Speaker, I am voting aye on this bill because there are certain good things in the budget. For example, if we had no budget, we would all have to close up shop and all government services would end. However, I still see that there are ways in which we could improve or could have improved this budget and that's why I have very strong reservations about the budget.

"My colleague from Nuuanu-Punchbowl has articulated many of my concerns about the lack of an economic stimulus in this bill. So Mr. Speaker, let me speak to some of my concerns about the absence of certain cuts which we could have made or reductions in spending which we could have made that would not have harmed the people of Hawaii. I think they would have been prudent measures.

"Mr. Speaker, first of all -- to begin with -- travel. The Executive Budget allots for over \$12 million for out-of-state travel and per diem, and over \$15 million for intrastate travel and per diem for fiscal biennium '97 through '99. I would recommend cutting out of the State travel by 75% and intrastate travel by 50%. We've spent millions of dollars on HITS or H-I-T-S, and we all know that teleconferencing is the common option utilized by other states as well as the private sector. Some travel is essential and I know we send young legislators out of state and government officials here and there to learn, and that is important and necessary. That is not to say that we can't find ways to reduce travel and to look for travel that is unnecessary and perhaps to utilize HITS and teleconferencing as this could save millions.

"The second concern is public relations, Mr. Speaker -- I would propose to eliminate all public relations personnel for the government. The information needs of the public can be met by the regular staff. I serve on Health and Human Services and Housing and often we have

government officials appearing before us. They are very articulate, very eloquent at times. We don't need to hire public relations individuals to speak for them. Cutting out public relations professionals for our government agencies would require our government agencies to be judged by the merits and quality of their work. Not by the eloquence of the attorneys or PR firms they hire to put the proper spin on government services and performances. This would save \$3 million.

"Non-civil service deputies -- well we all know that leaders need good lieutenants to assist them. We have huge huge bureaucracies, many many people working. If we just selected the non-civil service deputies, Mr. Speaker, we're talking about maybe 60 appointed deputy positions and reducing those positions, we would save the State \$8.4 million.

"Annual reports -- Marion Higa, one of the most outstanding government officials we have, who provides invaluable information to us. She as our auditor has stated that we should have a consolidated annual report instead of the more than 44 reports that float across our desks. This would not only be much more convenient and easier to use but, Mr. Speaker, it would realize, according to Marion Higa, \$3 million. Again, nobody is hurt from a measure such as this -- consolidating the annual reports.

"Personnel services -- Mr. Speaker, the DHRD -- if we abolish this department, the State would still run. Why is that? Because all the departments already have personnel offices within each department so this seems to me redundant or superfluous to have a separate department which performs the same functions that each of the other departments have. When I first moved back here after law school, I went to apply at the AG's Office. They have personnel people there who hand you papers and say: 'Mr. Pendleton, fill out this form.' Those are the same functions that are performed by this DHRD, and we could abolish that department -- \$36 million in savings.

"Collections -- we could contract out for all collections on payments due the State that are 60 to 90 days past due. This should eliminate the need for most permanent collections and staffs, but on a contingency basis, Mr. Speaker. The State will still be ahead on the bills that it wouldn't have otherwise collected -- the realization of \$6 million. Also an argument can be made that it's not historically and customarily the function of government to be a collection agency.

"ACE, A-C-E -- we could increase the funding by creating some kind of a contingency measure so that our State employees would have increased incentives, Mr. Speaker, to report ways in which we can cut. Right now, we give nominal cash awards to employees, but if we look for ways to tie the reward to the amount of savings realized by the State, there might be additional incentives for our people working in the various government departments to say: hey, look, there's a problem here. We can cut; we can save.

"State leases -- across the way from here, Mr. Speaker, is the beautiful Hemmeter Building which costs over \$2 million per year to lease, over \$3 per square foot. While other leases are closer to market prices, the State has made little progress in moving its employees into buildings it owns. We all know that several thousand employees leave -- otherwise move to the private sector, that's 4,000 every year. . .

At this time, Representative Whalen rose and yielded his time to Representative Pendleton.

Representative Pendleton continued stating:

"If we allow these positions to continue unfilled, just through attrition, not forcing anyone out of a position, not firing anyone, but if we allowed them to reduce through attrition, we will be able to house all of our State workers in State-owned buildings. How can we justify, Mr. Speaker, housing DBEDT in such beautiful surroundings with paintings and artifacts and art objects and a swimming pool, when we're telling everybody else to cut? I would urge a long-term plan to phase out these leases in public buildings and perhaps aiming for a \$1- to \$2 million per year realized or estimated savings, in the first year would be about a million dollars.

"A couple more points, Mr. Speaker, State vehicles. When we look at the HPD and we see that they have made a decision to save the County money by allowing police officers to drive their own vehicles, the State could mimic or imitate or copy this method to save significantly by eliminating many State-owned vehicles and providing workers mileage to use their own motor vehicles. Estimated savings for fiscal biennium '97 through '99, \$6 million.

"Finally, Mr. Speaker, State office supplies. While supplies are absolutely essential, we need paper clips, we need stick-em notes. If we cut the State office supplies budget by a mere 5%, that would realize \$2 million. Who of us here would deny that we could cut the State office supplies budget by a mere 5%?

"So for the foregoing reasons, Mr. Speaker, I'm voting with strong reservations. Thank you."

Representative Goodenow then rose to speak in strong support of the measure, stating:

"I will be brief; there are others here with experience that can speak to the many specific merits of this measure. I feel compelled, however, to say a few words. I will not belabor the difficult decisions in making cuts to programs or not providing funding. I'll not speak of the long hours or the process of compromise.

"The reason I feel compelled to speak is that this is a document of which I am genuinely proud. That is not to say, of course, Mr. Speaker, that this is a perfect measure or a perfect solution to all our problems. Perhaps more of the House's revenue enhancement bills might have been passed, and I hope that next year, the House will continue to champion those proposals.

"I was also disheartened that some programs did not receive funding. For example, the community health centers could have used more money than the \$750,000 that they did receive in Medicaid reimbursements to cover the medically uninsured. I hope that the health centers will work for next year, in preparing the necessary documentation to move forward in future budget proceedings.

"But this budget that we have is a budget of balance. Cuts were made and I commend the Committee and its staff for saving us from the really severe cuts that would have had a serious impact on our ability in serving the public. Indeed, the fact that we have a balanced budget, no major new taxes, general excise or personal income taxes, and we have new incentives to promote business, construction, and tourism, will go a long way to relieving us of further cuts in the future and will help provide us with a stronger economy. This is no mediocre budget. No cuts are 'business as usual' and we had a tough time, but the budget that we came up with, I believe is fair and does help our economy.

"On a final note, I'd like to say that while this measure may look like print on paper to the public, to me it represents a little of all the members and staff of the Finance Committee. We all contributed in our own ways, all of us, including the Minority. I would like to thank Representative Say because of his fairness and openness as Chair, that really made this collaborative effort possible. I know this added to the quality of our budget.

"We had a difficult time. We had a budget process; we just didn't look at numbers and say; okay, cut here, cut here, or do this, do that. We had a process that involved public hearings, the input of the departments, numerous people from the public, people in disability programs, a wide spectrum. We had to try to accommodate as many people as we could and I think we did an outstanding job.

"I'd like to thank all of the members of the Finance Committee and the staff for doing such outstanding work. Thank you."

Representative Fox then rose to speak in favor of this measure with reservations, stating:

"What's missing from the budget, before us, is a serious effort to stimulate our poor economy. The State has given Hawaii the worst economy in the country over the 1990's. Mr. Speaker, we have been losing jobs here for nearly five years. This is unprecedented in the history of our State. There has been no real growth in Hawaii's gross State product since 1990. This morning's paper tells us Hawaii had the lowest gain in personal income last year. We are last of all 50 states.

"The gain in our income is not equal to the inflation rate that our people face. No wonder Hawaii, over the past two years has lost a higher percentage of its population to the rest of the U.S. than any other state. We see the pain of our poor economy every day in unemployment, homelessness, and crime on each of our islands, in each of our neighborhoods, and on each of our streets.

"Mr. Speaker, the meaningful solutions to the serious economic problem that we face are not there. We've tried boosting construction spending before, under Governor Waihee. This is a necessary step that is not sufficient. We have tried more on HVB marketing under Governor Waihee, a necessary, but not sufficient step.

"We had an Act last year, Act 217, to reorganize State government, to promote economic development, but there was no reorganization. We have had no breakthrough on regulation such as abolishing the Land Use Commission that tells investors and businesses, Hawaii welcomes job creation. We have ignored the Tax Review Commission and its recommendations to lower taxes, to put new money into circulation and to welcome new business. Tax breaks that we've offered are minimal, really cosmetic gestures in terms of their immediate impact. This body's approach to tax reform is underlined by the Constitutional Amendment proposed to get rid of the Tax Commission until 2007, so we don't have to be irritated by their pleas for reduced taxes.

"Hawaii remains a tax hell. By 1994 figures, only New York had higher state and local taxes than Hawaii, but New York started reducing taxes in 1995 and we may be number 1, in the country, by now.

"Mr. Speaker, if high taxes produced economic growth, Hawaii would be the envy of the world. In truth, the world is passing Hawaii by. The U.S., East Asia, we face a crisis, but we respond as if it was business as usual. Thank you, Mr. Speaker."

At this time, the Chair stated:

"There's three of you. I'm going to let one speak and then we're going to call for the question. Yes, Representative Thielen you're the senior member, you speak. Please proceed."

Representative Thielen then rose and stated:

"Mr. Speaker, I'd actually prefer if all of us would have the opportunity to speak."

The Chair responded:

"I believe it is the Chair's decision that we have a long day ahead. So if the Minority would keep their speeches short, it would be very much appreciated."

Representative Thielen responded:

"We'll keep our speeches short, if we all three could speak, please. I'll cut mine in half right now."

The Chair responded:

"Thank you very much. Please proceed."

Representative Thielen continued, stating:

"I'm speaking on behalf of the budget, but with some serious reservations.

"The budget does not set forth help for the economy, and it does virtually nothing to cut the size and cost of government. Most people in our State realize that their wages haven't kept up with inflation. This has been reported by Washington, D.C. It doesn't come as a shock to those people that live here. We're not helping those people. The number of foreclosures, in Hawaii, for homeowners, more than tripled between 1991 and 1996. We didn't help those people.

"A couple of things that I do want to point out in the budget, it mentions on page 12, the Truth-in-Sentencing issue and couples Truth-in-Sentencing with adding more prison bed space. I'm sure our members know that presently felons sentenced to prison, serve on an average of about one-fourth of the time that they are sentenced. Truth in Sentencing would require them to serve 85%.

"The cost to our people -- and the reason that it's coupled on page 12 of the budget, Mr. Speaker, on page 12 of the Committee Report -- the cost to our people is tremendous by not having these felons serve the amount of time that they should. An average of 187 crimes are committed by inmates prior to their even being put into prison. A burglar who is not in prison, commits 76 to 118 burglaries a year; a drug dealer who's not yet in prison, commits approximately 880 to 1,299 drug deals a year; and a thief, who's breaking into the homes in the neighborhood, commits about 135 to 202 thefts a year. The Rand Corporation came out with that.

"The coupling of the Truth-in-Sentencing that this House was to pass, with additional bed space. . ."

At this point, the Chair interrupted, saying:

"I believe you're out of order because you're talking on an individual bill, on truth-in-sentencing. Will you please keep to the budget, please, and don't deviate from the budget."

Representative Thielen continued, stating:

"I'm noting that the additional prison bed space was in the budget -- is in the budget because of Truth-in-Sentencing, which did not make it through this session.

"A couple of good items, Mr. Speaker. I am glad to see that the Commission on the Status of Women was kept in the budget. That is a help, because that commission provides a very valuable amount of work for everyone in this State on women's health issues, and domestic violence, along with all of the other issues.

"The other thing -- I'm very glad that the Department of Accounting and General Services is going to be required to look into why we're paying Bishop Estate. Why the taxpayers are paying Bishop Estate over \$2 million a year for office rent, and it's very important that we take a look. Can we rent office space at a lesser amount? Or can we put the State departments and divisions into State buildings, and save that money?

"One cut I would like to recommend in the future -- I don't think the taxpayers should have to fund \$2,500 in a protocol allowance for Department heads in the State. Those Department heads are allowed to spend that money in any way they see fit -- that's on page 415 of the budget, lines 18 and following. I think that \$2,500 should be cut out of the budget. I think that at the least those Department heads should be required to be accountable for that money. I think the taxpayers would say, don't give Department heads \$2,500 in a protocol allowance.

"Thank you, Mr. Speaker."

Representative McDermott then rose to speak against the measure, stating:

"I'll make it brief. Sitting through some of these speeches, I can see why you want to move it along; it's more powerful than Sominex. As elected officials, I believe we can do better. We need to get our out-of-control State government back under control, and let's face it, our State government is way too big and costs too much. We can't afford this giant money vacuum any longer, and this budget is a vacuum. I think we should rename House Bill 350, we should call it the Hoover Bill because of the giant sucking sound of the taxpayers dollars going up.

"I have a nice speech prepared here, but in the interest of time and you did let me speak, I've cut it back. House Bill 350 does increase spending. You hear a lot about cuts, but actually, the budget's increasing, and it's just going up. I graduated fourth grade math and I can count, and I know the budget's going up, it's plain and simple.

"All this talk about a fiscal crisis -- here's 29 State jobs that were in Sunday's paper. We're on a hiring spree. There are over a million dollars in payroll right here -- costs and benefits, \$1,072,000. We're spending too much money, Mr. Speaker. I have a nice speech here, but thank you for letting me speak."

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

"I'll be brief. Over the last 10 years, our State's big spending philosophy has eroded our surpluses, and raised taxes. The public perception, notwithstanding, the whole of government spending has consistently increased every year. We currently tax and spend more money per capita than any other state in the nation. Our financial woes are based on our spending habits, not our lack of income.



"In my first term, three sessions ago, I introduced legislation to stimulate our economy and to redefine government's role. I proposed bills that provided systemic and proactive changes in how our State does business. Changes in how we spend and how we invest in our people and our communities. This budget and the previous biennium budget were written as a reaction to the realization that our surpluses had dried up and that our income did not match our desire to increase spending. It tries, piecemeal, to hold intact a failed government philosophy that is systematically flawed.

"While many specific elements in this budget are excellent, and I would repeat that -- while many specific elements in this budget are excellent -- it is haphazardly constructed as a piecemeal attempt, a reactive attempt to save a failed vision of our State government. Thank you."

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

"I just couldn't let the... I guess the Minority go on with their contentions that this budget doesn't control costs or the size of government. It really upsets me because I think those are deceiving words. Even though there is increase -- unless they're talking about cutting benefits and wages to employees or cutting out or not honoring our debts that we have in terms of bonds -- if they look at what it actually means in terms of cuts to personnel over the biennium, we're looking at over 850 both vacant and warm bodies, as well as \$291 million in general funds and programs. It hurts because a lot of these cuts involve what people consider the bigger targets -- those are Health and Human Services and Education programs. And those are programs that help our needy and invest in our future.

"I just want to mention and say thank you to the Finance Committee because while other states are cutting back on these public assistance programs, and depending more on what is being provided through Federal Block Grants, our State will continue to provide through the Temporary Assistance to Needy Families (TANF) services to single parent families, as well as legal immigrants and those on General Assistance. Also, we will provide funding for home and community based care. So I think that while the budget is lean, it does express a priority for the needy in our community.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose to speak in support of the budget, stating:

"I, too, want to defend the Legislature for the approach that was taken in putting together this budget and remind us about the deficit that we had to make up. The fact is that we did not rely heavily on tax increases, or other means of finding monies such as gambling. Instead, we made up the shortfall primarily by finding other ways, including reducing government substantially to make up the shortfall.

"As Education Chair, I'm pleased that the education system did not suffer significant cuts, and that to the extent that we had to cut, it was away from impacting the classroom. I think we did very good work in the area of Felix vs. Waihee consent decree, we put into action a direction that will allow us to move services down to the schools through the Comprehensive Student Support System. We've also established demonstration projects for Comprehensive Student Support System at five different locations.

"I especially wanted to express my appreciation to Vice-Chair Kawakami and two analysts, Lance Suzuki and Brent Yoshikami for their excellent work in this area.

"Mr. Speaker, I need to defend the budget in the sense that we have put monies into school-to-work, which is an excellent program; we're matching Federal investment in this area. With regard to the two areas that we had to cut, the A-Plus Program and the After-School Instructional Program, I believe there are ways that schools can make up for those cuts. Especially with regard to ASIP, and that the Governor is looking at a way to make up for the cuts that had to be made in the A-Plus Program.

"Lastly, my disappointment is concerning the inability to fund the ambulance service even in my own community. I do think that there are ways that the Department of Health can find the monies even for that project, if they are inventive in dealing with the cuts that they will have to contend with.

"So in that sense, I think we've done an excellent job and I want to commend the Finance Committee for doing a great job under very dire circumstances.

"Thank you, Mr. Speaker."

At 12:18 o'clock p.m., Representative Ward asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:20 o'clock p.m.

Representative Garcia then rose to speak in favor of this measure, stating:

"At this time last year, I had predicted that heading into the campaign season, that crime would be the number one issue facing us in the fall elections. I was borne out in the polls and the surveys that followed. In dealing with that issue of crime, we knew that we had to deal with the so-called revolving door, and in doing that we would have to build more or make more prison bed space available. I'm glad to see that your Chairman on Finance was able to do that. In the measure before us, with the number of items that would deal with that problem, there was funding for an addition of 714 beds, at four of our prison facilities. The budget also calls for \$2 million for an expanded cash box program to deal with our people with drug problems or inmates.

"The budget also calls for an additional \$50 million to transfer approximately 600 prisoners to Mainland facilities in 1998 and 1999. More importantly, I see that the budget also includes \$500,000 for a site selection, planning, and design for a new State Prison. The 714 beds that are in the budget, along with the 300 some odd beds that are already in the process of being completed, will give us another thousand beds to assist the already woefully inadequate to deal with the inmates that are in our system now. I'm afraid that will be obsolete in a couple of years.

"I'm glad to see that your Chairman on Finance is working together with your Committee on Public Safety. He is able to deal with, what I feel and what has been and what will continue to be, one of the major issues facing our community. That is dealing with crime, and how we deal with the revolving door. We did that because of your Finance Committee's sensitivity to the issue, by making sure that the funding was available to make these prison beds available. With that, I want to thank the Chairman of Finance. Thank you."



At 12:24 o'clock p.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.

Upon reconvening at 12:25 o'clock p.m., Representative Ward submitted additional remarks, as follows:

"Mr. Speaker, I respond to the remarks from our colleague from Kalihi.

"Mr. Speaker, the memory of the Representative appears to have lapsed and he has attempted to reinforce a stereotype House Minority.

"But I ask, who cut the GE tax credit? Who cut the food tax credit? Who cut the rental tax credit? In addition, who cut the benefits for the aged, blind, and disabled?

"This was not a House Minority action - so the Representative should be mindful of the stereotyping he's attempting to communicate to this body.

"Thank you, Mr. Speaker."

Representative Lee submitted the following comments to be inserted into the Journal:

"Mr. Speaker, I would like to speak in favor of the budget and commend the Finance Committee for their diligence in dealing with a difficult fiscal situation.

"However, I am saddened to learn that the budget does not provide for the continuation of after-school educational programs in the public schools.

"The after-school programs serve an important purpose in these days of latchkey children and working parents. More important, after-school programs, such as the Tri-School Performing Arts Group at Mililani High School, have supplemented classroom studies in a significant and effective manner. My own child received his inspiration to become a professional actor in this after-school program and is now performing professionally. So many children have found their niche in this program and have had their eyes opened to the wonder of theater.

"My hope is that our financial situation will improve and we will be able to restore funding for the after-school programs in the future."

Representative Meyer submitted the following comments, in support of the measure with reservations, to be inserted into the Journal:

"First, I would like to thank the Chair and Vice Chair of the Finance Committee for their extraordinary leadership, their helpfulness to all Committee members and their constant spirit of aloha. It was a privilege to serve on their Committee.

"My reservations have to do with the fact that this budget does nothing to help small business. Until we do, we will continue to see loss of jobs and the siphoning off of our middle-class to other places that will appreciate their presence.

"With the exception of some token tax breaks for a few taxpayers, this financial plan does not provide the tax relief necessary for the recovery of our private sector economy. A significant tax cut has worked in at least four other states that have faced similar economic difficulties: New York, New Jersey, Michigan, and Massachusetts.

"There have been considerable efforts to cut, with the unfortunate effect that the cuts are at the bottom where they will be directly felt. Prior to this year, we passed a measure asking the Governor to reorganize and streamline - using a particular example of DBEDT, Agriculture, and DCCA. A draft plan from the Governor's Office had a brief life and has apparently disappeared into some black hole.

"Instead of moving toward privatizing a number of government functions, which would take the pressure off government finances and breathe new life into the private sector. We are probably going to be grateful if we can slip out from under the spectre of a 'privatization' bill that would effectively block any attempt we might make to right-size government.

"Many good choices have been made in this budget; we have been forced to prioritize and we have done so. All within the 'box' that outlines the way we have always done business in the past. Colleagues, it's time to crawl out of the box, be bold and lead our State to a better economic tomorrow. This bill may keep the wolf from the door, but I predict he'll be twice as hungry tomorrow."

Representative Jones submitted the following comments, in support of the measure, to be inserted into the Journal:

"House Bill 350 is a good bill; it's an equitable bill; it re-orders the priorities of many State programs, setting new directions for the State where necessary and reaffirms existing directions in others. Chair Say and the members of the Finance Committee and staff did a great job in light of the large revenue shortfall and other fiscal barriers facing the State.

"As Chair of the Agriculture Committee, I am especially grateful to the Finance Committee for providing sufficient funds to maintain our agriculture industry, and keep it viable as we enter into the next century.

"HB 350 provides over \$743,000 to continue agriculture research in such areas as ornamental nursery, taro, coffee, macadamia nuts, vegetables, and pineapple.

"Funds are also provided to continue the Agribusiness Development Corporation (ADC) to enable it to coordinate and administer programs to assist agricultural enterprises. We have assurances that the Governor will support the immediate filling of the Executive Director position and the Administrative Service Officer position to enable ADC to operate effectively.

"For your information the ADC was created by Act 264, SLH 1994 for the following three basic purposes:

- A. To help in the transition of agricultural infrastructure from the Plantation system to smaller agricultural enterprises; i.e. restructure the water systems, roads, land utilization, etc. for diversified agriculture instead of plantation uses.
- B. To conduct market analysis to direct the transition of agriculture products from a plantation system to a diversified agriculture system.
- C. To provide leadership for the development, financing, and improvements of agricultural enterprises, such as in the development of co-ops to help farmers produce, process, and market their products.

"These are tough issues, which must be faced in the transition period as we search for new agriculture industries to replace sugar and pineapple...after over 100

years of its existence. ADC was created to help in the transition. It is not an easy task to find new agriculture industries. The House Agriculture Committee will be working closely with ADC to assure its success."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 350, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading by a vote of 46 ayes to 4 noes, with Representatives Halford, Kawanakoa, McDermott and Ward voting no, and Representative Okamura being excused.

The Chair directed the Clerk to note that H.B. No. 350 had passed Final Reading at 12:26 o'clock p.m.

At 12:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:30 o'clock p.m., the Clerk announced:

"Mr. Speaker, please be advised that pursuant to Article 7, Section 9 of the Hawaii State Constitution, the bill authorizing operating expenditures for the ensuing fiscal biennium, H.B. No. 350, HD 1, SD 1, CD 1, known as the General Appropriations Bill, has been transmitted to the Governor. Said measure was received by the Governor at 12:33 o'clock p.m. on this date."

**Conf. Com. Rep. No. 167 and H.B. No. 1798, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee and H.B. No. 1798, SD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Garcia.

Representative Thielen rose and stated:

"Mr. Speaker, I'm speaking in support of the recommitment. I'd like to note for the members' information that if you take a look at the Conference Committee Report, it's incomplete and pursuant to our Rule 11.73, Conference Committee Reports must state the purpose for the legislation. The Conference Committee Report merely has the signatures of the conferees on it so its defective.

"Thank you."

Representative Kawanakoa then rose to speak in strong support of the recommitment, stating:

"I'm glad to see that we've seen clear to otherwise send this bill back to where it belongs. We certainly should not move forward on the current measure. I've had some real difficulty with the Conference draft as it currently stands."

The Chair interrupted, stating:

"On the basis of the recommitment, please."

Representative Kawanakoa then continued, stating:

"Well I believe that this bill, and I would encourage all of my fellow members to vote for recommitment because if you don't vote for the recommitment, what will happen is that the Senate's position, as couched in the House Bill, will affect the entire State. This particular measure, as I understand it, had somewhat of a strong-arm tactic in bringing it forward."

The Chair then interrupted, stating:

"Will you please limit yourself to the recommitment?"

Representative Kawanakoa continued, stating:

"Again, I'm trying to encourage all my colleagues to vote in favor of the recommitment because what it will effectively do, will stop a bill that would otherwise be egregious for our State. As currently drafted, Conference Draft 1 makes it possible for any claimant to argue..."

The Chair reiterated:

"On the recommitment, please."

Representative Kawanakoa continued, stating:

"I have two opportunities to speak on the floor of the House to encourage my members to vote in favor of the recommitment. I'm trying to express my concerns that if they were to vote no on the recommitment, they would be in support of the current bill. I'm trying to show the defects in House Bill 1798, Senate Draft 1, Conference Draft 1, as it currently is written.

"Again, my concern is that this draft before us will ultimately have the implication of taking all the use of the private sector out..."

The Chair then responded:

"You are speaking on the bill and not on the recommitment. Please, on the recommitment, it's a different issue."

At 1:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:36 o'clock p.m.

Representative Kawanakoa then responded:

"I'll close my remarks by simply stating that I'm very pleased and encouraged by the House Leadership in recommitting this bill. I believe that it's time for us to take a stand and that we are acting in the best interest of the entire State of Hawaii and not for the privileged few that have been here lobbying in the past. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee and H.B. No. 1798, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," were recommitted to the Committee on Conference with Representatives Cachola, Okamura and Takumi being excused.

**Conf. Com. Rep. No. 161 and H.B. No. 1390, HD 1, SD 2, CD 1:**

On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1390, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 48 ayes, with Representatives Cachola, Okamura and Takumi being excused.

The Chair directed the Clerk to note that H.B. No. 1390 had passed Final Reading at 1:36 o'clock p.m.

**Conf. Com. Rep. No. 162 and H.B. No. 2060, HD 1, SD 1, CD 1:**

Representative Say moved that the report of the Committee be adopted and H.B. No. 2060, HD 1, SD 1,

CD 1, pass Final Reading, seconded by Representative Kawakami.

Representative Kawanakoa rose and stated:

"I just have a very brief note with regard to the OHA Budget.

"In my discussions with other members in our community, there's been a lot of concern that -- and kind of a sort of discussion behind closed doors that maybe Hawaiians have gotten enough. They've gotten a \$600 million settlement. They're receiving many other revenues, 20% of the ceded lands revenues. I just wanted to make it clear that this budget that we give to the Office of Hawaiian Affairs, actually allocates less than one-tenth (1/10) of 1% of the General Fund. So there is somewhat of a misplaced understanding, in the community, that the Hawaiians are receiving so much money, 20% of the ceded revenues, etc. In actuality, the OHA Budget amounts to less than 1/10 of 1%, so I just wanted to clarify that.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2060, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," passed Final Reading by a vote of 48 ayes, with Representatives Cachola, Okamura and Takumi being excused.

The Chair directed the Clerk to note that H.B. No. 2060 had passed Final Reading at 1:38 o'clock p.m.

**Conf. Com. Rep. No. 2 and H.B. No. 118, HD 1, SD 1, CD 1:**

Representative Tom moved that the report of the Committee be adopted and H.B. No. 118, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yamane.

Representative Tom rose and stated:

"Mr. Speaker, I rise to speak in support of House Bill 118, a bill for an Act relating to unmarried couples.

"Mr. Speaker, a little less than one year ago I was invited to testify before the United States Congress as they considered the Defense of Marriage Act.

"In speaking of the Hawaii experience on the issue of same-sex marriage, I told the Subcommittee members that the people of Hawaii believed that the Supreme Court should not have attempted to require the State to issue marriage licenses to same-sex couples.

"However, I also told them that there is another side to this issue, an issue that deals with the obligation of the Legislature to address the needs and concerns of minorities in our community.

"I said, and I quote: 'The State of Hawaii has a long and proud history of tolerance and protection of minority rights, placed into law by the voters and by the State Legislature. These laws are a natural expression of a multiracial, multicultural society, whose beliefs we in Hawaii describe as the spirit of aloha. Homosexual men and women make up a valued part of our Hawaiian community. We in the Hawaii Legislature have addressed their needs in the past by adopting legislation prohibiting discrimination in employment on the basis of sexual orientation. I have no doubt that the Hawaii Legislature will continue to address their concerns in the future...'

"Mr. Speaker, the bill before us fulfills that promise to address the needs and concerns of those couples who are prohibited by law from marrying each other. I'm not just talking about gay and lesbian couples. I'm talking about blood relatives -- father and son, father and daughter, mother and son, and mother and daughter. That they, too, can benefit from this bill.

"This proposal, although modified somewhat from the version which was originally passed by the House, stays true to its fundamental principals. It provides the legal framework for non-traditional couples to enjoy those basic legal benefits, which provides a measure of financial, personal, and emotional protection. It does not seek to dictate the framework of their relationship, as it does not create an economic or social unit, which can only be dissolved in court. Nor does it place any burdensome requirements on the couple.

"Mr. Speaker, I wish to make it clear to my colleagues that I am not voting for this bill because it is part of a package or because there is some political requirement for me to do so.

"Rather I vote for this bill because I believe wholeheartedly that we can and should address the legitimate concerns of all members of our community.

"I have listened and learned over the last four years as we have discussed this issue. This bill addresses the needs of non-traditional couples without imposing undue costs or burdens upon the rest of society.

"It was adopted as all policy measures should be, with a full and fair debate as to its merits, subject to all the pressures, politics, and free speech which surround the legislative process.

"It is truly a reflection of representative government in action. I am proud to be both a sponsor and supporter of this measure. I urge my colleagues to join with me as we become the first state in this nation to address the needs and concerns of non-traditional couples in a comprehensive manner.

"I urge my colleagues to vote up. Thank you."

Representative Moses then rose to speak in opposition to the bill, stating:

"First, I believe this bill is morally wrong, but it appears that some members of this Chamber don't see that track of thought, so I'll talk about the budget implications. This bill takes us down the slippery slope of special benefits for minority interest groups. We need to count the cost of these benefits before we pass these sorts of bills. In most cases, we have the Legislative Auditor conduct a sunrise study to see just what fiscal impact such a benefits bill will have. In this case, we're rushing in the fiscal darkness without so much as a flashlight. In fact, Mr. Speaker, we won't even have a match to show us the way for another two years. When we're so far down the path that we won't ever be able to see back.

"Thank you, Mr. Speaker."

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

"What I seek in my profession here, as a lawmaker, is to represent the best in the community where we do not discriminate against anybody. I believe this measure is a good step in the right direction. We do need to take more steps in that direction in order to truly meet our needs under the Bill of Rights for equal protection. So I

applaud the efforts of the Conference Committee coming up with this draft, and I encourage us to continue down this path in the future.

"Thank you, Mr. Speaker."

Representative McDermott then rose to speak in opposition to the measure, stating:

"First, I'd like to thank Representative Tom for his hard work. I'm truly grateful, but I disagree with him. Despite any rhetoric to the contrary about benefits for aunts, and nieces and nephews, and uncles, I haven't seen them here lobbying. Maybe I was absent that day, but I've been here every day and so I haven't seen those folks.

"Now there's been a lot of talk about non-traditional couples, this is a euphemism for homosexual couples. We're taking the sting out of it; we're playing word games; we're not calling it what it is. However, since we're going to talk about non-traditional couples, under our current State law, a 42-year old man or 50-year old man, and a 14-year old boy can legally have relations. Now certainly they would be considered a non-traditional couple, but under this measure they're excluded from the reciprocal beneficiaries' package. We're denying health care for a 14-year old boy. I call that age bigotry, but that being said, Mr. Speaker, this is about -- a lot of stuff has been bandied about civil rights. I don't believe homosexuals are denied any civil rights, they have the exact same rights as you and I have, and this bill gives them special rights at taxpayers expense.

"I believe all people should be respected, they're precious creations of our Lord, and I have no hatred or bigotry towards anyone. However, this should not be a mandate to give homosexuals special, legal privileges. These gay rights efforts are aimed at forcing society to legitimize or condone a conduct that most find abhorrent. House Bill 118 awards this behavior and asks the taxpayer to foot the bill. There's nothing bigoted or homophobic about carefully evaluating a group that asks for special legal privileges. Indeed, we have a moral obligation to give people who are born with a particular skin color, a handicap, special protection from any sort of discrimination. Obviously, this is not the case with homosexuals.

"The gays often compare their efforts to obtain special rights to somewhere close to the struggle of the Black-Americans in the early 1960s. This is an absolute affront to all African-Americans and all people of color as well. The homosexuals aim is to equate their deviate sexual practices with genuine minority status. House Bill 118 rewards their behavior and grants them this status, it puts it into law, codifies it.

"Unlike someone's skin color, ethnicity, or physical handicap, homosexual behavior is a choice. It's a conscience decision an individual makes; it's a lifestyle that one chooses to pursue. House Bill 118 rewards this lifestyle and asks the taxpayer to foot the bill. No reasonable individual can believe that homosexuality is anything other than a chosen behavior. There's absolutely no genetic proclivity to become homosexual, bisexual, pedophile, polygamist, or necrophiliac. These are all behaviors -- they're behaviors. When one comes to this conclusion that this is a behavior, then all arguments relating to special rights become moot. Thus, House Bill 118 becomes moot and is unneeded.

"Now in closing, I believe we should protect genuine minorities from discrimination; however, we should not give the practitioners of morally bankrupt sexual practices

special legal privileges and then ask the taxpayer to foot the bill. Quite simply House Bill 118 is wrong."

Representative Herkes then rose to speak in support of the bill with reservations, stating:

"Mr. Speaker, I signed the Conference Committee Report with reservations because of my concern about the undetermined long-term costs to the taxpayers and businesses of this State."

Representative Meyer then rose to speak in opposition to the bill, stating:

"As a fiscal conservative, I'm concerned about the unknown costs. As my colleague from Makakilo mentioned, for most bills that have a fiscal impact, we do a Sunrise Review, and that has not been done here, we are looking at an unknown, unquantified cost. If just 3% of our work force changes from single coverage to family coverage by way of this reciprocal beneficiary law, medical plan costs for the State will increase by \$1.2 million.

"Another problem is the dissolution of the reciprocal beneficiary relationship. We have not thought carefully through what happens to reciprocal beneficiary relationships that don't work out. Divorce has a large body of law and court decisions regarding marriage. We're flying without a map on this one and we are all being asked to take off immediately.

"Another thing that concerns me is the possibility of abuse in this situation. Unmarried state and county workers could bring in anyone for benefits, anybody that they couldn't legally marry and make them a reciprocal beneficiary. It could go as far as a fraudulent type of relationship where they would be paid something to sign them on as reciprocal beneficiaries because it's so simple to do.

"I think in some of the Committee hearings, there was what I would call a PFA -- Plucked From Air -- figure, possibly \$13 million, that this bill could cost us. If you wanted to get a higher PFA figure, you could look at the U.S. Bureau of Census figures from 1990 and find that 44% of the people in Hawaii are either single, widowed, or divorced. Now if you took that 44% figure and applied it to State and County workers, you could come up with -- and I will admit this is the high figure, but if we're going to go from the low to the high, it just gives you an idea -- State workers would be 25,000 that could possibly take advantage of this bill and 6,000 County employees, for a grand total of \$62 million.

"Now these figures are just figuring on the health care costs. We're not looking at what it would cost for State income tax when reciprocal beneficiaries could file joint returns or inheritance tax. There are many, many factors that are financial and in this climate when we are living with revenue shortfalls, an economy that is absolutely flat and dropping, the State fighting to balance the budget because we have very high fixed costs, we are simply jumping into the boiling water here to make a few people happy, and I cannot support it.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I believe that for the sake of our community, the issue concerning marriages, of whatever type, and inherent rights and privileges that come with marriage, must be resolved and put behind us. We have facing us much more pressing issues.

"Chief Justice Ronald Moon reminded us, in January, that it is the duty of the Legislature to make public policy; that we have the final trump card. It is the people's representatives, Mr. Speaker, who has the authority, within constitutional law, to draft or redraft statutes to further our purpose of our Constitution. Because of this, as the people's representatives, we have the duty and responsibility to act accordingly. The burden is upon us today and on us alone. Later today, we'll be considering another measure dealing with this very same issue. However, it's my opinion that in and of itself, it will not satisfy the criteria that must be met in order to overcome the problem we see in the Baehr vs. Miike case.

"If we fail to act, Mr. Speaker, then we'll, in effect, default to the court. It would then be incumbent upon us to accept the court's decision and not pass blame upon anyone else but ourselves. Sometimes we must accept the fact that the court has no choice, but to rule in a manner that may be contrary to my or your personal beliefs. However, it is the court's responsibility to rule accordingly, not according to public opinion or what is popular in the press or media.

"It is the duty and purpose of our court to interpret the law impartially and fairly, while at the same time, Mr. Speaker, balancing the rights of those seeking relief or redress with the rights and demands of the rest of the community and society in general. Oftentimes in America, history is that the court has proved to be the final bulwark, sheltering the unpopular minority, facing persecution from unpopular beliefs and practices from the entire majority.

"Mr. Speaker, as our society changes, and we have many such changes in our society today, it is our duty as legislators to review, amend and enact laws and statutes to conform with those changes. For example, as you know, I went to law school in Oregon and it's my understanding that several years ago, in Oregon, there was a statute on the books that prohibited African-Americans from residing in the state of Oregon. I found that to be shocking and it shocked my conscience.

"In our own state laws, Mr. Speaker, we have a section setting out a penalty for allowing a cattle stampede through the streets of our city. Well, that may be a very curious thought, but we must realize that those types of laws are still on our books and you have to adapt to the ever-changing society around us. Our laws must bear and reflect the reality of our society and have relevance and validity.

"I believe, Mr. Speaker, that this measure is attempting to reflect the changes that have occurred in our society. Marriage as an institution should continue to define a unique relationship between one man and one woman. So this body will act upon that accordingly. However, it is also important that we recognize the fact that traditional marriage is not necessarily representative of all intimate relationships that can exist between two people. Nor should it be anyone's business to mandate the framework for those relationships.

"Mr. Speaker, I commend Chairman Tom and the Conference Committee members for working very, very hard on this issue -- it's something that they did as a very responsible decision.

"Mr. Speaker, in closing, I'd just like to note that it always takes time for society to come to terms with new concepts and ideas. For the legislative body to amend the laws that those concepts and ideas take root and become accepted by our society. If our citizens continue to have

faith in the ability of our democratic institutions to adapt successfully to the continuing evolution of our society, then we, as representatives, must never give them any reason to doubt our ability to address their needs, their hopes and their desires. Our challenge, which we have met successfully in this bill, is to do so in such a fashion that individuals have the freedom to live their private lives as they wish, according to their fellow Americans, the very same privilege.

"Thank you, Mr. Speaker."

Representative Whalen then rose to speak in opposition to the bill, stating:

"Our original bill, Mr. Speaker, we passed out of the House -- I think it addressed the concerns that we've been speaking about earlier. The way the Senate forced this version on us to get the constitutional amendment, I think exemplifies their attitude towards the whole process. This bill, especially the Senate's original version, had so much fiscal impact, so many social issues involved, that were put in there without any public hearing.

"This bill again, what we have in front of us, there is no dispute that it will impact us fiscally. We have a law that requires an auditor's report before we expand medical coverage, yet the Senate waived it from that provision. The public did not have a chance to give any input, neither the agencies, before we looked at this thing. Mr. Speaker, there is no better poster child for that law than this bill. There is no dispute that this will cost the State money. How much? The Senate says it's insignificant, others have said it will be quite an impact.

"Not to be redundant, but to repeat briefly what I said that night at the Conference Committee: The people of Hawaii, faced with cutting the benefits to the blind, disabled and aged, or extending benefits to a group of people who, on an average, have higher incomes, higher education and a higher standard of living than the average American, would choose those people who cannot help themselves.

"Mr. Speaker, at this time, when the budget is so tightly pressed to make ends meet, I cannot see how we're being responsible legislators by taking on this unknown liability which will be enacted on again, according to the Senate's demands in July of this year. There are no rules, regulations that the Department has established yet. They're going to be hard-pressed to develop the procedures that we're going to have to go through, or the people who wish to apply for these benefits are going to have to follow through. I am just amazed at how we are going to pass a bill that neither the homosexual groups have wanted. In fact, that night, after the comments were directed at me personally to the bill in general, the comment I heard over and over again was: this is not over; we will be back, we want more.

"Traditional groups that oppose it, who incidentally supported the constitutional amendment, said that they're not happy with it. The Senate wasn't happy with it, they wanted more. The House wasn't happy with this because they were taking a fiscally responsible position and said, let's do a study first to get the information, and then do what we need to do as we get the information. No one is happy with this bill; even those who spoke for this said that we needed to do more in the future. So, Mr. Speaker, I don't understand why we are passing this bill that seems to have no support other than we compromise in order to get the constitutional amendment through.

"Mr. Speaker, as Chairman Tom stated in the very beginning: this is not a package deal. We are independent; we will be held responsible for what we vote



on. Our responsibility is to pass the very best law we can for the citizens of Hawaii. Regardless of the opinions of whether or not we have discriminated against homosexuals as a group or some other opinions have been expressed, there can be no dispute that this law has flaws. It is not the best thing that we can pass out. For that reason, we should vote against it. Thank you."

Representative Ward then rose to speak in opposition to this measure, stating:

"Mr. Speaker, I rise for three particular reasons. The first reason is that the people of Hawaii wanted 117, not 118. This is basically the Senate's Bill. I've just been informed that the Senate has passed every bill except House Bill 117. We are, as we speak, being held hostage. I hope that they have done that just for convenience -- an argument at the end, but this bill is something that speaks beyond what otherwise the people of Hawaii have called for.

"The second reason for speaking against this bill, Mr. Speaker, is that it is a social contract of which we have no idea how much it's going to cost us. My colleague mentioned \$13 to \$60 million, 43% of the people are single, widowed or divorced and this is only the figures for the public sector. If the \$13 to \$60 million is multiplied by a figure of 2 to 3 to 4 to 5, how many -- 85% of the labor force is private sector. We know that as we get on this slope, after the public sector benefits, they will then go into the private sector. That's a huge cost to business, of which we're now in hard economic times can ill afford.

"Thirdly, Mr. Speaker, and lastly, this is a new social contract for which we do not know the social costs in addition to the financial costs. Jokingly, yesterday in caucus, one representative said, could I theoretically divorce my wife and be an RB with my grandmother, and give her benefits on my State pension? Then if she passes away, then I can RB with my granddaughter and pass on my benefits. As one can see from this bill, that was not a logical extension of what we are doing. It's a new social order of which these considerations are going to be confusing and they're going to be costly.

"In summary, we are creating a new social order with unknown fiscal and social mutations. We have no idea in which direction they will divide and grow. For this reason -- public policy is made of sterner stuff and not this bill.

"Thank you, Mr. Speaker."

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

The House of Representatives reconvened at 2:06 o'clock p.m.

Representative Stegmaier submitted the following comments, in support of the measure, to be inserted into the journal:

"Mr. Speaker, I want to pay special tribute to Representative Tom, the Chair of the Judiciary Committee, for remaining firm about certain fundamental principles, during the negotiations of House Bills 117 and 118. The Chair remained adamant about not establishing an institution that could be equated with the institution of marriage. The bill clearly sets out that 'reciprocal beneficiaries' are couples who can't marry. Thus, non-familial heterosexual couples cannot, by definition, become reciprocal beneficiaries because they can marry.

"The Chair of the Judiciary Committee also deliberately offered the concept of reciprocal beneficiaries so as to distinguish it from notions of domestic partnership that might be subject to the jurisdiction of the family courts. From the outset, Mr. Speaker, you and I and the majority for House members, have joined Representative Tom in wanting to avoid the creation of an institution, which would require the involvement of our family court system, which is already functioning with great difficulty. Mr. Speaker, I want to commend the Chair of Judiciary for fashioning a new social institution, which while offering improvements in the lives of non-marrying couples, will steer clear of embroiling our courts in resolving disputes among them. Thus allowing family courts to focus on their primary mission: the preservation of a caring and safe home environment for the children of Hawaii.

"Lastly, Mr. Speaker, I want to commend Representative Tom for maintaining the House position on the matter of economic benefits. With the exception of benefits to State workers, H.B. 118 does not shift to others, whether they be businesses or persons, the responsibility of paying for health and other economic benefits for reciprocal beneficiaries. These benefits would be assumed by the reciprocal beneficiaries, themselves, or by employers, voluntarily.

"Mr. Speaker, I want to commend the Senate conferees for having accepted the House position on these very important principles. For having paved the way for an opportunity to clarify that Hawaii's definition of marriage will remain the traditional one. At the same time, to recognize that there are others who can't marry, who need to have certain rights and beneficiaries legally sanctioned.

"Mr. Speaker, I believe we can be proud of what we have accomplished with these two bills. We've done the job the people wanted us to do, in a humane and caring way."

Representative Kawanakoa submitted the following comments to be inserted into the journal:

"Mr. Speaker, I have some reservations of the overall economic impact of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 118, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNMARRIED COUPLES," passed Final Reading by a vote of 38 ayes to 10 noes, with Representatives Ahu Isa, Chang, Kahikina, McDermott, Meyer, Moses, Pendleton, Ward, Whalen and White voting no, and Representatives Cachola, Okamura and Takumi being excused.

The Chair directed the Clerk to note that H.B. No. 118 had passed Final Reading at 2:07 o'clock p.m.

At 2:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:12 o'clock p.m.

**Conf. Com. Rep. No. 3 and H.B. No. 1745, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1745, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.



Representative Tarnas rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Tarnas' remarks are as follows:

"Enforcement is a major key to success for improved management of our ocean resources. This measure helps to ensure swift processing of violations to determine just penalties. When combined with better enforcement capability as provided in the budget, this law can start making a difference in our State boating program."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1745, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Ito, Okamura, P. Oshiro, Ward and White being excused.

**Conf. Com. Rep. No. 4 and H.B. No. 1610, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1610, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF THE UNITED STATES," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Ito, Okamura, P. Oshiro, Ward and White being excused.

**Conf. Com. Rep. No. 5 and H.B. No. 214, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 214, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Tarnas rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Tarnas' remarks are as follows:

"I speak in support of this measure, which renames our airport in Kona to the Kona International Airport at Keahole. This is a title worthy of our gateway in Kona, with honor given to the adjacent Keahole Point.

"The name 'Kona International Airport at Keahole' will serve to enhance marketing efforts of the Kona-Kohala visitor industry. Locally based tourism marketing has proven to be quite successful. We are aiming high for our own success."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 214, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KEAHOLE AIRPORT," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Ito, Okamura, P. Oshiro, Ward and White being excused.

The Chair directed the Clerk to note that H.B. Nos. 1745, 1610 and 214 had passed Final Reading at 2:12 o'clock p.m.

**Conf. Com. Rep. No. 6 and H.B. No. 1965, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1965, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Tarnas submitted the following comments to be inserted into the journal:

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

"The introduction of alien aquatic organisms is a significant concern worldwide. Traveling in the ballast water of ships or on their hulls, organisms can be transported to our waters. They can compete with our own resident species and potentially cause significant harm to the environment.

"Determining how to minimize the rise of such introductions effectively will require the collaboration of industry, state and federal resource management agencies, and international shipping organizations. This measure establishes such a task force to develop a program and present to us the necessary implementing legislation for our consideration next year.

"Other ports in the world are implementing a rule requiring mid-ocean ballast exchange before entering port, such as at the Port of Vancouver, British Columbia. We will now be one of the pioneers in developing this progressive, marine policy initiative."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1965, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARMFUL AQUATIC LIFE," passed Final Reading by a vote of 47 ayes, with Representatives Arakaki, Ito, Okamura and Ward being excused.

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

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 2, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Final Reading by a vote of 47 ayes, with Representatives Arakaki, Ito, Okamura and Ward being excused.

**Conf. Com. Rep. No. 8 and H.B. No. 1660, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1660, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 47 ayes, with Representatives Arakaki, Ito, Okamura and Ward being excused.

**Conf. Com. Rep. No. 9 and H.B. No. 1638, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1638, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Final Reading by a vote of 47 ayes, with Representatives Arakaki, Ito, Okamura and Ward being excused.

**Conf. Com. Rep. No. 10 and H.B. No. 1706, HD 2, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1706, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE EMPLOYMENT AND TRAINING FUND," passed Final Reading by a vote of 47 ayes, with Representatives Arakaki, Ito, Okamura and Ward being excused.

**Conf. Com. Rep. No. 11 and H.B. No. 1894, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1894, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE ELEVATOR MECHANICS LICENSING BOARD," passed Final Reading by a vote of 47 ayes, with Representatives Arakaki, Ito, Okamura and Ward being excused.

**Conf. Com. Rep. No. 12 and H.B. No. 1863, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1863, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER AND BUSINESS EDUCATION," passed Final Reading by a vote of 44 ayes to 3 noes, with Representatives Halford, McDermott and Whalen voting no, and Representatives Arakaki, Ito, Okamura and Ward being excused.

**Conf. Com. Rep. No. 13 and H.B. No. 939, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 939, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Kawanakoa submitted the following comments, in support of the measure, to be inserted into the journal:

"This bill addresses a serious problem that tourists and residents alike encounter when renting a car. Currently, prices quoted by rental car companies or their agents do not match the prices they are asked to pay at the checkout counter. With tourism being a substantial part of Hawaii's economy, it is bad business to allow such practices to continue. Nothing spoils a tourist's vacation more than finding out that the prices relied for comparison purposes were inaccurate.

"Allowing rental car companies to pass on prorated charges such as registration and license fees or applicable taxes is part of the cost of doing business. Requiring disclosure of such costs as part of any price quotation allows the consumer to make informed decisions when renting a car. This bill creates good business practices."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 939, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES," passed Final Reading by a vote of 47 ayes, with Representatives Arakaki, Ito, Okamura and Ward being excused.

The Chair directed the Clerk to note that H.B. Nos. 1965, 2, 1660, 1638, 1706, 1894, 1863 and 939 had passed Final Reading at 2:14 o'clock p.m.

**Conf. Com. Rep. No. 14 and H.B. No. 2202, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 2202, HD 2, SD 1,

CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Final Reading by a vote of 47 ayes, with Representatives Kawakami, Morihara, Okamura and Takamine being excused.

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

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Final Reading by a vote of 47 ayes, with Representatives Kawakami, Morihara, Okamura and Takamine being excused.

**Conf. Com. Rep. No. 16 and H.B. No. 1006, HD 1, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1006, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"The purpose of this bill is to give a voice to students on the UH Board of Regents by adding a member to the Board who is a student at the University of Hawaii.

"Your Conference Committee, Mr. Speaker, amended the Senate Draft by allowing the individual filling the new seat on the Board to be reappointed for one additional two-year term, even though at the time of reappointment the individual may no longer be a student due to graduation.

"The members of your Conference Committee strongly believe that the member would still retain the perspective of a student as a recent graduate. In addition, this individual would have gained two years of valuable experience on the Board.

"Mr. Speaker, I have been advocating for a student regent since I was a freshman at the University of Hawaii at Manoa in 1985. It has taken many years, 12 years for me, and many more for the other supporters of a student regent. A few years ago, I myself hoped for an appointment to the Board. Soon, a student at the University will live my dream, as well as the dream of countless other students who came before.

"The main goal for the university community is to have a student on the Board working across the table at the same level as the other Board members...and most important, participating as equals.

"Some issues that affect students at the University and are heard by the UH Board of Regents do not necessarily include student input. Presently, although the students may voice their concerns to the Board, they cannot reinforce what they say with a vote.

"I strongly feel that a voting student member on the Board of Regents would help to insure that students' concerns are heard and acted upon. By allowing a student member to vote as a bona fide Board member, we would be ensuring that students have a direct voice and participation in the process that ultimately revolves around the students in the University system.

"A single student member on the Board of Regents, whose membership will now total 12 voting members, would not undermine the efforts of other, more

experienced Board members. Such a student member would allow access to a wealth of information on the ramifications of Board decisions on students and would provide an essential element not presently available.

"History, I believe, will look favorably on this decision of the 19th Legislature. We can and should be proud for passing such a bold measure.

"Mr. Speaker and colleagues, it's for these reasons, as well as many others, that I am in strong support of House Bill 1006. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1006, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," passed Final Reading by a vote of 47 ayes, with Representatives Kawakami, Morihara, Okamura and Takamine being excused.

**Conf. Com. Rep. No. 17 and H.B. No. 106, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 106, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"For the past three years, the House Judiciary Committee continuously introduced and passed bills to reduce the juvenile waiver age from sixteen to fourteen. All of these efforts were quashed at Conference or otherwise deferred. Now at long last we have a measure, which will make violent and multiple offenders responsible and more accountable to the general public for their acts.

"As incredible as it sounds, in our courts we have had a fifteen-year old rape a Sunday school teacher in front of her children. A young fifteen-year old punk gunned down a newlywed in front of his wife, and a gang made up of some kids, fifteen year old juveniles, beating a tourist unconscious for a few measly dollars. These young criminals were free at age nineteen because they just happen to be under the waiver age of sixteen. This has to end and it has to end now.

"Now, at long last, the family court judges will have the discretion and power to waive jurisdiction over juveniles who commit this type of offense to the Circuit Court and happen to be fourteen and over. This is fair and just and will help to restore the public's confidence in the juvenile justice system. I urge my colleagues to vote up on this measure.

"Thank you, Mr. Speaker."

Representative Moses then rose and stated:

"Mr. Speaker, on HB 106, I rise in support, and I wish to commend all my colleagues who worked so hard on getting this bill through, both in committees and then in Conference Committee.

"This does make our streets safer, Mr. Speaker, this gets violent criminals off the streets where they belong -- off the streets. Thank you, Mr. Speaker."

Representative Arakaki then rose to speak in support of the bill "with some minor reservations," stating:

"Thank you, Mr. Speaker. Although this is a Majority Package bill, I did not sign the bill in its original form

and I didn't vote on it, I voted against it on Third Reading. However, I want to congratulate Chairperson Tom and the Conference Committee for really adding the safeguards not only for this bill, but also for House Bill 107 as well relating to juvenile confidentiality.

"I just wanted to express reservations because unless we were thinking about putting kids away for fifty to sixty years, which is the rest of their lifetime, I still think we need to look at how we can effectively intervene in these lives. So that we don't reach a point where we are going to have to lock them up or treat them as adult offenders.

"I also want to say that for many of these kids the problems and their offenses occur very early on. There are things that we can do to intervene to prevent their reaching that point. Unless we are willing to invest in those types of intervention programs, we're going to have to use these measures a lot more than we would like to. So I just want to bring balance to what we're trying to do. Thank you."

Representative Kawanakoa submitted the following comments in support of the bill to be inserted into the journal:

"This bill is an important step in overhauling the juvenile justice system, which has failed to stem the increase in the frequency and seriousness of juvenile crime.

"Statistics show that a large percentage of offenses are committed by juveniles under the age of 16. There have been several examples of juveniles who have committed a substantial number of serious and violent crimes while under the jurisdiction of the Family Court or who have committed extremely serious offenses and were too young to be waived to adult court. In one case, it took 101 arrests of a juvenile before the Family Court waived jurisdiction and he was charged as an adult."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 106, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," passed Final Reading by a vote of 47 ayes, with Representatives Kawakami, Morihara, Okamura and Takamine being excused.

**Conf. Com. Rep. No. 18 and H.B. No. 141, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 141, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Mr. Speaker, I really appreciate the fact that this bill has made it through this Legislative Session. Mr. Speaker, both you and I have had experience working in areas where we've provided service to lower income groups, others that need our help. When I did a survey of the Windward side to say: how many people are hesitant to volunteer today because of a threat of a frivolous lawsuit? Eighty percent of the people responded that they would be more likely to volunteer if there were some form of protection against being sued.

"This bill takes that concept and it will be putting it into law. A similar bill was introduced by myself, and a number of other people. It doesn't matter which vehicle made it through. The idea is that we have really helped the volunteers in our community and I'm sincerely grateful.

"Thank you, Mr. Speaker."

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

"I think it's great that we're passing a bill, which would give some immunity to volunteers. I introduced a similar measure in the past. I also feel that it goes well with several other measures regarding recreational activities, landowners, motor sports, and liability of schools and impaired drivers. I think these measures will go a long way in restoring sanity to our modern life."

"Thank you."

Representative Yoshinaga then rose and stated:

"I'd like to go back because I've been standing up with everyone else and I'd like the Clerk to note my vote with reservations on Conference Committee Report No. 18, House Bill No. 141."

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

"Hawaii's community -- the people in Hawaii -- have a high commitment to community service, better than anywhere else in the nation. It is volunteerism and community service that holds the fabric of our community together. While we in government often get the credit for being the leaders of this great society, really our society, I believe; persists because of the countless good acts done every day by great people in Hawaii. It's important for us to support them. Thank you."

Representative Kawanakoa then rose and stated:

"I also rise in strong support and would just ask that the previous speaker's words be entered into the Journal as if they were my own. (By reference only)"

"I'd also like to just simply mention that in my days at the University of Hawaii, Richardson School of Law, we had some of the highest numbers for pro bono work and advocates for public interest. I agree wholeheartedly that it's this sort of effort of our volunteers here in the islands that are outstanding, we should encourage it and otherwise protect it the best we can."

"Thank you, Mr. Speaker."

Representative Herkes then rose to speak in opposition to the bill, stating:

"If frivolous lawsuits are the problem, let's deal with lawsuits. We're avoiding the real problem on the issue and just skirting around it as we do so often. The other problem is that although we've got some safeguards in the bill and some strong language for the record of our courts, the deterioration of laws like this will be rapid and we will regret the day that we passed this."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 141, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Herkes voting no, and Representatives Kawakami, Morihara, Okamura and Takamine being excused.

**Conf. Com. Rep. No. 19 and H.B. No. 103, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 103, HD 2, SD 1,

CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Mr. Speaker, this bill continues the life of the Small Business Task Force on Regulatory Relief and I need to disclose a potential conflict, Mr. Speaker. My son is a member of that task force."

The Chair ruled that there was "no conflict."

Representative Thielen continued, stating:

"My son is a president of a small contracting company. At one of the meetings when some of the government officials were present with all of these business members who are asking for government relief from the regulations and from the overburdensome regulations, one of the department members said: 'You guys are really serious about wanting relief from regulation, I mean you're really outspoken about it.'"

"Well they are, Mr. Speaker, and business is hurting. The task force, I hope, will be able to propose solutions to us. I hope we will be wise enough to implement them and that we will, maybe, begin to reverse the trend of small businesses closing or else relocating out of the State."

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 103, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," passed Final Reading by a vote of 47 ayes, with Representatives Kawakami, Morihara, Okamura and Takamine being excused.

**Conf. Com. Rep. No. 20 and H.B. No. 351, HD 2, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 351, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Final Reading by a vote of 47 ayes, with Representatives Kawakami, Morihara, Okamura and Takamine being excused.

**Conf. Com. Rep. No. 21 and H.B. No. 582, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 582, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMBAT," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Meyer voting no, and Representatives Kawakami, Morihara, Okamura and Takamine being excused.

The Chair directed the Clerk to note that H.B. Nos. 2202, 1899, 1006, 106, 141, 103, 351 and 582 had passed Final Reading at 2:28 o'clock p.m.

**Conf. Com. Rep. No. 1 and H.B. No. 117, SD 1, CD 1:**

Representative Tom moved that the report of the Committee be adopted and H.B. No. 117, SD 1, CD 1, pass Final Reading, seconded by Representative Yamane.

Representative Tom rose and stated:

"Mr. Speaker, I rise to speak in support of H.B. 117, CD 1, a bill for an act proposing a constitutional amendment relating to marriage.

"Mr. Speaker, today this Legislature fulfills its most important role, bringing to life the first and most important principal of constitutional government, the right of the people to be governed under laws of their own choosing.

"Article 1, Section 1, of our Hawaii Constitution reads: 'All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.'

"This amendment is being adopted by both the House and the Senate today for one purpose and one purpose only: to place back into the hands of the people the political power, which is their right.

"Whether the public ratifies this amendment or rejects it, is of secondary concern. What is important is that the citizens of this State have the opportunity to vote upon it.

"Over the past several years I have stood before this Chamber and condemned the attempt by the Judiciary to usurp the policy-making role of this Legislature. As we opened this session of the Legislature, our Chief Justice acknowledged that the Judiciary does not have the final say. While we, as individuals, must submit to judicial authority, the Judiciary must submit to the political will of our citizens.

"I hope, I trust, and I must believe that the Supreme Court will honor the words of the Chief Justice and not precipitate a constitutional crises by acting before the constitutional processes have reached fruition. To act before the people have a chance to speak would rock the very foundations of our government. Democracy is a precious and fragile idea; nurtured and maintained by the good will and good intentions of those who occupy positions of responsibility under its three branches.

"The amendment before us today is simple and straightforward. It confirms that the Legislature has the power it has always exercised, the power to reserve marriage to opposite-sex couples.

"I wish to make it very plain that it was the intention of the members of your Conference Committee that this amendment, if ratified by the electorate, serves to confirm that the marriage laws which are now on the books are valid and not susceptible to challenges simply because they reserve marriage to opposite-sex couples.

"There are those who, for their own purposes, have tried to argue that in proposing this amendment the intention is that the 1999 Legislature must reenact marriage legislation. This is absolute nonsense. Nothing could have been more contrary to the thoughts and intentions of the Conference Committee members. Common sense, the history of this amendment, the intentions of the Conference Committee members who proposed and have submitted this amendment, and the circumstances, which directly led to this proposed amendment all contradict that notion.

"There is no need for further legislation, for this State has always reserved marriage to opposite-sex couples, just as has every other state in the United States. We have, and continue, to issue marriage licenses solely to opposite-sex couples because that is the law. Our marriage laws have not been nullified or overturned because there has been no final ruling from the Supreme Court. The Supreme Court has not prohibited us from enforcing our marriage laws while the Court awaits the

result of the people's vote. To argue that the adoption of this amendment makes it necessary to reenact our marriage laws is the kind of nonsensical argument that could only be made by a lawyer-advocate who cannot think of any rational constitutional challenge to the work of your Committee. . .

At this time, Representative P. Oshiro rose and yielded his time to Representative Tom.

Representative Tom thanked the Chair and continued his remarks, saying:

"The purpose clause of the amendment specifically speaks of clarifying the Constitution, of confirming the power of the Legislature to reserve marriage to couples of the opposite sex. It directly mentions our current marriage laws and their continuing validity, as this Legislature remains open to the petitions of those who may seek to change them.

"This amendment does not create a new power, but confirms one that has always existed, although questioned in 1993 by the Supreme Court in *Baehr v. Lewin*. The Committee report before you explicitly states that this amendment addresses the ruling in *Baehr v. Miike*. This amendment is not a shell waiting to be filled, but rather a direct response to the Supreme Court to let them know that the holding in *Baehr v. Miike* is incorrect. There is no need for any further legislation, as it was the intention of your Conference Committee that the amendment be self-executing as provided for in Article VI, Section 16 of our Constitution. The amendment will be fully self-executing because our existing marriage laws reserve marriage for the union of one man and one woman.

"Mr. Speaker, the genius of our system of government lies in the fact that we truly believe in the goodness and the wisdom of the people as a whole. When responsibility for good government and fundamental policy issues rests in their hands, they have proven over and over again that they can and do act responsibly.

"We should all remember that each and every word of our Constitution was placed there by the vote of the people. It is their Constitution, not the Governor's, not the Legislature's and not the Judiciary's.

"Passage of this bill will allow the citizens of our State to exercise the most precious and fundamental right they possess, the right to be governed under laws of their own choosing.

"Mr. Speaker, I ask my colleagues to vote up on this measure."

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

"Mr. Speaker, a few weeks ago Judge Moon rightly said that we have the trump card in this particular discussion. This bill brings us to the day of playing that particular trump card.

"What I believe he forgot to say was that it's the people of Hawaii that hold the trump card according to this bill and not those who wear black robes. Unfortunately, the way the bill is written, however, it's those who sit in these seats who will decide whether there is same-sex marriage in the future. The social order that this one relies upon are those who are in the Senate and the House to say as the words define the power to regulate marriage between opposite-sex couples. Not in the people's minds, but in the minds of those who are elected representatives.



"As you know, Mr. Speaker, the first version had it that marriage would be defined in the State of Hawaii as that between one man and one woman. This again, like HB 118, was a compromise. What we have here is something, that I think, if the Senate or this House is so inclined in a matter of time, even next year; we're going to have same-sex marriage. This bill doesn't tighten it down to do that. But as my colleague said, hopefully there will be civility reigning in the Supreme Court and they will not preempt us before the people get a chance to even vote on this thing.

"So though this bill gives us a marriage from out of the hands of the Supreme Court, it does not remove it from the minds of the public. Because of the weaker draft we are passing today the issue will never go away from Hawaii's electorate.

"That is today, it seems as though the Senate apparently wanted it to be as it is because each election, Mr. Speaker, as we're asked our stand on education, or asked what your stand on crime is, sometimes it's abortion, it's always going to be well what's your stand on same-sex marriage.

"The point being, we're not getting rid of the issue with 117. In fact, this bill temporarily resolves it only. If the issue is affirmed by the voters it would mean that traditional marriage will prevail in Hawaii, at least temporarily and that there will be no new social contract, except as what we already talked about in 118. That marriage will be between one man and one woman.

"The dilemma, Mr. Speaker, and one that we face as a nation and a people in this civilization is that this measure will always be kept alive because of a lack of data on the biological, or sociological origins of sexuality and sexual orientation. I think Judge Burns said it best when he said that, and Judge Burns, as you know, Mr. Speaker, is one of the Judges on the original decision in 1993. He said in effect and his words will ring true to the distant future, that 'if there is proof homosexuality is in effect biological this issue of same-sex marriage is in fact a civil right and the whole issue is in effect moot.' But he said, 'if it is not biological what the court will be doing is creating a right that does not exist except in the minds of a small percentage of our population.'

"Judge Burns, Mr. Speaker, has asked for evidence. Unfortunately, the preponderance of the evidence is that there is no preponderance of evidence. Although, if we look fortunately at 5,000 years of rich Judeo-Christian traditions and world civilizations that has never excepted or institutionalized homosexuality you can see that there is sufficient evidence to that. However, because of the lack of scientific clarity on the issue and the fact that the court refused to acknowledge mores, folkways, morality, customs, traditions and even such a thing as a supreme creator who reigns over civilization, at least those who believe in him. The Supreme Court decided to put the people of Hawaii and the nation, Mr. Speaker, in a headlock which this bill now, Mr. Speaker, allows the people of Hawaii to get out of it if they want. Using Judge Levinson's logic in the Loving case and the compelling State interest by which it was framed, Mr. Speaker, it's tantamount to me asking you do you still beat your wife. You know you don't, but the way I framed the question whether you're yea or nae you're locked into it and quite frankly that's how the question was posed to our Attorney General and predictably she failed.

"There's many who have said that the attorney general's argument for the people of Hawaii was both embarrassingly simple if not bordering on incompetence to create a logical argument against same-sex marriage.

"In conclusion, Mr. Speaker, today is a very historic day. This chamber will be a very historic chamber for both the State and Nation, and civilization. Mr. Speaker, it's time finally now to act. It's time to let the people of Hawaii decide what is the future of their children and for the sake of all of our children I urge all of us to vote yes on H.B. 117. Thank you."

Representative Case then rose to speak in opposition to the bill, stating:

"Mr. Speaker, I wish there was a vote of 'no with reservations,' because that is truly, how I feel today. On the reservations side, I have always been torn over the proper role of the Legislature on issues of this import. I do believe that, if a constitutional amendment must be proposed, the House and Senate managers and leadership succeeded in formulating a fair and direct one and in providing, together with House Bill 118, some semblance of balance. I do agree with my Judiciary Chair that the Supreme Court at this point should defer, and that this amendment, if adopted, is self-executing.

"But I cannot vote 'aye,' even with reservations. My reasons were set forth at length in floor remarks on March 5, 1996 and January 22nd of this year and do not need to be repeated here. Fundamentally, I do not believe our constitution should be amended where our courts have acted to provide constitutional protection to a minority view. I believe my role as a legislator includes the protection of minorities.

"Today, though, I wish to address what for me has been the most disturbing aspect of this debate, and that is the proper role of religion in government. I don't doubt that many personal values fostered primarily by our great religions have been missing from our public discussions and decisions, and, to that extent, I welcome the emphasis on such values in the legislative process.

"But when any religion tries to legitimize or impose its beliefs on other religions or individuals by legislating them into the law of the land, our society as we know it is at risk. Let us be honest: this is not so much a 'culture war,' as U.S. Supreme Court Justice Scalia described it, as it is a religious dispute. For each and every religion whose God teaches that we should pass this measure, the evidence is that there is an equal and opposite religion whose God urges otherwise.

"Our forefathers had it right: neither the executive nor legislative branches should become entangled in these matters under these circumstances. A theocracy is and always has been a fatally flawed form of government. Separation of church and state must be preserved."

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

"I'd just like to thank Representative Tom for his hard work on this measure. He's carried the weight of not only Hawaii, but I think, the Nation on his shoulders the last several months and it must have been tremendous pressure. I just want to thank him from my heart. Thank you, Representative."

Representative Tarnas then rose to speak in opposition to the bill, stating:

"Mr. Speaker, at the heart of this whole debate is the equal protection clause of the Constitution. This clause really reflects Hawaii as I know it, a land built on diversity and tolerance of different lifestyles.



"This amendment, I believe, is an erosion of the equal protection afforded by the Constitution. The idea is that we would insert into the Constitution a phrase saying the Legislature shall have the power to reserve marriage to opposite-sex couples, without any mention of providing equal rights to same gender couples.

"That's like saying one of our fundamental pillars in Hawaii is protection of equal rights for everyone except in this one area. No one would argue with me when I say that it is unconstitutional for the State to limit the ability of religious groups to conduct marriage ceremonies for couples of whatever combination of genders.

"The State's job is to protect the civil rights of the citizens. Here we are saying that the Legislature can discriminate. I find this is inconsistent and I will not be able to support it.

"It would all be much simpler if the State provided the means for a completely secular form of domestic contract, available to any couple not currently in an existing contract. Then there will be equal protection. Let's leave the discussion of marriage where it belongs and that is in the churches, among the religious organizations.

"It's disturbing that this whole debate has taken on the overtones of religious righteousness and I'm someone who was born and raised Catholic. So I understand the importance of religion in one's life, but the overzealous determination of those seeking to ban equal protection to same gender couples has resulted in the blurring of the line between church and state.

"The Constitution is not the place for one religious view to dominate. We must remember that there is a diversity of opinion about same gender marriage in the religious community. There are numerous religious leaders on both sides of this issue. So I say, let the debate on the morality of same gender relations be carried out in the religious arena. Don't drag it into the Legislature.

"Our job is to represent the best of our community. As a child, I was brought up and taught by my parents, teachers, priests, and nuns to love, honor, and respect my neighbor. I was told not to judge and discriminate against people because they are different. Because of this, I must oppose this measure.

"Thank you, Mr. Speaker."

Representative Moses then rose and stated:

"Mr. Speaker, I had not intended to speak on this measure, but I feel compelled to now and I will be speaking in favor of the measure.

"You know I keep hearing this discrimination against homosexuals. I don't see any discrimination in our current law. A homosexual man can marry a woman just as I can. They have the equal rights, the same rights. What we are doing now and as we have heard on the floor of this chamber today, we're condoning a lifestyle.

"The members of this chamber have repeatedly said we're not talking about a choice and yet now they're talking about lifestyles. There is nothing in this measure that discriminates. It only says that we have the right to set law.

"Thank you, Mr. Speaker."

Representative Hamakawa then rose to speak in opposition to the bill, stating:

"Mr. Speaker, I oppose HB 117 because I believe that all citizens of this State should be treated fairly and equally under the law.

"House Bill 117 attempts to strip citizens of rights protected by our Constitution and courts. Never before has our Constitution been amended to deny citizens rights. It has always been amended to recognize or extend rights.

"I believe passage of this measure will set bad precedent. It takes power and authority away from the courts; a separate and equal body under our system of checks and balances. A body where citizens can get a fair and impartial hearing, where issues will not be subject to the politics and prejudices of the day.

"House Bill 117 is not good for Hawaii. It will further divide our community. Mr. Speaker, let us allow all citizens of our State to have their day in court, under the protection of our Constitution. Thank you."

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

"By the passage of House Bill 117 the people have spoken. Through their elected representatives, two bills have been crafted which balance the public sentiment concerning this most cherished tradition and institution of our society, with the need to recognize certain rights and needs of those couples who can't marry.

"With the passage of House Bill 117, we are replacing policymaking by judicial edict with policymaking by the representatives of the people. Despite what the representatives of certain areas of our State have said earlier, and I respect their views, but I disagree with them about the involvement of religious righteousness in this debate. The fact is that the traditions of all modern cultures and religions are embodied in what the Hawaii State Legislature is doing today concerning this most emotional issue.

"Our decisions today are supported by the wisdom of the ages. Policymaking by the Legislature also includes practicality, that is considering the full ramifications -- economic and social -- of our decisions. In comparison, policymaking by the courts is done in a vacuum with legal interpretation being the only criteria.

"In looking at the full practical ramifications of our policymaking, we have decided through these measures to minimize the impact on businesses. To attempt to maintain social stability, and especially to relieve the Family Court of the burden of deciding differences among couples involved in the reciprocal beneficiaries that we are establishing.

"Mr. Speaker, the Legislature, through House Bill 117, is finally giving the people the right to make policy by giving them the ability to have their representatives at the Legislature define what marriage is. In this area, the Legislature's views should prevail and by this measure they will prevail. Thank you."

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

"I'm concerned about the distinction between church and state. It's an old argument and I think that it's important that we try to understand as clearly as possible the issue and for us to make the commitment to separate church and state in all of our activities.

"If I could share my own personal reaction to my marriage, my conscious thought before I went in to be married. I saw that I had four sanctions to my marriage.

"First of all, most important, was the sanction of my wife and myself, a personal agreement. Secondly, second most important, the sanction of my community that they regard us as married, interact with us that way, support us that way and on and on. Third is the spiritual sanction, and in our community it's not required. In my case, I chose it. I see that as completely separate from any other sanctions. Fourth, I chose a legal sanction, a contract with the State of Hawaii, and in my view is the least important of the four sanctions.

"I want to say that they are separate sanctions that we, as lawmakers, don't want to mix them up, that we, as lawmakers for the State, must take the interest of the State first in our deliberations here. We must make a commitment to separate the church from our decisions and from what we commit ourselves to as a State. Thank you."

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

"I want to thank you, thank Leadership, and thank the Majority Party, and especially thank Chair Tom, because after the last election that all of us went through, it was quite clear in my district, and it seemed so in other districts throughout the State, that people wanted to vote on this. Contrary to whatever reasons people have, either be the civil rights zealots or the religious zealots, I really don't care. I want to thank you, I want to thank Chair Tom, and I want to thank my colleagues for allowing the citizens to vote.

"Thank you, Mr. Speaker."

Representative Lee rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"My sentiment can best be expressed with a quote from this morning's Honolulu Advertiser: 'Compromise is the working philosophy of legislative politics, but in this case it produced a less than satisfactory result. Lawmakers have sent forth contradictory solutions: a proposed constitutional amendment to ban same sex marriage and a bill that would grant such couples some, but not all of the rights and obligations that go to heterosexual couples with a marriage license. The partial package of rights is a welcome, but timid step toward fairness. A bolder step would have been to offer an identical package of rights and obligations.'

"I will vote in favor of the bill with the hope that it is not intended to deny equal rights to any group, or to diminish the role of the courts and the Legislature in interpreting and enforcing the Constitution and the Bill of Rights."

Representative Takamine rose in support of the measure with reservations and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Takamine's remarks are as follows:

"The bill in its current form allows Hawaii's voters to determine whether the State constitution should be amended. The proposed amendment would authorize the Legislature to determine whether marriage should be reserved to opposite-sex couples.

"Mr. Speaker, I have voted against such a proposition previously, and I have difficulty casting this vote today. The difficulty comes from understanding that if such an amendment is passed, it will diminish the role of the Judiciary on this matter.

"I believe that a Judiciary that is independent of the executive and legislative branches, and free from the popular prejudices and opinions of the day is essential for the Bill of Rights to be meaningful. The majority and the powerful may not need a strong Bill of Rights. However, it is the protections of the Bill of Rights, supported by an independent judiciary standing behind it that protects the speech, associations, and religion of minorities, the poor, and the unpopular.

"I believe the Constitution establishes this framework, and with it makes due process and equal protection of the laws available to all persons regardless of their race, ancestry, national origin, or gender. These are very important principles.

"Having said this, Mr. Speaker, I realize that this vote comes only after we have approved H.B. No. 118, HD 1, SD 1, CD 1. House Bill No. 118 establishes the legal relationship of reciprocal beneficiaries, and conveys substantial rights and protections to such couples.

"Mr. Speaker, many people feel we have spent far too much time on this issue at the expense of more important issues such as the state of our economy. This 'package' of bills was crafted in Conference Committee, and represents an attempt to strike a balance. Such a package provides a Legislative resolution to an issue that has proven elusive during the past several years. It is with this balance in mind, and with the reservations I have stated earlier, that I support the measure at this time.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 117, SD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," passed Final Reading by a vote of 44 ayes to 6 noes, with Representatives Case, Hamakawa, Morita, Saiki, Takumi and Tarnas voting no, and Representative Okamura being excused.

The Chair directed the Clerk to note that H.B. No. 117 had passed Final Reading at 2:56 o'clock p.m.

At 2:57 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:08 o'clock p.m., the Vice Speaker assumed the rostrum.

At this time, Representative Cachola was permitted a late introduction, and he introduced Chris Pablo, "a good friend of ours, a guy who fought leukemia and won."

**Conf. Com. Rep. No. 22 and H.B. No. 1309, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1309, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME," passed Final Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawanakoa, Morihara, Okamura and Souki being excused.

**Conf. Com. Rep. No. 23 and H.B. No. 636, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 636, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Final Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura and Souki being excused.

**Conf. Com. Rep. No. 24 and H.B. No. 1762, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, Conf. Com. Rep. No. 24 and H.B. No. 1762, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF IMPOUNDED VESSELS," were recommitted to the Committee on Conference with Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura and Souki being excused.

**Conf. Com. Rep. No. 25 and H.B. No. 1105, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1105, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," passed Final Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura and Souki being excused.

**Conf. Com. Rep. No. 26 and H.B. No. 1819, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1819, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Final Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura and Souki being excused.

**Conf. Com. Rep. No. 27 and H.B. No. 631, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 631, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative McDermott rose to speak in opposition to the bill, stating:

"Mr. Speaker, I spoke against this earlier in the session. It contains the language relating to life partners and we just talked about all that stuff so I'm not going back into it. But I don't like it, I disagree with it, and I'm going to vote no. Thank you."

Representative Santiago then rose and stated:

"Mr. Speaker, I'd just like the Journal to reflect a very strong support for this measure. Regarding House Bill 631, I would like to extend a very great big thank you to the Chairman of the Judiciary Committee, Chairman Tom, for his expertise in this area. He, with his previous knowledge on other landmark legislation that he shepherded through the House, was able to take this bill and the idea that was necessary for those incapacitated individuals in the hospital, and craft a bill that met with just about every concern raised throughout the committee process. This is a good bill. I encourage all of the

members to support it and again my big mahalo to Representative Tom. Thank you."

Representative Moses then rose to speak in opposition to the bill, stating:

"As my colleague to my left mentioned, this bill contains the definition of a life partner which means a person who is currently in a spousal type relationship with a resident regardless of legal recognition at the time of the resident's lack of capacity. I vote no on this measure, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," passed Final Reading by a vote of 40 ayes to 3 noes, with Representatives McDermott, Meyer and Moses voting no, and Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura and Souki being excused.

**Conf. Com. Rep. No. 28 and H.B. No. 111, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 111, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Mr. Speaker, this bill relates to the sexual assault of minors and the purpose of this bill is a noble one. It is to create a new class A felony offense known as continuous sexual abuse of a child, which provides specific circumstances under which sexual abuse of a minor is deemed a continual offense.

"This is a good thing, Mr. Speaker, and that's why I support this bill. We need to protect our young people. We need to provide strong disincentives against those who try to commit these heinous crimes.

"I do have one concern, Mr. Speaker. It does not rise to the level of voting with reservations, but it is a concern. On page 3 of the bill, line 15, it says "continuous sexual assault of a minor under the age of 14 years" and then, Mr. Speaker, it proceeds to describe these various elements that one would have to show to convict one of such a crime.

"Under the age of 14, that means a person, a young person, a young girl could be 14, a very tender age. Yet the provisions, the very strong and good provisions of this bill would not apply to a criminal who committed those very same acts with a girl who's just 14.

"I almost wish that we could raise the age since we are in the bill discussing minors, you know minors are people under 18. It'd be nice if we could have raised the age up higher because a 14 year old girl is a very young girl.

"But this is a step in the right direction and so I support it, but I raise those concerns just for the record that the Legislature is aware. That maybe someday we'll read in the newspapers that a person was 14 years old and this young girl wasn't able to be protected by this bill because of her age.

"Thank you, Mr. Speaker."

Representative Lee submitted the following comments in support of the measure to be inserted into the Journal:

"This bill is about protecting children. Unfortunately, sexual assault of minors most often takes place in a home setting where the abuser knows the child. Children are often unable or wish to forget the details of sexual assault by a friend or family member.

"This bill establishes the offense of continuous sexual assault of a minor under 14 years of age as a Class A felony and provides that to convict, a jury need unanimously agree only that the requisite number of acts have occurred and not on which acts constitute the requisite number.

"I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 111, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Final Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawanakoa, Morihara, Okamura and Souki being excused.

**Conf. Com. Rep. No. 29 and H.B. No. 581, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 581, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Final Reading by a vote of 43 ayes, with Representatives Ahu Isa, Cachola, Chang, Kanoho, Kawanakoa, Morihara, Okamura and Souki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1309, 636, 1105, 1819, 631, 111 and 581 had passed Final Reading at 3:14 o'clock p.m.

**Conf. Com. Rep. No. 30 and H.B. No. 1713, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1713, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawanakoa, Morihara, Okamura, Takumi and Souki being excused.

**Conf. Com. Rep. No. 31 and H.B. No. 20, HD 1, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 20, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Hiraki submitted the following comments in support of the measure to be inserted into the Journal:

"I rise in strong support of H.B. 20. In keeping with the strong safety measures of our State, H.B. 20 proposes to strengthen the restrictions for younger drivers who are receiving their driver's license, until the applicant holds a valid instruction permit for no fewer than ninety days, and require the temporary instruction permittee to be accompanied by a person who is 18 or older. Further, this bill will direct the Department of Transportation to review and study the driver's licensing procedure and recommend legislative measures to update procedures.

"The statistics indicate that persons under the age of 18 are involved in motor vehicle violations out of proportion to their numbers, and teenagers in Hawaii are killed in motor vehicle accidents at more than twice the frequency of older drivers. Recently, a van driven by a Kahuku teenager collided with a rental car on Kamehameha Highway resulting in the death of the teenager an hour after the crash. This marked the State's 12th traffic fatality of the year.

"In general, studies indicate that teenage drivers are already the highest at risk on the road because they lack the experience of older, more mature, drivers. In addition, the younger driver is more likely to take risks and to exercise poor judgment. Graduated licensing is a program which has been adopted in other states to address the increasing numbers of serious motor vehicle accidents. With this measure in place, we hope to give our youth more road experience and driver safety training before receiving a driver's license.

"Therefore, I urge you, members of the House, to support HB20 which saves lives and helps promote safety on our roadways."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 20, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawanakoa, Morihara, Okamura, Takumi and Souki being excused.

**Conf. Com. Rep. No. 32 and H.B. No. 116, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 116, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Before I begin, I just wanted to thank Representative Terrance Tom for his strong support of measures this session designed to save lives on our roadways. Mr. Speaker, the mission of the Transportation Committee this year was to literally take back our streets. Usually we recognize this phrase when we speak about clearing our neighborhoods of drug dealers or other criminals. Our Committee set out to take back our streets away from drivers who drive under the influence of alcohol and drugs, endangering the lives of innocent members of our community.

"This body should be commended for adopting our present strict DUI laws. However, a mixed message was created to those under 21 when we shut the alcohol concentration level at .08 for all drivers. The message was this: it is illegal for those under the age of 21 to drink, but it is permissible to drink and drive as long as you drink just enough to fall below .08.

"This bill, Mr. Speaker, changes this message loud and clear. This measure will impose a zero tolerance policy for drivers 21 years and younger. The message to young people is simple: don't drink. If you drink and drive, you will be caught, you will be prosecuted under this law and you will lose your license. It is unfortunate that even with these tough laws and education campaigns, we still read about people being killed by a drunk driver.

"The underlining philosophy behind this bill, Mr. Speaker, is directed at prevention. If we can catch

drivers who drink at a young age and provide very strict penalties, then they are less likely as adults to drink and drive. The passage of this bill, Mr. Speaker, will not bring back the lives of the children of the Nuuanu family who were killed on Farrington Highway or the son of one of our colleagues who was killed by a drunk driver, but it offers hope that one day senseless alcohol related deaths on our street will end. Thank you."

Representative Moses then rose and stated:

"Mr. Speaker, just as the following speaker rose to commend the Judiciary Chair, I wish to speak strongly in support of this measure and commend the chair of Transportation for shepherding this measure through. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 116, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura, Takumi and Souki being excused.

**Conf. Com. Rep. No. 33 and H.B. No. 1012, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1012, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura, Takumi and Souki being excused.

**Conf. Com. Rep. No. 34 and H.B. No. 1841, HD 3, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1841, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura, Takumi and Souki being excused.

**Conf. Com. Rep. No. 35 and H.B. No. 65, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 65, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura, Takumi and Souki being excused.

**Conf. Com. Rep. No. 36 and H.B. No. 113, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 113, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"This bill relates to controlled substances provisions. I want to commend the chairman of our House Judiciary

Committee as well as the co-chairs of the Senate counterpart of our Committee.

"There was some very technical discussions in the Conference Committee. I cannot pronounce very many of the names of the drugs or substances in this bill, but I notice that a number of them relate to drugs used in date rape. I'm so very glad that this body takes that crime so very seriously. We have used this bill to try and crack down on such practices and that is an important step in the right direction.

"So again, I commend the chairs of both bodies of the Judiciary Committee. They have put some important material into this bill. I know it will go a long way to fighting date rape."

Representative Tarnas then rose to speak in support of the bill with reservations, stating:

"My only reservation is that there is nothing in the statute that requires these narcotics enforcement professionals from consulting a medical professional, a pharmacist, for example, when determining whether or not a controlled substance has medicinal value. I think it's important when we make this determination that we base it on good science as opposed to any other information that one might or might not have.

"Thank you, Mr. Speaker."

Representative Marumoto then rose and stated:

"Mr. Speaker, very briefly in support of the measure. The Woman's Caucus thanks the Legislature for passing this measure. It was a key bill in their plank.

"Thank you."

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

"I have only one concern and that is, we weren't able to include one more date rape drug that was so called by the Drug Enforcement Division. That was Rohypnol which the Senate somehow didn't want.

"Thank you, Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 113, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura, Takumi and Souki being excused.

**Conf. Com. Rep. No. 37 and H.B. No. 107, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 107, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"This bill is the companion to H.B. 106, relating to waiver, and is another measure in a package of proposals addressing juvenile crime.

"Too often we read about violent juveniles or youth gangs committing heinous crimes against innocent

victims. Too often these proceedings are shrouded in the cloak of family court secrecy and confidentiality.

"Perhaps there was a time that this confidentiality was warranted. We were dealing with kids for offenses such as shop lifting and truancy. Unfortunately the times have changed and the severity of the offenses have escalated. The public trust in the juvenile justice system can only be restored if a modicum of openness and accountability is restored.

"This is what HB107 CD1 does. It opens the records and proceedings of certain juveniles who commit serious, violent or multiple offenses. It allows the victim and the public to see first hand what goes on in the family court, while retaining the discretion of the Judge to close sensitive or inappropriate matters. It is a fair and responsible balancing of the public's right to know with the need to permit the rehabilitation of the juvenile offender. I ask for my colleagues to support this bill.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 107, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Final Reading by a vote of 42 ayes, with Representatives Aiona, Cachola, Chang, Kanoho, Kawananakoa, Morihara, Okamura, Takumi and Souki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1713, 20, 116, 1012, 1841, 65, 113 and 107 had passed Final Reading at 3:22 o'clock p.m.

**Conf. Com. Rep. No. 38 and H.B. No. 1451, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1451, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Hiraki rose to speak against the bill, stating:

"Mr. Speaker, I have serious reservations about the provision in this bill that impose a lease rent cap on refiners that franchises stations.

"The commercial lease rent cap in this bill is limited to 15% of the gross sales and in the case of gasoline to 15% of gross profits. This particular provision in the bill is, I believe, sending a strong anti-business message to our community.

"This provision does not take into account property value investment. Under this provision, a company that has built a million dollar service station on a \$3 million piece of property, a total investment of \$4 million, will be limited to a rent based on the franchisees gross sales. So if the business was not doing well or if the franchisee is not motivated to improve his sales, the property owner suffers.

"This logic defies economic good sense. If a property is worth \$4 million, the rent must be able to reflect a reasonable rate of return on that investment, not a return based on how hard the franchisee is working. From what I understand, there's no real public policy motive behind this commercial lease rent cap. My own legal reading of this bill indicates that it may be an illegal taking to impose a commercial lease rent cap and it is certainly open to legal challenge.

"In any case, this kind of commercial rent control is unprecedented in Hawaii legal history. In a time when we are talking about less government, we have a bill before us that imposes more government. It is exactly the wrong message to be sending to the business community at this time.

"Thank you."

Representative Moses then rose in opposition to the bill and asked that the words of the previous speaker be incorporated in the Journal as if they were his own, and the Chair "so ordered." (By reference only)

Representative Pendleton then rose and stated:

"Mr. Speaker, I rise in opposition to this measure and I ask that the Journal reflects my concurrence with Representative Hiraki's remarks," and the Chair "so ordered." (By reference only)

Representative Meyer then rose and stated:

"Mr. Speaker, I appreciated the words of the Chair of the Transportation Committee. I can't add anything to that. I just echo those words and emphasize that this is a very anti-business bill.

"Again, we are in a terrible economic slump, one that has lasted longer than I can remember. We definitely shouldn't be passing a bill of this kind.

"Thank you, Mr. Speaker."

Representative Marumoto then rose and stated:

"Mr. Speaker, I too would like to have the words of the Chairman of the Transportation Committee incorporated as my own," and the Chair "so ordered." (By reference only)

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

"I'd like to start off with thanking the members for their support because this issue has been before this body which this bill proposes to put to rest permanently with respect to our service station industry in Hawaii.

"These dealers, these small businessmen, have been living under uncertainty of a building moratorium for the past 6 years. With this bill, we are finally resolving this issue in the best interest, I believe, of Hawaii's consumers and its independent service station dealers, the backbone of an industry made up of a number of small businessmen.

"What this bill says is that we value our local service station dealers. It says that none of the big oil companies may take over a dealer-operated station to convert it into a company-operated station without such dealers consent.

"This bill says that we will not condone predatory, competitive activity to force our independent small business dealers out of their generational business of hard work and sweat. It sets up a 1/8 mile radius around every dealer-operated station where a new company-operated station may not operate.

"This bill further says that we will not allow big oil companies to come into our State and basically drive our local dealers out of their hard won family business with excessively high rents. It sets, yes, a precedent for our State by mandating a commercial rent ceiling that, in my belief, attempts to be fair to both the small businessman and the facility owner.



"Finally, Mr. Speaker, what this bill does is create accountability. It establishes a petroleum information council that is required to report to this body on the state of the petroleum industry on an annual basis, in the event that this bill does not solve the problem permanently.

"Mr. Speaker, when you and my other colleagues in this House asked me to manage this issue, I resolved to find a consensus solution that evaded us for more than a decade. It has not been an easy process nor can I say that everyone came to the negotiating table willingly.

"But I can say that today we have delivered a product that is worth trying. We have crafted a solution that I do sincerely believe will give the refiners, jobbers, and other segments of the petroleum industry the latitude they need to serve the new and growing communities on all of our islands while giving our independent gasoline dealers some hope for their future survival.

"In this issue, more than any other, I believe the legislative process has been successful and prevailed against all obstacles of very hard fought principles upon, which there was no consensus. Yet, I believe that this is a consensus solution. I ask my colleagues today to support it because it may finally be the answer to one of the most contentious issues we have faced.

"To all of you who have worked with me on this issue, including my co-chairs Representatives Menor and Tom, I express my gratitude and thanks for your support and insight. To those on the other side of the political fence or political fences who may be in a knee jerk frame of mind to oppose this measure, I believe this is a true example of compromise.

"Finally, Mr. Speaker, I thank you and all my House colleagues who allowed me to have the privilege and opportunity to manage this contentious issue. It has been an educational experience and frankly one that I will always value. Aloha No."

Representative Ahu Isa then rose and stated:

"Mr. Speaker, I stand in opposition to this bill and I would like to have the words of Representative Hiraki inserted as my own in the Journal," and the Chair "so ordered." (By reference only)

Representative Thielen then rose to speak in support of the bill "with some very serious reservations," stating:

"I'd like to first respond to the Chair of the Energy and Environmental Protection Committee's allegation that those who oppose this measure are of a knee jerk frame of mind. I, personally, find that offensive.

"I respect very much what Representative Hiraki said; I think there are a great deal of merit to his words. I notice there are a number of colleagues on both sides of the aisle that joined in with Representative Hiraki in adopting his comments for theirs in the Journal.

"I don't think that was a knee jerk comment of Representative Hiraki's. I know he's very knowledgeable on this subject matter. Mr. Speaker, he has dealt with this subject matter for a number of years and certainly before the present Chair of the Energy and Environmental Protection was even elected.

"Let me go on to a couple of other comments that were made by the Chair of Energy and Environmental Protection, that this bill will not allow the big oil companies to come into Hawaii. Well, great! The big oil

companies with a bill like this on the books wouldn't even consider coming into the State of Hawaii.

"What I'm more concerned about is that we depend on two of those oil companies that have refineries in Hawaii. If we make the business climate so oppressive, it would not take very much for those companies to take a look at Hawaii and say, you're just a small island with a small number of people, we don't need you. We need those oil companies more than they need us.

"Second thing, I did not notice the Chair of Energy and Environmental Protection in any way being able to demonstrate that this bill helps the consumer. In fact, this bill may cause consumers to continue to have to pay higher prices for their gasoline or to drive an unprecedented length to be able to find a station where the gasoline may be more competitively priced.

"The third thing is that her consensus solution is equivalent to rent control. You take a look at page 19 of the bill and it states, first of all it's not even just rent control, it says how much lease rent may be charged, but it also mandates that you can't renew the lease more often than every three years.

"This is government intrusion at its utmost. Are we going to do this with other operations such as Costco that's maybe causing some economic disadvantage to some of our small businesses? Are we going to step in and say; we're going to make you control your lease rent? We're not going to let you renegotiate a contract more often than every three years. I mean, what are we doing? How intrusive are we going to be with business?

"I do believe that independent dealers have a place in Hawaii. I believe the marketplace supports that place for them. There are a number of people in this body, a number of people in the public, that choose an independent dealer because of the service that independent dealer provides. That independent dealer -- she or he -- probably has the car washed for the customer. I think we all hear that wonderful ad on the radio; I believe it's Bill Green of Kahala Shell. It has a marvelous ad that almost makes you want to drive out of your way to go to his station to buy gasoline there and get your car washed.

"The point is that this is the intrusive big government leveling it's particular opinion, bias, or anger on the petroleum industry. There may be reasons behind that anger, but I don't think they have any place within this legislative body. I would suggest the Chair of Energy and Environmental Protection has not solved the issue. I think she's just continued it."

Representative Yoshinaga then rose in rebuttal, stating:

"Thank you very much, Mr. Speaker. I will be brief. I'd just like to point out, on a factual basis, that unlike other industries our petroleum industry has demonstrated an inelastic price level in terms of supply/demand and economic principles. In other words, the price, which is relative demand, does not change no matter how much the price is raised. This has been demonstrated at numerous informational hearings.

"I'd like to point out that the Consumer Advocate at our first informational hearing indicated to the Committee that the type of inelasticity that the supply/demand type of model demonstrates is perhaps a need for intervention. In fact, it indicates, depending on public policy principles, a need for public utility regulation because of the lack of competition demonstrated by various elements.

"He did not recommend it, but said that there were certain principles that were highly indicative of lack of competition in the marketplace. With respect to unfair intrusion in terms of how business runs in our community, I again would like to point out that at our several hearings, and we conducted many informational briefings on this over the past several years, there has been no comment that there is no profitability.

"Our market guarantees a captive market with respect to our refineries. There are only two suppliers for all of the gasoline that we use in our entire State. Therefore, they are 'guaranteed' a certain level of profitability, which I'm happy for. The point of the bill, and let's not lose sight of the issue, is to balance the marketplace so that, with respect to the networking and the distribution system that is utilized, small business is guaranteed a place in that structure.

"Thank you very much."

Representative Meyer then rose and stated:

"Mr. Speaker, I just had to get up because I think we cannot emphasize enough this business of rent control dictating to businesses. I can remember about eight years ago the City and County Council was getting very close to implementing rent control because residents rents were high in Hawaii. Fortunately, they did not.

"The market took its place, rents are reasonable now, certainly far more reasonable than they were. We set a very dangerous precedent when we think, I don't care this is one industry and because with the argument that we are saving small business, it justifies interfering in business. We have the most terrible reputation throughout the country -- Hawaii is anti-business -- and we didn't get that by accident. We got that because of bills like this that have been passed and the divorce bills that were passed in past Legislatures.

"It boggles my mind that we continue to go down this road. Many of these dealers I realize have been in the business a long time. Mr. Young, down on Queen Street, is a second generation running his station. Times have changed. When the EPA laws came into effect in the mid 80's, they added tremendous costs to the ownership of service stations. Most of these dealers have not invested a dollar of their capital into these stations and yet they want to dictate to the owners of those stations what they will charge them. They resent having to buy their gas. I mean, my heavens, if you've spent \$3 million of your money and you produce gas, you'd expect them to sell your gasoline. That was one possible thing that the dealers were asking for, that they could buy competitively from anybody.

"Something that seems to be missing here is people don't seem to understand that the station is an investment and the dealers are just lessees. They don't own the place, and they are being put into business by the investment of another party. I don't think it's that the oil companies want an inordinate amount of lease rent, but they must cover their lease rent, their investment, or their mortgage. They must cover the insurance on those tanks that the EPA says they must carry. They must upgrade their equipment at hundreds of thousands of dollars. These are costs of ownership and I think there is more of a problem with communication between the oil companies and the dealers. There is a mind set that this use to be real profitable, but times change.

"Sugar use to make it, it doesn't today. Things don't stay the same. As Representative Thielen stated, the individual dealers can be competitive with service in certain locations where the lease rent doesn't make sense

and this has happened, Bishop Estate leases went up a thousand percent. Service stations don't make sense there anymore. I don't care what kind of breaks we're going to make for them, they can't make it in those locations. That's what we're dealing with and so I just hope that some sort of sanity will prevail here and we'll stop passing bills of this kind.

"Thank you, Mr. Speaker."

Representative Kawanakoa submitted the following comments in support of the measure to be inserted into the Journal:

"I support the original intent of this bill, which is to provide information on the flow of petroleum products in Hawaii. Unlike other consumer products, petroleum is one of the most important industries affecting our economy. It is important to know what factors are driving the high cost of gas in Hawaii.

"However, I am concerned with the provisions in the bill that restrict manufacturers or jobbers in negotiating with service stations, and lease rent controls. Any restriction or control of the private sector should be viewed with caution. A marketplace that is not free or restricted is bad for our economy. On the other hand, any practice that promotes unfair competition or lack of competition should be eliminated.

"I believe that this bill will level the playing field for retailers, particularly non-company owned retailers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1451, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Final Reading by a vote of 31 ayes to 12 noes, with Representatives Ahu Isa, Fox, Halford, Hiraki, Kahikina, Marumoto, McDermott, Meyer, Moses, Takumi, Ward and White voting no, and Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

**Conf. Com. Rep. No. 39 and H.B. No. 1287, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1287, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Final Reading by a vote of 43 ayes, with Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

**Conf. Com. Rep. No. 40 and H.B. No. 1686, HD 1, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1686, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Ward rose to speak against the bill, stating:

"More specifically, Mr. Speaker, the bid preferences of the procurement code, not the procurement code itself.

"Mr. Speaker, there has been a lot of discussion about stimulation of the economy today. Some say, yes it is; we're doing it; we're not doing it. Well, this bill is a pseudo-stimulation of the economy, Mr. Speaker. It has a bid preference of seven percent added on to government contracts because of the bid preference system, it checks

out, and as some of my colleagues have said: hey, you're lucky, it used to be fifteen percent. Thinking that we're going in the right direction, if we look at the reasons for it, the Attorney General said: well, it's likely it would be unconstitutional if we kept it at fifteen percent. I know illegally that shows it's pseudo-stimulation of the economy. But in effect, it's one of those gimmicks by, which we go back to the business community and say: hey, we gave you a local or bi-local and get local preference. But I would point out, Mr. Speaker, this is very popular among the Third World countries -- me first, my kind first. Particularly countries that have the slow slope that use this kind of stimulation of the economy methods by favoring one group over another instead of being strong by allowing competition to reign.

"While I was in Japan last December, I was reminded that the Japanese have a particular subsidy for farmers by which their standard of living should be equal to those around the urban area. It cost you thirty dollars a pound to get a piece of steak because of these kinds of subsidies, these kind of weakening of people. Rather than allowing them to rise up with competition to be able to hold their own.

"So, Mr. Speaker, this is a pseudo-stimulation economy and whoever goes out and says: we've done something for you in the business community, is also a pseudo pervader of good news.

"Thank you."

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

"Many of the comments the prior speaker said, I agree with. We shouldn't be paying a premium for anything right now, and nickel by nickel, we're getting ourselves in a pickle."

Representative Herkes then rose in support of the bill with reservations, stating:

"My concern is in the tax clearance section of the bill. I don't mind making sure that our State taxes are paid by State contractors. I just don't think we ought to be helping the IRS."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1686, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 40 ayes to 3 noes, with Representatives McDermott, Meyer and Ward voting no, and Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

**Conf. Com. Rep. No. 41 and H.B. No. 1675, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1675, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS," passed Final Reading by a vote of 43 ayes, with Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

**Conf. Com. Rep. No. 42 and H.B. No. 1771, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1771, SD 1, CD 1,

entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 43 ayes, with Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

**Conf. Com. Rep. No. 43 and H.B. No. 1774, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1774, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"The new contract with our teachers and their pay raises are long overdue. Our teachers are on the front line of our efforts to improve education. This bill is a commitment to education and a commitment to quality teaching. Thank you."

Representative Moses then rose in support of the bill, stating:

"You know, we entrust our children to our teachers all day long, but we don't trust our teachers to get a fair day's wage. We've made a promise and negotiated a contract with them; we need to pay what we promised.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose in support of the bill, stating:

"I just want to add my kudos to the Governor and his assistants who negotiated the contract, and to the Finance Committee who found the money for it.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1774, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 43 ayes, with Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

**Conf. Com. Rep. No. 44 and H.B. No. 1776, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1776, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 43 ayes, with Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

**Conf. Com. Rep. No. 45 and H.B. No. 1777, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1777, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 43 ayes, with Representatives Kawanakoa, Morihara, Okamura, Pendleton, Souki, Tom, Whalen and Yamane being excused.

The Chair directed the Clerk to note that H.B. Nos. 1451, 1287, 1686, 1675, 1771, 1774, 1776 and 1777 had passed Final Reading at 3:45 o'clock p.m.

**Conf. Com. Rep. No. 46 and H.B. No. 1778, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1778, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 41 ayes, with Representatives Kahikina, Kawakami, Kawanakoa, Morihara, Okamura, Souki, Tom, Whalen, Yamane and Yoshinaga being excused.

**Conf. Com. Rep. No. 47 and H.B. No. 1792, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1792, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 41 ayes, with Representatives Kahikina, Kawakami, Kawanakoa, Morihara, Okamura, Souki, Tom, Whalen, Yamane and Yoshinaga being excused.

**Conf. Com. Rep. No. 48 and H.B. No. 979, HD 2, SD 1, CD 1:**

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

**Conf. Com. Rep. No. 49 and H.B. No. 1664, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1664, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN GOVERNORS UNIVERSITY," passed Final Reading by a vote of 41 ayes, with Representatives Kahikina, Kawakami, Kawanakoa, Morihara, Okamura, Souki, Tom, Whalen, Yamane and Yoshinaga being excused.

**Conf. Com. Rep. No. 50 and H.B. No. 417, HD 3, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 417, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS PROGRAM," passed Final Reading by a vote of 40 ayes to 1 no, with Representative McDermott voting no, and Representatives Kahikina, Kawakami, Kawanakoa, Morihara, Okamura, Souki, Tom, Whalen, Yamane and Yoshinaga being excused.

**Conf. Com. Rep. No. 51 and S.B. No. 135, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 135, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Takai rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Takai's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of SB 135, SD1, HD2, CD1, which authorizes prescriptive privileges for Hawaii's optometrists. Forty nine states, the military, the Veterans Administration, and the Public Health Service have all recognized the benefits of allowing certified optometrists to treat common eye conditions. Optometrists across the Nation have a 20 - year history of prescribing these medications and have established a very safe and efficacious track record.

"As first contact doctors, optometrists provide two-thirds of all primary eye care in the nation. In today's era of health care reform, treatment is shifting away from the specialist like the ophthalmologist and being placed in the hands of the primary care provider like the optometrist. Passing an optometric therapeutics law will bring frequently needed eye care services closer to the public in a very cost-effective fashion.

"In 1990, Mr. Speaker, the American Public Health Association adopted a resolution to support and encourage optometric therapeutic privileges. The resolution recognized optometry's advanced training and education, and the need to utilize health professionals to their highest level of expertise.

"As the APHA resolution stated, a therapeutics law will increase 'the availability, accessibility, and cost effectiveness of eye care to the American public through lower fees for services and by a reduction in double visits and hospital emergency room visits.'

"Mr. Speaker, this bill is a step in the right direction because it will improve the standards of eye care in Hawaii. While it would certainly be one of the most restrictive laws in the nation, it would at least begin to reduce the unnecessary duplication of care that currently exists. Furthermore, the bill represents the 'go slow,' conservative approach that some legislators desire with this measure.

"The certification criteria called for in the bill are amongst the most rigorous in the nation. To use therapeutics, optometrists must complete and pass extensive education, testing, and clinical preceptorship requirements. The permitted list of medications (the formulary), which are primarily limited to topicals, will be decided by a joint committee of optometrists, ophthalmologists, and pharmacists. This Formulary Committee will allow medicine to have input in this process, which they have so ardently desired. Clearly, this bill holds Hawaii optometrists to a standard higher than the rest of the nation. If enacted, the public's safety and welfare will be assured.

"Mr. Speaker, the time has come for Hawaii to join the rest of the Nation with this enhanced level of primary eye care delivery. Optometric therapeutic authority is a well established and proven standard of care across the country. Hawaii's citizens stand to greatly benefit by the enactment of this bill."

Representative Cachola rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Cachola's remarks are as follows:

"Those of you who have followed this issue over the years are well aware of the historical significance of this bill, the result of the first agreement between optometrists and ophthalmologists on this subject.

"Although this bill expands the scope of practice for optometrists and shortens the time to the establishment of the joint formulary Committee by two years, it adds safeguards to ensure the safety of patients. These safeguards include 100 hours of training under a supervising ophthalmologist and 36 hours of continuing education prior to biennial renewal of therapeutic certification.

"The members of the Conference Committee deserve special commendation for managing to bring together the ophthalmologists and optometrists, and crafting a mutually acceptable bill. I do hope that this bill marks the end of all disputes between the two groups.

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

The Chair stated:

"The Chair would like to announce at this time that for submittal of written comments into the Journal, you can submit it following this session. There is no need to stand up and declare that for today."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 135, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," passed Final Reading by a vote of 40 ayes to 1 no, with Representative McDermott voting no, and Representatives Kahikina, Kawakami, Kawanakoa, Morihara, Okamura, Souki, Tom, Whalen, Yamane and Yoshinaga being excused.

At 3:47 o'clock p.m., Representative Stegmaier asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:48 o'clock p.m.

**Conf. Com. Rep. No. 52 and S.B. No. 512, SD 2, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 512, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS," passed Final Reading by a vote of 41 ayes, with Representatives Kahikina, Kawakami, Kawanakoa, Morihara, Okamura, Souki, Tom, Whalen, Yamane and Yoshinaga being excused.

**Conf. Com. Rep. No. 53 and S.B. No. 175, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 175, HD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Tarnas submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I rise to support this measure. This is forward looking legislation, which creates a partnership with the private sector to cultivate and market plants that are endangered in our State. Through reasonable policies such as this, we can begin to see steady improvement in the communities of these species."

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"Every year, Mr. Speaker, endangered species are being lost forever. Because Hawaii is the most isolated landmass on Earth, most of our native plants and animals are found nowhere else in the world. As a result of the activities of people, there has been an epidemic of extinction and endangerment among our native plants and animals.

"Nearly three quarters of the extinction in the United States are from Hawaii, and nearly 40% of the endangered plants and birds in the U.S. are Hawaiian species. There were over 200 species listed as endangered by the Federal government during the period from 1991 to 1995. This dramatic increase in listing of species reflects a very real crisis in the survival of our unique Hawaiian plants and animals. It also has had a profound impact on land use issues in the State on both public and private lands.

"SB 175 allows individual to possess and sell selected threatened and endangered plants that have been grown from cultivated stock. This bill makes endangered Hawaiian plants available to all who are interested in Hawaiian plants, not only scientists and conservationists. Encouraging the public to cultivate endangered plant species would increase their population and increase public support and understanding of our natural heritage.

"The State flower, Ma'o Hau Hele, (Hibiscus Brackenridge) is a listed endangered species. It is easy to grow and propagate. Without this bill, it would be illegal for the general public to possess this and other endangered plants even if they come from cultivated sources. This bill would allow these precious plants to be made available to the public for cultivation at their homes.

"As more people are exposed to endangered plants species by growing them themselves or seeing a friend or neighbor grow them, more people will be interested in saving endangered plants in the wild and protecting our natural heritage for future generations.

"By removing some of the restrictions applied to cultivated endangered plants, schools can utilize them in campus gardens for educational purposes with fear of breaking the law. Hotels can utilize them in landscapes, encouraging visitors to learn more about Hawaiian flora and help preserve our natural heritage.

"Commercial use and increased availability of these endangered plants will relieve collecting pressures in the wild. People who use them for artistic or cultural reasons can grow them in a controlled setting. These actions would help endangered species to propagate and increase in number.

"This is an important bill as last year this measure was passed by both houses, but vetoed by the Governor on a technical flaw. The flaw has been corrected and this bill creates an opportunity for the survival of many endangered species.

"I urge all members to vote in support of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 175, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 41 ayes, with Representatives Kahikina, Kawakami, Kawanakoa, Morihara, Okamura, Souki, Tom, Whalen, Yamane and Yoshinaga being excused.



The Chair directed the Clerk to note that H.B. Nos. 1778, 1792, 1664, 417 and S.B. Nos. 135, 512 and 175 had passed Final Reading at 3:49 o'clock p.m.

**Conf. Com. Rep. No. 54 and S.B. No. 373, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 373, HD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"I am pleased to speak on behalf of this bill as there was a need to make amendments to certain provisions of the existing water pollution law of the Hawaii Revised Statutes. This bill clarifies the pertinent sections of our water pollution law, and the amendments that this bill proposes are essential in bringing our State law in alignment with current federal regulations.

"Senate Bill No. 373 specifies that a request for a hearing, any judicial review of a hearing, shall not stay the effect of the issuance or renewal of a permit unless specifically ordered by the Director of Health or by a court. This is important because it allows for the permit process to move forward in a timely manner without any unnecessary delays.

"Senate Bill No. 373 also establishes conditions for the Director of Health under, which the Director may modify, suspend, revoke, or revoke and reissue any sludge permit.

"More important, this bill allows for the public to make comment during the permit process on a proposed permit that may be called into question. This provision guarantees that concerned members of the public will at least have an opportunity to voice their concerns on a permit matter being considered by the Department of Health. It safeguards and keeps intact the widely held belief that public input, or the opportunity to make comment, is a necessary component of the permitting process. In effect, this bill guards against any arbitrary issuance or renewal of a permit, and provides that no issuance or renewal of a permit shall occur before interested persons have had the opportunity to comment in the hearings process.

"Mr. Speaker, as we are dutifully looking after the protection of our waters, we are also looking to preserve the integrity and fairness of our permitting process. I believe this bill addresses both concerns, and will reflect favorably on the kind of government we are creating for the citizens of this State. We definitely need the public's input in many of our programs. This bill sets forth a provision that will create a governmental environment that is more open, fair, and responsive to the public. This is important for many citizens across this State. Such a provision encourages the public to get involved and encourages the public to remain involved with our governmental process.

"I would urge all of my colleagues for their support of this measure.

"Thank you, Mr. Speaker, for allowing me the opportunity to comment on this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 373, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 41 ayes, with Representatives Aiona,

Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 55 and S.B. No. 165, SD 2, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 165, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DONATION OF PHARMACEUTICALS AND HEALTH CARE SUPPLIES," passed Final Reading by a vote of 41 ayes, with Representatives Aiona, Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 56 and S.B. No. 1554, SD 1, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1554, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Final Reading by a vote of 41 ayes, with Representatives Aiona, Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 57 and S.B. No. 1879, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1879, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Pendleton rose in strong support of the bill, stating:

"Mr. Speaker, this bill relates to adult residential care homes. Mr. Speaker, we heard this bill in either the Health or the Human Services Committee, and at that time we learned that the purpose of this bill is to allow adult residential care homes to admit patients who require nursing home level care.

"Mr. Speaker, we also learned quite a bit about the long-term health care crisis in this State. The elderly population in Hawaii is increasing and, at the very same time, Mr. Speaker, the cost per person who need long-term care is going up. So, for these reasons, Mr. Speaker, it is all the more important that we find other ways to address the long-term health care needs of our senior citizens in the State. We cannot afford to continue the status quo.

"Mr. Speaker, this bill is kind of an interim measure. It's moving in the right direction as we seek to address the long-term care challenges we face in this State. This bill will allow ARCHs to admit patients who otherwise would be in more expensive care homes. This bill is also, in a very prudent way, designed to ensure that the operators of ARCHs in adult residential care homes are qualified and able to meet the needs of these elderly individuals.

"So I very much support this bill and thank a number of members of this body because I understand that much of the ideas and the language in this Senate bill are actually from representatives, which got in through the House draft. I should mention that there is strong support by, and this bill owes credit to a number of representatives -- Representative Jun Abinsay, Representative Romy Cachola, Representative Nestor Garcia, Representative Ron Menor. Who very much supported, I understand, the needs of this population and



the important role that adult residential care home providers and operators play in meeting these peoples' needs.

"This is a bill which is strongly supported on both sides of the aisle and by all cultural groups. So again, it's a very big pleasure of mine to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1879, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Final Reading by a vote of 41 ayes, with Representatives Aiona, Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 58 and S.B. No. 1619, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1619, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Final Reading by a vote of 40 ayes to 1 no, with Representative McDermott voting no, and Representatives Aiona, Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 59 and S.B. No. 377, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 377, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Senate Bill No. 377, SD 2, HD 2, CD 1, requires health care providers to report blood test results of patients to the police if the blood alcohol content meets or exceeds the legal intoxication limit, and the patient is involved in a motor vehicle accident.

"This bill is great. It will lead to safer streets and their enforcement and treatment for more drunk drivers. Most important, this measure protects health care providers from civil liability, and this is greatly needed. I appreciate this bill very much. It dovetails very nicely with Conference Committee Report 67 which allows testing for drugs as well as alcohol. It requires drivers to submit to blood and urine tests. A similar bill was passed back in 1986, however, because of lack of lab facilities, it was killed in Conference Committee. The implied consent portion was deleted and it has finally passed. now that we have sufficient lab facilities. It's a long time in coming -- eleven years. Now we can have police roadblocks for alcohol and for drugs, all coupled with a zero tolerance bill, which we have already passed and makes for a great package of traffic measures. We shall have safer and happier drivers and passengers here in Hawaii.

"The passage of this package is attributed to MADD -- Mothers Against Drunk Drivers -- their membership, their work, and their mission, and to many other dedicated and caring people who have shepherded these measures into law.

"Thank you very much to all of them."

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

"My comments will be brief, but as the previous speaker mentioned, this is part of making our streets safer for all people. Many of these types of measures need to be passed, and need to be passed today.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 377, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," passed Final Reading by a vote of 41 ayes, with Representatives Aiona, Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 60 and S.B. No. 835, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 835, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIANS," passed Final Reading by a vote of 41 ayes, with Representatives Aiona, Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 61 and S.B. No. 1589, SD 2, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1589, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD DEATH REVIEW," passed Final Reading by a vote of 41 ayes, with Representatives Aiona, Cachola, Ito, Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

The Chair directed the Clerk to note that S.B. Nos. 373, 165, 1554, 1879, 1619, 377, 835 and 1589 had passed Final Reading at 3:54 o'clock p.m.

**Conf. Com. Rep. No. 62 and S.B. No. 426, SD 1, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 426, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kawananaoka, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 63 and S.B. No. 1160, SD 1, HD 3, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1160, SD 1, HD 3, CD 1, pass Final Reading, seconded by Representative Garcia.

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

Representative Yoshinaga's remarks are as follows:

"Our need for and heavy dependence upon imported oil accounts for the fact that we bear one of the highest energy costs in the nation. Being that we are geographically located in the middle of the Pacific Ocean, should our ocean transportation and shipping lines be disrupted, Hawaii would be particularly vulnerable as a state that is so dependent on imported petroleum-based energy. Since imported oil is a limited resource, it would

then be in the State's best interest to reduce our consumption and dependency on petroleum-based products, and to look to alternative energy resources.

"Senate Bill No. 1160 presents us with an opportunity to move in a direction away from heavy consumption and reliance upon imported oil or petroleum-based products toward the development of an alternative energy industry, and the utilization of alternative energy source for transportation.

"This bill puts forth electric vehicles as an alternative means for the State in a threefold manner: (1) to improve the transportation of people and goods by promoting a reliance upon electric vehicles and expanding the use of new technologies in the field of transportation; (2) lessen the State's dependence on imported oil or petroleum products; and (3) preserve, enhance or improve air quality in the State by encouraging the use of emissions-free vehicles.

"Senate Bill No. 1160 makes clear that it is the policy of the State to 'support the development and...consumer acceptance of electric vehicles' in Hawaii 'to attain significant reductions in air pollution, improve energy efficiency in transportation, and reduce the State's dependence on imported oil or petroleum products.' This bill takes it a step further by providing that the Department of Transportation establish rules for registering electric vehicles, and for issuing special license plates for such vehicles operating in the State. It also provides certain incentives for electric vehicle owners, such as waiving the registration fee and gives an exemption of other fees and restrictions. Incentives that will hopefully encourage consumers to use electric vehicles as a mode of transportation.

"Hawaii has all along been an ideal venue for electric vehicles, which are well suited for our short driving distances and mild climate. Such vehicles also compliment our desire to have the best possible air quality in Hawaii as the technology behind these vehicles amount to near-zero emission, if any at all, on our streets.

"The electric vehicle will reduce our dependence on imported oil in two ways. First, electricity can be generated by many sources such as wind, photovoltaics, coal, and municipal waste. Secondly, the vehicle is more efficient than traditional fossil-fuel combustion engines, and comparably uses less energy even when energy to produce electricity is considered.

"With the incentives this measure proposes, coupled with the economical and environmental benefits that we stand to gain from the advances made in technology, Senate Bill No. 1160 will be a symbol to encourage and promote the sales of electric vehicles in Hawaii.

"Mr. Speaker, I believe this measure represents a step forward in the right direction for what Hawaii stands to gain in terms of its economy and its environment. Further, it represents our unwavering commitment to seek alternative sources of energy while lessening our dependence on imported oil, and ensures that our energy needs will be met in the future.

"Respectfully, I urge for an affirmative support of this measure.

"Thank you, Mr. Speaker, for the opportunity to speak favorably on this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1160, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES,"

passed Final Reading by a vote of 43 ayes to 1 no, with Representative Meyer voting no, and Representatives Jones, Kawanakoa, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 64 and S.B. No. 1588, SD 1, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1588, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kawanakoa, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 65 and S.B. No. 130, SD 1, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 130, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kawanakoa, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 66 and S.B. No. 382, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 382, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kawanakoa, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 67 and S.B. No. 991, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 991, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Hiraki submitted the following comments in support of the measure to be inserted into the Journal:

"I rise in strong support of SB991 which extends the State's implied consent law to encompass the authorization of police officers to obtain necessary testing for drugs. The alarming increase in illegal drug use in our State raises concerns about public safety because these drug users are undoubtedly driving while impaired by illegal drugs. With the increased use of drugs in today's population, the extension of implied consent drug testing is extremely important to remove impaired individuals from the roadway for safety measures.

"Currently, it is difficult to enforce the laws against driving under the influence of drugs due to the lack of any penalty for refusing to give a urine sample for toxicological testing to determine the presence of drugs in a person's body. An implied consent law relating to drug testing will ensure that these drug offenders do not go unpunished.

"A 1995 State survey found drug use increasing. The statistics revealed one in ten adults in Hawaii abuse drugs and/or alcohol. After a driver has been stopped for reckless driving and alcohol tests register at a low level, the police officer may suspect drug impairment.

However, the officer is not able to immediately test for drugs or make an arrest without the driver's consent. In order to effectively prosecute persons driving under the influence of drugs, police officers must be allowed to request a driver submit to a drug test in the same manner in which 'implied consent' applies to drivers under the influence of alcohol. A deterrent is necessary to prevent drug-impaired drivers from escaping prosecution.

"The law prohibiting driving under the influence of drugs is provided in our Penal Code. But evidence collection has been almost impossible due to the absence of any penalty for refusing to give a blood or urine sample for toxicological testing to determine the presence of drugs in a person's body. Section 291-7 HRS, which prohibits driving under the influence of drugs is mostly unenforceable as a police officers' ability to gather evidence has been hampered by their inability to require drug tests on suspected individuals. Charges are reduced to reckless driving or lack of due care or simply not charged due to insufficient evidence. Presently, there are no sanctions for those refusing to take part in drug testing. Under this measure, however, if a driver refuses to submit to a drug test, the driver will automatically lose his/her license for one year.

"Passage of this bill will increase highway safety and reduce the number of deaths and injuries from these impaired drivers. Once again, I strongly support this bill and I urge you, the members of the House, to support this measure, which strengthens the States' traffic laws and saves lives."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 991, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kawanakoa, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 68 and S.B. No. 1197, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1197, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," passed Final Reading by a vote of 43 ayes to 1 no, with Representative McDermott voting no, and Representatives Jones, Kawanakoa, Nakasone, Okamura, Souki, Tom and Ward being excused.

**Conf. Com. Rep. No. 69 and S.B. No. 1621, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1621, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kawanakoa, Nakasone, Okamura, Souki, Tom and Ward being excused.

The Chair directed the Clerk to note that S.B. Nos. 426, 1160, 1588, 130, 382, 991, 1197 and 1621 had passed Final Reading at 3:55 o'clock p.m.

**Conf. Com. Rep. No. 70 and S.B. No. 633, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 633, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"The intent of the bill is very noble. It's to enable the people on the island of Kauai that have property in the agricultural district to operate bed and breakfast on the agricultural land. There is a tax implication, and I would hope that the Kauai representatives would work carefully with the County to find out if the impact of this bill could really cost the homeowners a lot more if they go ahead with the bed and breakfast.

"The County Finance Director had stated that our concern is that each 'bed and breakfast', because it is a short-term vacation rental, should be paying its share of the transient accommodations tax and general excise tax. That's one aspect.

"The other is the aspect of how that property will be assessed, and the assessment may move from homestead to resort, and that could be very costly. So I would hope that people would be very cautious. What may be intended as a help to Kauai property owners may end up being very costly for those owners.

"Thank you."

Representative Herkes rose in support of the bill:

"This is a curious bill because I don't think it does anything. I don't think it changes any of the responsibilities, rights, and powers of the County now. So I'm supporting the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 633, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST OPERATIONS," passed Final Reading by a vote of 42 ayes to 1 no, with Representative Goodenow voting no, and Representatives Chang, Jones, Kanoho, Kawanakoa, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 71 and S.B. No. 647, SD 1, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 647, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Final Reading by a vote of 43 ayes, with Representatives Chang, Jones, Kanoho, Kawanakoa, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 72 and S.B. No. 718, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 718, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESENTENCE DIAGNOSIS AND REPORT," passed Final Reading by a vote of 43 ayes, with Representatives Chang, Jones, Kanoho, Kawanakoa, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 73 and S.B. No. 986, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 986, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

NONCONSENSUAL COMMON LAW LIENS," passed Final Reading by a vote of 43 ayes, with Representatives Chang, Jones, Kanoho, Kawananaakoa, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 74 and S.B. No. 989, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 989, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Final Reading by a vote of 43 ayes, with Representatives Chang, Jones, Kanoho, Kawananaakoa, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 75 and S.B. No. 1069, SD 1, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1069, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"My reservations simply go to the fact that a candidate is not required to live in the district at the time when he/she files, and I would hope that we would address that situation in future sessions. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1069, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE NOMINATION PAPERS," passed Final Reading by a vote of 43 ayes, with Representatives Chang, Jones, Kanoho, Kawananaakoa, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 76 and S.B. No. 1267, SD 1, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1267, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Moses offered the following amendment to S.B. No. 1267, SD 1, HD 1, CD 1.

SECTION 1. S.B. No. 1267, SD 1, HD 1, CD 1 is amended by amending lines 13 to 14 on page 9 to read:

"SECTION 7. Section 584-15, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:"

SECTION 2. S.B. No. 1267, SD 1, HD 1, CD 1 is amended by amending line 22 on page 9 to read:

"...[father] noncustodial parent or [his] the noncustodial parent's surety in compliance with the terms..."

SECTION 3. S.B. No. 1267, SD 1, HD 1, CD 1 is amended by amending lines 4 to 8 on page 10 to read:

"...also sequester the [father's] noncustodial parent's personal estate, and the rents and profits of [his] the noncustodial parent's real estate, and may appoint a receiver thereof, and may cause [the father's] the noncustodial parent's personal estate, including any salaries, wages, commissions, or other moneys owed to

[him] the noncustodial parent and the rents and profits of [his] the noncustodial parent's real estate to be..."

SECTION 4. S.B. No. 1267, SD 1, HD 1, CD 1 is amended by amending subsection (d) of section 584-15 which shall be added to line 21 on page 10 to read:

"(d) Support judgment or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support. The court may limit the [father's] noncustodial parent's liability for past support of the child to the proportion of the expenses already incurred that the court deems just."

Representative Moses moved that the amendment be adopted, seconded by Representative Thielen.

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

"We've heard a lot today about don't discriminate and I thoroughly concur.

"In reviewing this legislation, I found that the term 'father' was used in Section 584-15 of the Hawaii Revised Statutes. This is an archaic use of the term and has not been gender neutralized. The effect of leaving the term 'father' in this section is to effectively have a cause of action for failure to comply with the judgment or to provide security in a paternity case against the father, but not a mother. I say that again, Mr. Speaker, but not a mother, who may be the non-custodial parent. Although it is more likely that the father would be the non-custodial parent who would owe child support, there may be the case where it is the mother who is the non-custodial parent who owes child support. That mother deserves equal treatment under the law.

"I am offering this floor amendment to clarify that Section 584-15 applies to non-custodial parents, irrespective of their gender, and thus it will have a gender neutral and more fair impact.

"This floor amendment will have the effect of protecting children to a greater degree, so I urge that we pass it.

"Thank you, Mr. Speaker."

Representative McDermott then rose in support of the amendment, stating:

"The way the measure is currently written, it engages in gender bigotry and no one wants to do that.

"Thank you."

The motion to adopt the floor amendment was put to vote by the Chair and failed to carry by voice vote. (Representatives Chang, Jones, Kanoho, Kawananaakoa, Nakasone, Okamura, Souki and Ward were excused.)

The motion to adopt Conf. Com. Rep. No. 76 and to pass S.B. No. 1267, SD 1, HD 1, CD 1, on Final Reading was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1267, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Final Reading by a vote of 43 ayes, with Representatives Chang, Jones, Kanoho, Kawananaakoa, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 77 and S.B. No. 5, SD 2, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 5, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORSPORTS INSURANCE," passed Final Reading by a vote of 43 ayes, with Representatives Chang, Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

Representative Meyer then rose on a point of clarification and said:

"Mr. Speaker, I thought we had spoken to the amendment, but not to the bill."

At 4:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:03 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos. 633, 647, 718, 986, 989, 1069, 1267 and 5 had passed Final Reading at 4:03 o'clock p.m.

**Conf. Com. Rep. No. 78 and S.B. No. 138, SD 1, HD 3, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 138, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REIMBURSEMENTS OF MENTAL HEALTH AND SUBSTANCE ABUSE BENEFITS FOR ADVANCED PRACTICE REGISTERED NURSES," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 79 and S.B. No. 141, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 141, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASE-PURCHASE AGREEMENTS," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 80 and S.B. No. 152, SD 2, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 152, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Kawananaoka submitted the following comments in support of the measure with reservations to be inserted into the Journal:

"While I agree with the need to protect the public from overly aggressive marketing tactics, identification tags for time-share agents may be going to far. Identification tags for private enterprise is excessive regulation and does little to control the real problem of overly aggressive marketing tactics."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 152, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Final Reading by a vote of 42 ayes to 2 noes, with

Representatives Ahu Isa and Whalen voting no, and Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 81 and S.B. No. 656, SD 1, HD 3, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 656, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 82 and S.B. No. 1114, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1114, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 83 and S.B. No. 1191, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1191, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 84 and S.B. No. 1487, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1487, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," passed Final Reading by a vote of 44 ayes, with Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

**Conf. Com. Rep. No. 85 and S.B. No. 1522, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1522, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," passed Final Reading by a vote of 42 ayes to 2 noes, with Representatives McDermott, and Meyer voting no, and Representatives Jones, Kanoho, Kawananaoka, Nakasone, Okamura, Souki and Ward being excused.

The Chair directed the Clerk to note that S.B. Nos. 138, 141, 152, 656, 1114, 1191, 1487 and 1522 had passed Final Reading at 4:04 o'clock p.m.

**Conf. Com. Rep. No. 86 and S.B. No. 1901, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1901, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

TIME SHARE," passed Final Reading by a vote of 46 ayes, with Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

**Conf. Com. Rep. No. 87 and S.B. No. 817, SD 1, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 817, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"The bill requires the Board of Education to establish guidelines to foster volunteer relationships between public school students and service providers.

"Mr. Speaker, it is the hope that this bill will initiate a program that will allow adolescents -- many, many adolescents -- in Hawaii to find meaning in their lives at their very difficult age and realize that rather than being a burden on others, or having nothing to do with their time, they can contribute to others and find meaning in their lives.

"That is the promise of this bill, and it is hoped that it will have that kind of impact.

"Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 817, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes, with Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

**Conf. Com. Rep. No. 88 and S.B. No. 870, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 870, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Before I begin, I would like to thank Chair Tom for his support in addressing this emotional issue.

"Mr. Speaker, trying to resolve this issue has been a rough ride for me. In trying to balance government interest in saving lives against individual responsibility is just as rough a ride and with experience, I imagine, if I decided to ride on H-1 in the back of a pickup. In the end, this body has produced a fair bill that prohibits children, twelve and under, from riding in the back of pickup trucks.

"Once again, the State has asserted its interest in protecting our youth from preventable injuries. The State already regulates such things as requiring a minimum age for drinking, for being a passenger on a motorcycle, and for applying for a driver's license. We also tried to protect our youth in other ways such as Family Court and child endangerment statutes.

"Mr. Speaker, I am the first to admit that this bill is not a perfect solution since accidents involving pickup trucks make any back bed passenger, regardless of age, a likely casualty. However, this is a good first step, and the Department of Transportation will complement this

law by pushing a strong education campaign to warn people of the danger of riding in the back of pickups.

"To be certain, there will still be complaints from those who will say this measure discriminates against those with pickups, but as this past Sunday's editorial noted, these complaints miss the point. Drivers aren't being targeted, children are being protected. Thank you."

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

"Mahalo nui loa from the Keiki O Hawaii who are twelve years and under. You have saved some of them from death and injury. If, after January 1, 1998, they follow the law, they will not be bouncing out of cargo areas of pickup trucks. Their older brothers and sisters and their parents will become increasingly aware that if this is not a safe practice for young children, then it is not safe for anyone. You see, almost half the deaths from pickup bed accidents are age eighteen and under. We will watch to see what happens and then we'll decide in future sessions whether to raise the age. For now, this is a strong, strong first step to end preventable tragedies.

"Thank you and congratulations to Senators Kawamoto and Sakamoto who introduced this measure, and to Representative Hiraki who co-introduced the House bill. Kudos go to the House and Senate leadership who leapt into action at the eleventh hour, the Judiciary and Transportation Committees of each house, to support pickup truck safety.

"Thank you to those who testified for the bill, and please bear with me, but I think they deserve a little recognition: the Department of Health; the State Commission on Persons with Disabilities; the Department of Transportation; Honolulu Police Department; the Keiki Injury Prevention Coalition, Eric Tash in particular; American Academy on Pediatrics, Hawaii Chapter; Hawaii Medical Association, and countless dedicated doctors, among them, Len Howard; Dr. Fred Holschuh of Hilo Hospital Emergency; Dr. Richard Mitsunaga; Hawaii Nurses Association's Stephanie Monet; Kapiolani Medical Center; Rehab Hospital of the Pacific; Hawaii Health Care Association; Healthy Mothers, Healthy Babies; Hawaiian Insurance Council; Hawaii Congress of Parents, Teachers and Students; Pacific Brain Injury Association; Professors Carl Kim and L.H. Neitz of UH; MADD (Mothers Against Drunk Drivers); many attorneys, among them Marty Fritz and Rick Freed; Tony Ruthledge of the Teamsters; and the Belliac family who lost their fourteen-year old daughter in January, and who faithfully attended and testified at each and every hearing. Last, but not least, mahalo to the thousands of people who collected and signed petitions requesting legislation to improve pickup truck safety.

"All the aforementioned organizations and people are responsible for a safer and happier Hawaii. Please honor them with an aye vote. Aloha and mahalo for your part in this process. Thank you."

Representative Herkes rose in support of the bill with reservations, stating:

"I had hoped maybe it was going to run out of gas, but I guess they found a pump just before the finish line the other night. Certainly a better bill than the original one, insofar as the rural district children are concerned.

"It's real difficult to argue against the safety of children although in future sessions, instead of raising the age, you might consider lowering it to match the motorcycle age of seven. I would hope that we would consider that in future sessions. Thank you."



Representative Arakaki then rose in support of the bill, stating:

"I also want to thank Chair Hiraki and Chair Tom as well as their Senate counterparts for their work in putting the interest of our children first and foremost in order to keep this bill alive. I also want to commend Representative Marumoto for her perseverance on this issue, because we worked together and introduced some of the measures but I know she's been doing it for a lot longer. I think her energy and perseverance are factors in making this a reality.

"I just want to add my comments, too, that I think we also need to protect our teenagers, given their penchant for riding in the back of pickup trucks. We need to look at ways to protect them as well. For now, I think protecting our children speaks well to this Legislature.

"Thank you, Mr. Speaker."

Representative Moses then rose in support of the bill, stating:

"As my colleague from the Big Island stated, we may need to amend this bill in the future, but we came a long way. At least now it applies statewide instead of being left up to a county or individual counties. I think that's the right move. Thank you."

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

"Sorry to argue against safety for children, but when you look at the bill in itself, it raises the violations -- for every violation, a fine of fifty dollars.

"My district that is economically disadvantaged, the pickup truck is the only means of transporting any family. Although I agree with the safety issues here, I cannot even support this with reservations. The fines will put some hardships on families that are already suffering hardships. Not to mention that our kids, when summer time, I'm a coach and I chose to coach ages 7 to 9, and to transport my kids to Boys and Girls Club of Honolulu or Kalihi or even Waialua, many of us transport our kids behind our pickup trucks. My own children I transport behind the pickup truck, and I'm not negligent nor are my family that transport those families, negligent.

"I commend Chairman Hiraki and all the sponsors of this bill in addressing keiki safety because that should be of importance, but I find that this measure will put such a heavy burden on my community.

"You know, just the other night, Mr. Speaker, I was watching the television on safety issues that were brought up in this Nation. It really amazes me that they were showing this different type of light bulbs. This light bulb, if you threw a cover over it, in a matter of minutes it would catch on fire. So I suspect that eventually, after a couple of families burn, we would prohibit light bulbs. Mr. Speaker, just the other day we had a shooting in Nanakuli, again, people getting killed. I suppose we're going to prohibit guns in the future.

"So, Mr. Speaker, because of all these hardships that I foresee in an area such as the district that I represent, I have to vote no on this measure."

Representative Yoshinaga then rose and stated:

"Mr. Speaker, I would just like the Clerk to note that I vote yes with reservations on this measure, and I would

like the previous speaker's comments incorporated as my own," and the Chair "so ordered." (By reference only)

Representative Whalen then rose in 'reserved' support of the bill, stating:

"I am concerned because of all this back-clapping and self congratulations that somehow now we're going to protect our children. We've had laws against drunk driving, reckless driving, murder and robbery and all these things, but it still goes on.

"I have a district similar to Representative Kahikina's, and that is the only way people are going to get around. People who are responsible drive carefully and do not put their kids in the back unless they have to. There are other people who are reckless, who don't care, people who get drunk and drive repeatedly. There are people who will take a gun out and try to rob people and shoot them if they don't get what they want.

"Merely passing laws does not guarantee the safety of our community or protection of our citizens. For those reasons, Mr. Speaker, I will vote 'yes' with reservations."

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

"I can't make any points much better than my colleague from Nanakuli. I, too, represent a country district, and while I have not had time to poll the district, I did receive quite a number of letters.

"It's very common for large families there to carry their youngsters, or even their kupunas, in the back of the truck when coming to town. I worry that this is state government dictating to the people and to their families what they can and cannot do. This is done so commonly today, we hardly blink an eye that in rural communities on the mainland, youngsters drive at ten and twelve, they drive tractors, people drive hundreds of miles in their trucks.

"When my children were young, when I was young, we traveled all over the Big Island in trucks. Maybe I should knock on wood, but we never had an accident, and I never felt threatened. I knew who was driving -- that's sort of a key, who's behind the wheel.

"I know that I will have constituents who will say: 'Why did you vote no on this?' I just feel it's a matter of freedom. Unlike the Representative from the Big Island, I don't feel like this is an improvement. I was far more comfortable when we would leave it to the counties. We are an island state; every island is different. What's good for Oahu is not necessarily good for Lanai or for Molokai.

"We sit here in the Capitol and dictate to the rest of the State. I'm not comfortable with that. For that reason, Mr. Speaker, I will be voting no. Thank you."

Representative Takumi then rose in support of the bill, stating:

"I think the rationale behind this bill, and it is a good start, is the same rationale behind the seat belt laws. Obviously, when we put on our seat belts, we don't intend to get into an accident because all of us are safe drivers. Similarly, if you own a pickup truck and you need to transport anyone in the back of that truck, I'm sure all of you are very, very safe drivers.

"But it's to protect you, actually, from the other person who is driving and that person may not be the safest. I don't know how you can know what the qualifications of

that driver, or the condition of that driver, and how you can prevent that accident, and that's the 'hope' rationale behind this bill.

"Thank you, Mr. Speaker."

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

"As has been said by a number of people today, we tend to sit here at the Capitol and legislate things that, in some cases, really put a burden on some of the communities that we serve.

"In my case, I represent a district similar to Representative Kahikina's where pickup trucks are the main mode of transportation. As we pass out this measure, we are, in fact, placing an incredible burden on the families that have only pickup trucks with which to transport their families.

"I can only hope that the level of enforcement of laws that we have passed in prior years that require all the seats in the front of the pickup to be used first before anyone rides in the back. I can only hope that the enforcement of this new law mirrors the enforcement of the one we have passed in prior years.

"Thank you, Mr. Speaker."

Representative Herkes then rose and stated:

"This is to note a correction. The original bill did not have county option. I supported county option, but the original bill did not have that."

Representative Whalen then rose and stated:

"I just want to respond to one thing. Those of you who recall the seat belt law, if there are no seat belts in the vehicle, you can still drive the car, you can still be a passenger in it, but this one, you cannot. You cannot ride even if it's the only mode of transportation. If there were some sort of exemption for people with one vehicle, then I can see where we are doing it very similar.

"I just want to reiterate, Mr. Speaker, that merely trying to legislate our resolve to outlaw something, to regulate something, does not solve the problem. It merely makes ourselves feel good to point out something. If we really want to do something about safety, if we really want to save lives, as I said in the Committee, we should outlaw motorcycles, we should all wear helmets; as a matter of fact, we should have about 35 miles per hour speed limit.

"Furthermore, the statistics that came out in support of this, when asked in detail: 'Well, was the driver drunk? Where were the other people when they were hurt?' He knew absolutely nothing. The expert who testified for this bill, all he knew was that people who ride in the back of trucks get hurt. He didn't have anything to correlate against, the responsibility of the driver, and how did the person drive. Who was at fault in the accident? He had none of that information.

"Thank you, Mr. Speaker."

Representative Lee submitted the following comments in support of the measure to be inserted into the Journal:

"I speak in strong support of S.B. 870 which bans children under the age of 12 from riding in the bed of pickup trucks.

"Mr. Speaker, the important thing about this legislation is that it protects children, who cannot make a choice about whether to ride in a truck bed.

"Children are at the highest risk for serious head injuries or death in a truck accident - serious head injuries have lifelong impact. This bill takes a giant first step to decrease risk for children who have a high rate of death from accidental injury.

"As responsible parents, adults, and legislators we should encourage the conscientious observance of the ban, and educate the community about the importance of prevention."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 870, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PICKUP TRUCKS," passed Final Reading by a vote of 42 ayes to 4 noes, with Representatives Goodenow, Kahikina, Takamine, and White voting no, and Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

**Conf. Com. Rep. No. 89 and S.B. No. 1683, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1683, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"You know, strange things happen in conference committees. They have bills resurrected, and seeing-eye dog bills can become Housing Corporation consolidation bills. Sometimes just petty things occur.

"I support the intent of this bill, but I object to the partisan and the petty amending of this bill. Praise for President Bush, Senator Inouye and Governor Cayetano was in the bill that went to Conference. After the Conference Committee, President Bush's name strangely disappeared. Partisan? Yes. Petty? Yes.

"Mr. Speaker, let's not yield to political grandstanding. Take out all the names of the politicians if that's what is intended, but don't just remove the Republicans. What bills the Democratic Party convention liked does not speak to a bill's merit. So we can leave that out of these bills also, Mr. Speaker. Thank you."

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

"I just wanted to make mention that in the bill they have no reference to the Department of Education Immersion Program called Kulakaipuni. But I think that this is a very excellent bill in reaffirming legislation that they are supportive of the native...the first people here in the State of Hawaii.

"Thank you, Mr. Speaker."

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

"It certainly is a good bill in purpose and intent, which is what we're aiming at here. Our focus of this bill is basically to support the Hawaiian Language Program and it offers an opportunity for federal aid for this program.

"If the wording was changed to not suit some of the people here, I certainly apologize as it was a Senate bill,

and it was drafted by the Senate. But I think their intent was to go back with what was originally in the Senate bill, and there were other things that may have been overlooked."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1683, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAIIAN LANGUAGE COLLEGE," passed Final Reading by a vote of 46 ayes, with Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

**Conf. Com. Rep. No. 90 and S.B. No. 252, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 252, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"First of all, I would like to thank my Conference co-chair, Representative Kawakami, and also the Conference Committee members and our Senate counterparts, as well as Chairman Say and the Finance Committee, for their support in restoring funding for General Assistance.

"Although the current funding puts all of us in an uncomfortable position of reducing past benefits to approximately \$260 to \$270 per month per recipient, we can take solace in the fact that we have not pulled the rug out from two thousand plus GA recipients who would have lost all benefits with the 24-month cap in place.

"Along with that, this bill will make it more difficult to become eligible, through stringent requirements. We can be assured that we are serving the truly needy of this population. While it is difficult to imagine how a physically and mentally disabled person can find decent shelter and meet basic needs on \$270 a month, it is still a safety net, no matter how small. It will allow recipients to retain food stamps and health care benefits, which are very important to their very survival, even if it is on the streets or in their cars.

"The bottom line is that, we, as a State and as a Legislature, continue to demonstrate our compassion by continuing to care for the most vulnerable in our population with a commitment of State funds. When other states are abandoning their disabled because there are no federal funds or federal requirements.

"The reduction in cash assistance for General Assistance recipients will mean a greater challenge for the disabled to find decent housing, if it is indeed possible. But I would like to call on HHA, HFDC, the county housing agencies, to collaborate on a variety of housing alternatives for the disabled who wish to remain independent. I also call on the Department of Human Services, Legal Aid Society and other advocates and providers for the disabled to continue to push forward to have the long-term disabled placed on SSI.

"I also want to call on those who worked so passionately on the same-sex issue to turn their passion to compassion because I think there is a greater moral dilemma that we're going to be facing, in terms of the numbers of the most needy and the most vulnerable not having the resources to carry on.

"Finally, I urge everyone to support this measure and pray that we can find the means to care for the General Assistance recipients.

"Thank you, Mr. Speaker."

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

"I would just like to note that while we are moving in the right direction, that your Minority Caucus has been in full support of this measure and fully funding General Assistance. I think earlier in the session, we actually provided an amendment to this bill that would have allowed for the entire funding of this particular section of program that our government provides.

"I find it appalling that we have an increase of roughly 8-1/2 percent of our entire budget -- our complete total spending, yet we can't find the money to fund the General Assistance program. I believe that it is incumbent upon us as legislators and as caretakers of this State to be concerned and to set up priorities appropriately. The disabled, the blind, the aged, those who cannot fend for themselves, I believe we have an obligation to help them.

"I would just like to remind this body that your Minority Caucus has stood firmly behind that and resolutely has championed those thoughts. I would hope that we would keep that in mind as we move forward into next session, and that we certainly would try to fully fund our General Assistance program.

"Thank you, Mr. Speaker."

Representative Pendleton then rose in support of the measure, stating:

"Mr. Speaker, I represent the people of District 50 -- Kailua/Kaneohe. Mr. Speaker, I also represent a lot of the people who don't have the opportunity to give voice to their concerns. How people who may live throughout our various 51 districts, but who do not vote, thinking of the homeless, the people, who, because of the economic circumstances, have become disenfranchised, if you will.

"In my previous life as a youth pastor, I frequented soup kitchens and did my part to help out. One of the things I learned is that it is not only the right thing to do, but the moral thing to do -- to reach out and to help these people who cannot help themselves. Here in this bill, we are talking about General Assistance for those who are temporarily disabled and, therefore, unable to work. So why do we need to help these people? It is the moral thing to do to help these people.

"It also makes good economic sense to help these people, Mr. Speaker. That was one of the lessons I learned because, for example, if we look at Section 1 of Senate Bill 252 here, the fourth paragraph says: 'The cost of one month's general assistance for such an individual is less than that of providing one day of emergency medical or acute psychiatric care through the Hawaii Health QUEST or other State-funded program.'

"One of the things I learned, working in those homeless shelters and in those soup kitchens, was that if we don't provide sufficient appropriations, funds, and assistance to these people early on, we will pay tenfold later on because they will end up in emergency rooms. They will end up being killed even. The medical bills and the cost to society, let alone the moral cost, far outweigh the up-front costs.

"While I support this bill, Mr. Speaker, I wish that we had kept to the original bill that we saw in the Health and Human Services and Housing Committees, or at least the form of that which fully funded this program. I understand Representative Arakaki has mentioned to me

that during budget negotiation, things happened, and I understand that. But there are other ways where we could have found moneys to fund this because not only is it the right thing to do, but it makes good economic sense. You know, we have a finite pie, a pie that will not grow any larger, in terms of the amount of General Assistance available. If we do not fund that pie, but we allow people to receive money beyond the two-year period, the slices have to necessarily get thinner and thinner and thinner as more and more people require help from this finite pie.

"I mentioned in an earlier speech on a different topic a number of ways that we could have saved money, and just to throw them out again, the Department of Human Resource Development (DHRD) \$36 million. . .

At this point, Representative M. Oshiro rose on a point of order.

Representative Pendleton continued, saying:

"I will confine my remarks to the bill. There are numerous ways in which this State, with its creative legislators, can find the few million dollars it takes to fund this properly. I hope that maybe we revisit this next session and look at doing that.

"Thank you, Mr. Speaker."

Representative White then rose in support of the bill, stating:

"Mr. Speaker, I would just like to point out that we worked very hard to maintain the funding for General Assistance. Contrary to what an earlier speaker mentioned, when you look at the increase in our general fund budget, we are not looking at an eight percent increase over last year. We're looking at, when compared to the budget for fiscal year 1995 -- going back a couple of years -- we're looking at an increase of only about one percent in our budget. If you look at the second year of our biennium, what we are forecasting to spend is just over a half percent increase over that year of 1995.

"So I think it is important for us to realize that these numbers that we're comparing our budget to, should be limited to those that reflect our general fund appropriations. That's the budget we have control over, and if the budget is increasing because of federal dollars, it's not really fair to use that as a comparison. So I just caution our colleagues from the other side to use figures that compare to the budget. Thank you."

Representative Fox then rose in support of the bill, stating:

"General Assistance could have been fully funded by this Legislature. We are only talking about eight million dollars to keep the level of funding for people who simply cannot take care of themselves. It's a moral obligation I think we really should have met.

"A rise in the budget this year is \$33 million in the general fund. If we are going to increase the general fund in tough times, this is certainly one place we could spend the money. Thank you."

Representative Ward then rose in support of the bill, stating:

"Mr. Speaker, when we speak of compassion and doing the right thing, I think there are some members of the Majority who forget that there was a GET tax credit cut.

Who cut that GET tax credit? Who cut the food tax credit? Who cut the rental tax credit? Who cut the. . .

At 4:35 o'clock p.m., Representative M. Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:37 o'clock p.m., Representative Ward continued his remarks, saying:

"Just to wrap up, the refreshing of the memory of some members of the body, Mr. Speaker.

"I'm simply trying to say why some members of the poor pay more is because some of their things were cut out from underneath them. It makes these people on GA who are now at \$270 a month, it's a harder role to hold because of that. But lest the stereotyping of the Minority continue with some of the remarks of the Majority, I will continue to stand up and remind people of who cut the budget in the household income of the poor."

At this point, Representative M. Oshiro rose on a point of order.

Representative Ward then said:

"I've said all I wanted to say -- that's it.

"Thank you very much."

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

"I would first like to request that the words of Representative Arakaki be entered into the Journal as if they were my own. I thought they pretty much summed up my feelings on the issue," and the Chair "so ordered." (By reference only)

Representative Santiago continued, saying:

"I did not intend to rise until all of this other information broke out. I will not stand here and question the sincerity with which the Minority members put forth their words today. I do believe, in my discussions with some of the members who spoke today, that they truly are sincere in their support of this issue and they're not looking to politicize the issue; neither am I.

"I wish to simply point out that as we move forward on measures like this, we not look at them as if they are in a vacuum and not look upon them as, if we do this, well we've taken care of the most needy. We can now forget about all the other issues that are posed before us on human services because, surely, everything is related.

"I look forward to the same sincere effort and sincere caring that the members from the Minority have expressed on this one issue as we deal with so many others, whether they be in human services or health, in the many, many trying years that we have in front of us.

"Thank you, Mr. Speaker."

Representative Kawanakoa submitted the following comments in support of the measure to be inserted into the Journal:

"It is noble for us to support the aged, blind and disabled, and this bill does that by eliminating the two-year cap. I applaud that the Majority, after voting against the Minority's amendment to restore the shortfall of \$8 million, finally relented and restored the moneys on the Senate side.

"Thank you for coming to the Minority's position of compassion for the most fragile in society."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 252, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Final Reading by a vote of 46 ayes, with Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

**Conf. Com. Rep. No. 91 and S.B. No. 1266, SD 2, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1266, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Final Reading by a vote of 46 ayes, with Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

**Conf. Com. Rep. No. 92 and S.B. No. 1268, SD 2, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1268, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," passed Final Reading by a vote of 46 ayes, with Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

**Conf. Com. Rep. No. 93 and S.B. No. 1794, SD 1, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1794, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SANITATION PERMITS," passed Final Reading by a vote of 46 ayes, with Representatives Meyer, Nakasone, Okamura, Yonamine and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 1901, 817, 870, 1683, 252, 1266, 1268 and 1794 had passed Final Reading at 4:39 o'clock p.m.

**Conf. Com. Rep. No. 94 and S.B. No. 1032, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1032, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Pendleton rose in support of the bill, stating:

"Mr. Speaker, this bill relates to marriage and family therapists. I know I have raised or spoken about some concerns regarding this bill, but I want to do it again because I just to make sure this body is clear about this bill.

"Mr. Speaker, the purpose of this bill is to set standards of basic competency for marriage and family therapists by establishing a marriage and family therapist licensing program within the Department of Commerce and Consumer Affairs. This is a good and important purpose. We need to make sure that individuals who are receiving the services -- the counseling, the professional advice -- of marriage and family therapists, receive advice from a well-qualified person. This bill would

prevent charlatans and any person who had just put up a shingle and call themselves marriage and family therapists. It will prevent those who are not fully trained in that area from posing as marriage and family therapists.

"However, I do have a concern, Mr. Speaker, and again, this is generally a very good bill -- 15 pages in length with all kinds of consumer protection language -- but on page 8, Section 5, Prohibited Acts. Again it says: 'No person shall use the title "marriage and family therapist" or describe oneself as a marriage and family therapist without first having secured a license under this chapter.'

"We need to be absolutely clear, and it seems to me a person could call themselves a marriage counselor, a family counselor, et cetera, and not have to fall under this statute. So, in a sense, leave a large loophole in our consumer protection efforts.

"Perhaps I just have concerns that will never be realized, but perhaps next session we might have to revisit this and look at ways of looking at the title protection and how that interacts with consumer protection.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1032, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 95 and S.B. No. 1535, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1535, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Kawanakoa submitted the following comments in support of the measure to be inserted into the Journal:

"This bill requires compliance with NAIC standards in preparing audit and financial statements; deletes the unearned premium reserve table; and requires association captive and risk retention captive insurers to file statements of financial condition according to statutory accepted principles, among other things.

"These provisions streamline and make uniform reporting within the insurance industry. I support any effort that makes government more efficient and reporting requirements easier for private industry."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1535, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Final Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 96 and S.B. No. 375, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 375, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.



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

Representative Yoshinaga's remarks are as follows:

"Senate Bill No. 375 raises the amount of the solid waste disposal surcharge collected by the Department of Health from 25 cents per ton to 35 cents per ton. The surcharge will be deposited into the Environmental Management Special Fund, which funds in part the operations of the Office of Solid Waste Management. This 10-cent-per-ton increase will lead to an additional \$150,000 in funding for the Office of Solid Waste Management. Such funding will be used primarily to increase and fortify the enforcement capabilities of the Office of Solid Waste Management and to expedite its permitting process. Such additional funds would also be used to promote an increase in statewide recycling efforts and to expand the State Office Recycling Program.

"The bill also modifies the current definition of inert fill material and establishes criminal penalties for the unpermitted operation of illegal dumps, or the activities of illegal dumping.

"This measure is a helpful tool and device, which will enable the Office of Solid Waste Management to develop the necessary controls governing inert fill sites and restrict the improper handling of waste materials, which could otherwise have an adverse impact on public health, safety, and the environment.

"There is much concern that inert fill sites receive and bury materials, which may make the property structurally unfit or inappropriate for future use. Materials such as vegetative waste, protruding rebar, and lumber can result in unstable conditions at the fill site. Such materials lend themselves poorly as a structural base for future development of the site, and can lead to sink holes in the future as well.

"As a means of further providing adequate controls, we have excluded vegetation, organic materials, construction wastes, and municipal solid wastes from the definition of inert fill material, as these substances can generate methane gases (which can produce underground fires), and ground and surface water contamination.

"There has been a significant increase in the number of commercially run, unpermitted disposal facilities in the State. As illegal dumps proliferated in the State without regulatory or environmental controls, this situation presented higher risks of adverse impacts on health, safety, and the environment.

"Clean-up efforts of numerous illegal dumps along Oahu's leeward coast signify the lack of effectiveness of our civil penalties. Recently, a Honolulu Advertiser article of March 17, 1997 reported that the State's campaign to halt illegal dumping activities 'targeted 15 sites on the Waianae Coast, closing down nine operations and investigating six others in recent months.' It said that the State operation was prompted by an underground blaze last June at an illegal dump site in Lualualei Valley, during which time the blaze dragged on for several days and emitted 'acrid black smoke' into the neighboring area.

"The report also disclosed an estimate that about '200,000 tons of solid waste is dumped illegally each year' and further cited that illegal dumping is a problem in rural areas throughout the State 'including the Ewa Plain, where heavy construction waste ends up on vacant sugar land; the lower slopes of Haleakala on Maui, where many small farmers backfill to level out fills; and the Big

Island, where vast tracts of land invite easy dumping.' Thus, the numerous illegal dumping activities mentioned above and the grave concerns over such activities led to the necessity of establishing criminal penalties in this bill in order to allow the department more effective authority over illegal dumping and unpermitted activities. Under this bill, illegal disposal of solid wastes without prior approval of the director carries a criminal penalty of up to \$25,000.00 for each separate offense documented.

"Mr. Speaker, we need to make certain that our solid waste program has sufficient controls and penalties that will help regulate the disposal of waste materials so that we ensure protection of our soils and environment in the long run. I believe that Senate Bill No. 375 represents legislation which has that interest in mind. I can only ask for the utmost support from my colleagues on this measure.

"Thank you, Mr. Speaker, for allowing me to speak on behalf of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 375, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Final Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 97 and S.B. No. 257, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 257, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"This bill is what I would call a major piece of legislation. The reason I believe it to be a major one is that it keeps faith with those whom it is intended to serve, makes us fiscally responsible, continues our fiduciary functions, and brings into effect long-term fiscal planning by the Legislature.

"By passing this bill into law, we will eliminate the practice of using excess earnings from the Employees' Retirement System in order to fund ever-needed State programs and services since 1980. Ultimately, this bill will allow the Pension Fund to retain its earnings and reinvest them so that, eventually, the fund will become self-sufficient.

"This bill is far-reaching. It provides for an immediate, one-time savings of \$126 million, of which \$72.8 million has been incorporated into the legislative financial package. It reduces the financial volatility of the employer's contribution, which has fluctuated from time to time, and makes it difficult to budget year to year.

"This bill would make the ERS responsible for absorbing the dollar differences if investment earnings fall below the 8 percent threshold. It will allow the ERS to keep all investment earnings above 8 percent, but using the 10 percent return fund formula, the unfunded liability of \$1.6 billion will be liquidated by the year 2003. By 2007, the Employees' Retirement Fund will have reinvested its assets and would become self-sufficient. This means that we will eliminate the employer's share -- the tax dollars -- into the ERS. The moneys that are being contributed now will no longer be necessary in the future. Imagine what our State and county governments



can do if they can use that money for their own services, programs, and needs. For example, in the next two years, State and County governments' contributions -- our tax dollars -- will amount to about \$600 million. Just think how that money can then be used for whatever purposes the City and State would need leading to the year 2007.

"This bill also extends the pensioner's bonus' for another two years. This benefit was enacted in 1990 for the sole purpose of helping those generations of earliest government retirees. Their wages and salaries were exceedingly low, and they have been experiencing hardships on fixed incomes and trying to survive in the face of the cost of living.

"Why is this bonus so critical? For example, a principal retired, that was a little over twenty years ago, after a career spanning over forty years. His salary at the end of forty years was \$12,000 a year, which is, by the way, on the high range of salaries for the rest of the retirees. Just imagine, what his retirement pension is today.

"Mr. Speaker, we are simply doing what is right for those dedicated, hardworking employees who have never received the benefits that latter-day retirees enjoy today. It is vital that we look after the interest of those retirees who were not permitted to participate in the system until years after it was created. Through no fault of their own, their benefits are much less than those of present State and County employees.

"By extending the pensioner's bonus, we allow those dedicated retired civil servants to live with dignity in this day and age. By passing this bill, the viability of the retirement fund will be secured for all retirees, present and future. I commend Chair Say, the other conferees, the Finance Committee and the Labor Committee for their part in moving this bill until today.

"Finally, we are doing what is responsible, fair and just to the present and future retirees, and to the solvency of the Pension Fund. Most of all, it is sound planning for fiscal management policy, which will affect all of the people of the State of Hawaii this year and into the future.

"Thank you, Mr. Speaker."

Representative Thielen submitted the following comments in support of the measure to be inserted into the Journal:

"The language of this bill has been returned to that which the ERS Administrator testified favorably on before it was gutted and replaced with the language from HB 1806 HD1, which he opposed and which I voted against. I am happy to report that SB 257, SD2 HD2 CD1 has been transformed from a raid on the State pension fund to a strengthening of the retirement system that current retirees and employees will depend on for the rest of their lives.

"SB 257, SD2 HD2 CD1 strengthens the ERS in four primary ways:

"First, it amends the timeframe in which excess investment earnings are to be returned to the ERS. Act 276, passed by the Legislature and signed into law in 1994, slowly allows the ERS to keep excess investment earnings to reduce the huge \$1.2 billion unfunded pension benefit obligation. SB 257, SD2 HD2 CD1 will allow 100% of excess earnings to be retained by the system starting in 1997.

"Second, SB 257, SD2 HD2 CD1 changes the ERS' actuarial funding method from the 'frozen initial liability funding method' to the 'entry age normal cost funding method.' The current method understates the actual unfunded liability. The proposed funding method, used by 39 state retirement systems, will more accurately reflect the ERS' unfunded liability -- currently \$1.6 billion.

"Third, SB 257, SD2 HD2 CD1 provides that the unfunded accrued liability is to be liquidated in 21 years beginning from July 1, 1995. This gives us an endpoint that we must adhere to, rather than leaving the unfunded liability an open-ended problem.

"Finally, this bill extends the ERS pensioners' bonus to June 30, 1999. This will provide a much-needed adjustment to those longtime retirees that are living on a fixed-income and truly need the supplement given Hawaii's high cost of living.

"SB 257, SD2 HD2 CD1 is a good bill that will strengthen the integrity of the retirement system and provide for current and future retirees in a responsible and honest fashion.

"For these reasons, I support SB 257, SD2 HD2 CD1. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 257, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 98 and S.B. No. 717, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 717, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Kawanakoa submitted the following comments to be inserted into the Journal:

"Divorce is a tragedy in our society. This bill uses that tragedy to justify the increase in fees. This bill results in the citizens of Hawaii, ones undergoing that tragedy, having to pay another government fee. Fee increases in our economic condition is wrong."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 717, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT EDUCATION FOR SEPARATING PARTIES," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Kawanakoa and McDermott voting no, and Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 99 and S.B. No. 208, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 208, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Mr. Speaker, this is a tax bill, but in this instance it is a tax credit.

"The bill, as it came over from the Senate and then was amended by the House Committee, had some very good language in it. It stated that: 'Your Committee recognizes that computer software is a highly desirable growth industry and necessary for diversifying the economy. Your Committee further recognizes that the high cost of living, the high cost of land and resulting rents, and high taxes are disincentives to companies who wish to set up their businesses in Hawaii, and force companies who have set up their businesses in Hawaii to relocate elsewhere. To encourage the growth of the computer software industry in this State, your Committee believes that providing tax incentives are necessary.'

"Unfortunately, Mr. Speaker, the bill has. . .

At this point, Representative M. Oshiro rose on a point of order and asked:

"Mr. Speaker, is she speaking on the bill before us today?"

Representative Thielen answered in the affirmative and continued her remarks, saying:

"Unfortunately, the bill had a title called, 'Relating to Taxation,' which is a good lesson in how to title your bill. Be a little more descriptive and it won't be scooped for another purpose.

"The other purpose is noble also, but I prefer the computer industry tax credit. The other purpose is hotel remodeling tax credit.

"I think the longer-range plan would have been better if we stuck with the original House version. I certainly applaud the Business and Economic Development Committee for its far-sightedness in having the language in House Draft 1. Thank you."

Representative Thielen's additional remarks are as follows:

"Hawaii's young computer programmers graduate and move to the Mainland to get the higher paying jobs, which are currently unavailable in Hawaii. A recent article, 'Business Climate Drives Tech Students from Isles' (PBN 2/18/97) states: 'Hawaii's labor-pool attrition is due to the lack of opportunity not due to lack of qualified individuals.'

"'Opportunity' is the key word. We had an opportunity this year to attract high-tech companies and higher paying jobs to Hawaii. House Bill 74, co-sponsored by Rep. Kenneth Hiraki and myself, establishes a five-year income and general excise tax holiday for software developers in order to make the State more attractive to high-tech development companies. These concepts were placed into SB 208, SD1, HD2, CD1.

"Currently, Hawaii is ranked 47th in the nation in the number of high-tech jobs, according to a study done by the American Electronics Association. William Archey of the Association claims that, 'People are shocked to learn that high-tech employment is the largest manufacturing employer, surpassing the auto and textile/apparel industries.'

"I want to ask my legislative colleagues: Are we just going to sit back and ignore this industry that is starting to look toward the Pacific, or are we going to extend our welcome mats and reap the 'trickle-down' benefits of higher paying, intellectually stimulating, environmentally safe jobs?

"Our local high-tech industry leaders came out to testify in support of HB 74 and SB 208. The testifiers included Andy Bumatai and Seth Ashby of Digital Hawaii; Peter Martinez of Hawaii Internet Emporium; Ron Jarrett of Jarrett Technology; David Keuning of Postcard Software; Robert Kay of Pac-Tech; and Richard Moody, founder of Aloha Conferencing, who was the SBA's Small Businessman of the Year 1996. Barbara Kim Stanton with the High Tech Development Corp. also testified in favor of this bill. Stanton stated: 'This tax holiday, although only one of the key components to our industry development package, will send a message to the high-tech industry that Hawaii's lawmakers want their companies to be based here.'

"The beaches, sun, and golf courses are just not enough. A good example is VeriFone Inc., founded right here in the Islands. VeriFone, now an international company with over 3,000 employees, has moved its headquarters to Redwood City, California. Hatim Tyabji, VeriFone's chairman and chief executive points out, 'California, Tennessee, the Dakotas and Colorado all offered a five-year [tax] holiday, real estate help and other incentives.'

"Just think, 3,000 high paying jobs lost due to the unfriendly business attitude here in our State.

"The only opponent to HB 74 and SB 208 was the State Department of Taxation. Their argument is that they, or we the State, will lose a whopping \$3 to \$3.5 million in tax revenue. \$3 million dollars is a drop in the bucket compared to the amount of tax revenues that could be recovered from our incentive. If large high-tech firms relocate their headquarters here, everyone will benefit, including the Tax Department.

"Unfortunately, SB 208 was amended in Conference, and the provisions, which would have encouraged computer companies to move to Hawaii were dropped. We let this one get away and so we continue to drive our high-tech students away from our Isles."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 208, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 100 and S.B. No. 927, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 927, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Although, I am not a member of the Health Committee, I have deep commitment and appreciation for public health issues. As you may know, my professional training was in public health. I worked at the State Department of Health in the area of tobacco prevention and control. I applaud the work of Chairman Santiago, Chairman Say, and their colleagues on the Health and Finance Committees for their extraordinary efforts to bring about this bill.

"In 1993, when the Legislature last increased the cigarette excise tax, I was a member of the gallery. A concerned citizen and member of a coalition working to bring about change. Today, I am proud to be a member of this body, which is poised to bring about a substantial

change that will result in the prevention of needless illness, disability, and death in the State.

"Some new polling information suggests that the general public also supports an increase in the cigarette tax. This survey, conducted by Ward Research, Inc. in December 1996, shows that 67 percent of the registered voters in Hawaii supports raising the tax on cigarettes from 3 cents to 5 cents per cigarette. Of the 67 percent, 44 percent strongly favor this tax increase.

"In a March 19, 1997 editorial in The Honolulu Advertiser, the paper's editors crystallized their position in support of a tax increase on cigarettes. 'There's simply no compelling argument against going ahead with the tax increase on cigarettes,' states the editorial.

"Yet now is not even close to the time for celebration. For even as the bill to substantially increase the cigarette excised tax was being finalized, a vitally important companion measure was being targeted. Throughout the session, testimony on this issue focused not only on protecting our youth, but also on preventing cigarettes purchased on military bases from being illegally re-sold on the civilian market. These 'black market' sales have been long documented and result in sizable losses in State tax revenue. The stamping provision contained in HB 979 would have addressed this issue. I sincerely regret that this bill may be recommitted. The issue of tax exempt military cigarettes and their resale on the retail market will have to be revisited. Left unresolved, it can only promote illegal activity and continue the loss of needed revenue to the State.

"In 1993, the State administration asked for an increase in the cigarette excise tax up to the 5 cent a cigarette level. At that time the Clinton Administration had just embarked on their campaign to reform health care system. It was estimated that an additional \$2.17 would need to be added to the price of a pack of cigarettes to pay for the downstream health care costs of the smoker. Those costs must have surely continued their upward spiral. Preventing youth from ever becoming addicted smokers is the best way to prevent the needless loss of life and negative economic impact to our State. We cannot fail to act to protect our youth.

"We all pay for what the tobacco industry causes. They reap the profits, while we pick up the tab for medical care and the loss of productivity.

"Once again, I commend the Finance and Health Committee Chairs for moving this measure along.

"Thank you, Mr. Speaker."

Representative Takai's additional remarks are as follows:

"In light of the many other bills before us today, Mr. Speaker, I appreciate the insertion of my other comments in the journal.

"Cigarette smoking remains the number one cause of preventable morbidity and mortality in Hawaii and in the nation. Smoking is responsible for 16 percent of the resident deaths in this State and results in a total economic impact of \$328 million. No measure of revenue gained can replace the lives lost to tobacco. With what we as lawmakers, parents, and citizens have known about the addictive nature of tobacco we cannot fail to act to protect our youth.

"The tobacco industry, armed with what seems to be unlimited resources, has for years targeted our youth to

take the place of the smokers who have either quit or died. With slick promotions and clever advertising, youth smoking rates in this State and across the country have skyrocketed upward. In many cases, including Hawaii, the rates of youthful smokers has surpassed the rates of adult smokers. Knowing that almost 90 percent of today's smokers began their addictive habit before the age of 18, we cannot fail to act to protect our youth.

"We are witnessing the beginning of a new era in tobacco prevention and control. Who would have thought that one of the tobacco industry's own, the Liggett Group, would break ranks and settle claims brought by states suing to recover the costs of public moneys spent to treat tobacco-related illness? Who would have thought that a judge in Greensboro, North Carolina would have ruled in favor of the Food and Drug Administration to regulate tobacco as a drug? Who would have thought that the giants of the industry, Philip Morris and RJR Nabisco would even come to the table for possible settlement talks. This is indeed the beginning of a new era.

"Thank you, Mr. Speaker."

Representative Pendleton then rose in opposition to the bill, stating:

"Mr. Speaker, when we heard this bill, or at least the House version of this bill in the Health Committee, it was a bill which I believed was a health measure. The revenues, raised from the tax, were to be used to educate people, to address the pulmonary and lung cancer concerns. It was more akin to a user fee where the moneys were used to take care of this terrible problem, and the medical problems related to smoking, and so I supported that. I think health legislation is smart, but the Finance Committee, and in speaking with some other members of this body on both sides of the aisle, I feel this is moving in the wrong direction. Now the money will go straight into the general fund, and so I am casting a no vote in protest of our change in this bill from its original form.

"I would have much preferred the original earmarking, as it were, so that the moneys raised were genuinely used for health, education, and those kinds of important tasks. I wish this were more of a health bill, but it looks more like just a revenue-generating bill, and so I vote no.

"Thank you, Mr. Speaker."

Representative McDermott then rose in opposition to the measure, stating:

"Mr. Speaker, this is just a tax, plain and simple, it's a sin tax. It's easier to tax cigarettes -- I don't smoke -- but I think this bill stinks like a smoker's breath. We're just going to have to tax them.

"You know, more people die of heart disease every year than they do of lung cancer, but we're not taxing Big Macs and Whoppers -- please don't get any ideas, I don't want to tax those either -- but this is just ridiculous. I can't understand, it's just the way we're reaching the public's pocket.

"Thank you, Mr. Speaker."

Representative Thielen then rose in strong support of the bill, stating:

"I don't look at this as a tax bill, I look at it as a health bill. I look at it, if we don't step forward and make it less attractive for our young people to buy cigarettes, they're going to become addicts.

"I saw Red 'Philip' Morris up in the gallery a few minutes ago and it gave me great cause for concern, because I thought that it might mean that the bill was going to be recommitted. I hope we have the wisdom not to cave in to those sorts of lobbyists. I hope we will have, Mr. Speaker, the wisdom to go ahead with this bill and with the other cigarette bill that has been moved to the end of the calendar.

"We're doing this for the health of our youngsters. We're doing it for the health of those that are addicted right now, because ultimately, it will cost enough in your pocketbook that you're going to pay more attention to whether or not you want to smoke quite as much. You're going to then be able to cure that addiction, and you'll be able to breathe again. I'd like to see that happen."

Representative M. Oshiro then rose to speak in strong support of the bill, stating:

"I would like to go on the public record that I support this tax increase -- the cigarette excise tax increase from three cents per cigarette to four cents per cigarette after August 31, 1997, and to support this cigarette excise tax increase to five cents a cigarette after June 30, 1998.

"I always find it remarkable that depending upon one's feeling at the moment, or a belief in a position to characterize a tax as being a non-tax item, but I think it's important for us to be very clear with our constituents as well as ourselves and the media out there. This is a tax increase. It does have the benefit, Mr. Speaker, of not only raising additional moneys to put into our general fund, and that moneys can be used for other services. One of the services and programs that we talked about earlier was the General Assistance program. The more moneys we have going into our general fund, the more moneys we have to spend on these important programs.

"Another benefit, Mr. Speaker, is the effect of this tax increase, and that is to dissuade people from buying cigarettes, from smoking cigarettes, from getting hooked on cigarettes.

"For those reasons, Mr. Speaker, I support this bill. Thank you."

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

"I guess we're allowed to discriminate then against smokers, not gays, homosexuals, lesbians, whatever you want to call it, but we can discriminate against smokers.

"If it's true that this is just a tax bill, then it's easy. I vote no, it's a tax bill. I vote no on tax increases. However, we've also heard that we're trying to dissuade people from smoking. Then why again, like I asked in this chamber a few days ago, why do we tax food and medical services? Don't we want people to eat? Don't we want them to get medical treatment?

"I don't understand the dichotomy and thought in this chamber that it's okay for one thing and totally inappropriate in the other case.

"Remember, Mr. Speaker, just a few days ago we almost passed a decrease in taxes for nude dancers, cabarets, but let's tax smokers. To those who think that it is addicting, the United States government got me started smoking by handing me cigarettes when I was in the military. If I did not smoke, I got to work. I chose to smoke. However, one day I decided to stop, and I stopped -- cold turkey, no looking back -- after smoking for, I don't know, maybe thirty years. You can do it if

you want to, and you can tax people if you want to, and I think you're going to."

Representative Kawanakoa then rose and stated:

"Your Majority Floor Leader has persuaded me and convinced me that this is just another tax, and I will be voting no for that reason.

"Thank you, Mr. Speaker."

Representative Kawanakoa's additional remarks are as follows:

"This bill is a tax bill, plain and simple. You can wrap this tax in statements about how we care for the health of smokers and want to discourage smoking. But if that were the case, why did we take out the language regarding health education? Why did we put the money into the general fund? It's because this bill is at its root a tax bill, not a health bill."

Representative Stegmaier then rose in opposition to the bill, stating:

"Just to point out that in past years I have supported increases in the tobacco tax in this Legislature and have found negligible impact on the young people of this State, and whether or not they begin and continue to smoke.

"For this reason, as I committed myself to my constituents to vote against any tax, including this kind of tax, I am going to be consistent with that pledge and vote against this measure. Thank you."

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

"Mr. Speaker, I would like to clarify and clear the air a little bit about the intent of this bill, at least from my perspective.

"As the Chair of the House Health Committee, we had many important and worthwhile proposals that came before our Committee. Unfortunately, not all of these passed and it gives me something to look forward to and work for next year.

"As Chair, my vision for the Health Committee has always been to advance the measures, which will both promote and protect the health of the people of Hawaii. The Committee has worked very hard to attain these objectives, and I would like to acknowledge their efforts, especially my Vice Chairman, Representative Kahikina, and all the members of the Committee for their diligence.

"But clearly, one of the most important bills that came through the Committee is the cigarette excise tax increase. Few proposals that have come before this Legislature this session will have the public impact that this one will have. I believe we need to place the highest value on preventing our children from starting an addictive smoking habit. We were alarmed to learn that 34 percent of public high school students reported being regular smokers. We know that nicotine is addictive; we know that cigarettes are all too available to children. We know that one-third of those children who start smoking will die prematurely.

"I believe that this bill represents the will of the people and reflects popular sentiment over the concerns regarding the increase in youth smoking rates. In December of 1996, a survey of registered voters indicated that 67 percent favored raising the cigarette excise tax to a dollar a pack.

"The bill also represents sound public health policy. The 1994 Surgeon General's report on preventing tobacco use among young people recognized that: 'Increased taxation of tobacco products has been supported as a public health measure aimed at discouraging smoking and other tobacco use.' Other states are already clearly moving in this direction and recent federal discussions, as we are all aware, has also focused on this issue. Statistics from Massachusetts, which has been the leader in this issue, show a direct correlation. Early data show that cigarette sales dropped by 11 percent and 15 percent in October and November of 1992, compared with the same period in 1991. Moreover, since January of 1993, per capita cigarette consumption had dropped by at least 17 percent, the largest single decline in Massachusetts' history, at a rate three times higher than what they had predicted.

"In Arizona, November of 1994, Arizona voters passed Proposition 200. The higher tax on cigarettes imposed by Proposition 200 produced an 8.4 percent reduction in per capita adult cigarette consumption, representing 16 million fewer packs of cigarettes consumed in Arizona during the first year of the tax increase.

"A study by economist Frank Chaloupka of the University of Illinois in Chicago indicated that every ten percent price increase drives four percent of adults and 12 percent of our teens to quit smoking.

"I share these statistics because clearly it was the intent of the Health Committee to look at the health issues and not simply the tax issues, which I would like to share before we lose too many more votes.

"This bill will provide a significant deterrent to our youth against starting to smoke, and will help those who are experimenting with tobacco to quit. Children are three times more price-sensitive than adults. The bill can be expected to yield up to 12 percent reduction in youth smoking rates over time. Yet, if we assume that a single preventative effort will take care of all of our problems relating to smoking and tobacco use, we are fooling ourselves. This is an industry that currently spends over \$6 billion a year on promoting a product that if used as directed, will kill you.

"Mr. Speaker, most of us have long believed that there are two certainties in life: death and taxes. In this instance, given what we know about smoking and the tobacco industry, taxes appear to be a much better choice.

"Thank you, Mr. Speaker."

Representative Thielen, in response, stated:

"Mr. Speaker, I just wanted to respond to the Majority Floor Leader's comments about: this is a tax, and I would call it a healthy tax increase."

Representative Lee submitted the following comments in strong support of the measure to be inserted into the Journal:

"This measure is a health measure which uses a tax as a means to deter smoking. Smoking is an addiction, which causes major, long-term, chronic health conditions such as emphysema, chronic obstructive pulmonary disease, and heart disease. It also causes lung cancer.

"The cost of these diseases and conditions is very high in terms of both money and human suffering.

"We should be proud to support this measure and make no excuses about using the revenue earned for the needs of our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 927, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 38 ayes to 11 noes, with Representatives Aiona, Fox, Halford, Kawanakoa, McDermott, Meyer, Moses, Pendleton, Stegmaier, Ward and Whalen voting no, and Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 101 and H.B. No. 1370, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1370, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"I just want to say that this has taken five years. The bill contains important safeguards that will protect the integrity of our precious forest reserves.

"The bill requires that all harvesting be done in accord with the management plan approved by the Board of Land and Natural Resources, and in accordance with all the statutory provisions, which protect the environment.

"Mr. Speaker, I would like the rest of the comments be placed in the Journal," and the Chair "so ordered."

Representative Kawakami's additional remarks are as follows:

"The bill contains important safeguards that will protect the integrity of our precious forest reserves. The bill requires that all harvesting be done in accordance with a management plan approved with all other statutory provisions, which protect the environment.

"House Bill 1370 will allow us to provide jobs in the booming forest products market. Cabinets, furniture and other wood-carved products are extremely popular among both locals and tourists, and supply cannot keep up with demand. Ironically, thousands of dead trees on State land are rotting away on the ground. Harvesting some of the trees on State lands would supply the burgeoning forest products industry with the raw materials it needs. It would create jobs for those who could make these products. Job creation is especially relevant for the islands of Hawaii and Kauai, where unemployment among displaced sugar workers is most serious.

"It is quite telling that some of Hawaii's most prominent environmental groups have expressed support for this bill. The Hawaii Audubon society, dedicated to the protection of Hawaii's delicate natural environment, supports the bill. The Hawaii chapter of the Sierra Club have praise for those parts of the bill which address the concerns of the environmentalist community.

"In sum, House Bill 1370 strikes a balance between the interests of the environment and the forest industry. As such, it represents our best effort at the most effective management of Hawaii's natural resources."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1370, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FOREST



RESERVES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 1032, 1535, 375, 257, 717, 208, 927 and H.B. No. 1370 had passed Final Reading at 5:07 o'clock p.m.

**Conf. Com. Rep. No. 102 and H.B. No. 1796, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1796, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Halford rose to speak against the bill, stating:

"I am concerned about the ability to float high interest bonds -- junk bonds. if you will. I already have reservations about HFDC operating as a corporation of the government, and certainly don't want them to get into the land speculation business. For junk bonds have the savings and loan type of scandal approach to them.

"So, I'm opposed to House Bill 1796, HD 1, SD 1, CD 1. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1796, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Final Reading by a vote of 42 ayes to 1 no, with Representative Halford voting no, and Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 103 and H.B. No. 1657, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1657, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Ito submitted the following comments in support of the measure to be inserted into the Journal:

"Thank you, Mr. Speaker. I fully support this measure since it accomplishes a very important task in clarifying the mission of the UH - College of Education. The original mission statement was written 66 (sixty-six) years ago and has remained the same while the college changed drastically to address the needs of the educational community.

"Mr. Speaker, it is about time the mission statement was rewritten to reflect the many dynamic and exciting changes the College of Education has gone through since its humble beginnings."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1657, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 104 and H.B. No. 2234, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 2234, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 105 and H.B. No. 1775, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1775, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 106 and H.B. No. 1732, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1732, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," passed Final Reading by a vote of 42 ayes to 1 no, with Representative McDermott voting no, and Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 107 and H.B. No. 1547, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1547, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Tarnas submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I speak in support of this measure. This bill moves forward, the discussion about allowing the community to form a not-for-profit organization and take over the management of one or more State small boat harbors.

"Because of significant concerns that we should not commit to create a pilot program without adequate financial data on the small boat harbors, we compromised on a conference draft that establishes a Task Force to evaluate the economic feasibility of such a program. They will use the data developed by the auditor in a financial and management audit of all State small boat harbors called for in House Concurrent Resolution 153. With this information, the Task Force can make their recommendation to the Legislature next session.

"Mr. Speaker, this is a fiscally responsible measure that recognizes the value of partnering with the community. The second part of this measure is also important in that it provides incentives for a private company to operate commuter ferry services between Maui and Molokai.

"I ask for the support of you and all members of the House for this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1547, HD 2, SD 1, CD 1, entitled: "A BILL FOR



AN ACT RELATING TO SMALL BOAT HARBORS," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 108 and H.B. No. 1023, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1023, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Takai submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, as the result of Act 47, which suspended the annual student conference, a Student Governance Summit was planned for 1997. By design of the district student planners, over 300 students directly participated in district Pre-Summits. Approximately over 1,000 students were involved indirectly through surveys and discussions in school-based Pre-Summits.

"As a result, two key recommendations were incorporated into House Bill 1023, which amended HRS Section 317: to allow the inclusion of seventh and eighth graders of the conference. Among the option were to convene an annual student conference, a student governance summit, or a district-based conference of students.

"There was a mentoring-role established between legislators and students through the drafting of bills, committee hearings, and the drafting of the final conference draft. I had calls, letters, faxes, and office visits by students from the Student Governance Summit and their colleagues from the Hawaii State Student Conference.

"I would like to offer all of them my congratulations and my encouragement to remain involved in the process. For by being involved with government, our student leaders can, therefore, understand the responsibilities of governing.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1023, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 109 and H.B. No. 1731, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1731, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Kawakami, Menor, Morihara, Okamura, Say, Suzuki and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 1796, 1657, 2234, 1775, 1732, 1547, 1023 and 1731 had passed Final Reading at 5:09 o'clock p.m.

**Conf. Com. Rep. No. 110 and H.B. No. 120, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 120, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 111 and H.B. No. 147, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 147, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Arakaki submitted the following comments in support of the measure to be inserted into the Journal:

"This is a majority package measure that expresses a consistent, but ever growing concern by the Legislature for the needs of long-term care of the aged and disabled.

"The Legislature finds that the need for long-term care, which is already significant, will continue to grow as Hawaii's population ages. Due to the high costs associated with long-term care, more and more families can be expected to endure financial hardships, even impoverishment, unless a better method of financing long-term care is developed soon.

"While the majority of persons receiving long-term care are older adults, entire families are affected by the financial, psychological, and social costs of long-term care provided to those who are limited in the activities of daily living. To accommodate the demands of caregiving that grows as dependency increases over the years, caregivers reduce work hours, adjust or abandon career and personal goals, and retire earlier than intended. As a consequence, lowering their own pension and retirement benefit levels. More apt to be in poorer health than members of the general population, caregivers often find that they place their own advanced years at risk.

"When nursing home care is necessary, Hawaii's families confront average annual nursing home charges that exceed their ability to pay. In the case of elderly families, these charges are twice their average annual disposable income, threatening those who are otherwise self-sufficient, with impoverishment. Thus, it is no surprise that approximately eighty per cent of all nursing home residents are dependent on medicaid, an entitlement program for persons with limited income and assets.

"As overwhelming as current needs may appear, they are far less dramatic than the somber realities which lie ahead. Persons sixty years of age and older presently account for almost one-fifth of the adult population in the State. By 2020, they will constitute more than one-fourth of Hawaii's adult population. Nearly one-third of this segment alone is expected to have functional disabilities. Although families have expressed a preference for home and community-based care, existing supplies of these services and nursing home beds are already below requisite levels. However, even if additional services and beds are developed, many families will not be able to afford long-term care under existing conditions. A steep rise by the year 2020 of more than 1100% in annual cash outlays for nursing home care for older members by Hawaii's families has been projected, with the average cost for one year of nursing home care reaching more than \$200,000 per person.

"Nursing home care is but one component of the array of long-term care services that have been developed. Due

to cost factors, it is likely that home and community-based services will become more predominant. These services are provided in and out of the home and are appropriate to those who do not need to be institutionalized. In fact, an important function of home and community-based services is to prevent institutionalization. Home and community-based services consist of a number of different modalities, some or all of which may be used by the individual. These services include adult day health services, case management services, environmental modifications, homemaker services, personal care services, personal emergency response systems, respite care services, skilled nursing services, transportation services, and similar services.

"While home and community-based services can provide care that is less costly than institutional care, it is still expensive. Since more and more people will need long-term care services, the need to create a new method of financing long-term care is undeniable. The State cannot continue to fund the long-term care 'safety net' of medicaid at its current increasing demand, which is costing the State over \$192,000,000 in fiscal year 1996-1997. Therefore, the State must look to alternative financing. Our citizens must take on a more responsible role through a financing program. Clearly, government must play a major role in establishing a long-term care financial plan, which will define the State government's fiscal and social responsibilities for long-term care. Although the Legislature believes in a free market economy, the private sector has not been able to develop adequate financing mechanisms that appeal to the general population.

"The purpose of the Act is to create a joint legislative committee to develop a sound financial plan to address a problem of compelling State interest, the current and future long-term care needs of the people of Hawaii.

"Let me take this opportunity to thank the chairs and members of the fiscal committees for the appropriation of \$50,000.

"Mr. Speaker, we look forward to your continued support and input by members of the House and Senate on these issues of great concern to all of us.

"Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 147, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 112 and H.B. No. 1836, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1836, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Tarnas submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I wish to speak in support of this measure. This measure is an important piece of legislation. There is \$12 million in annual federal funds awaiting passage of this bill because it creates the revolving fund to receive and disburse funds for improvements to drinking water projects."

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"This bill is necessary to provide the necessary 20% in matching funds for the State to receive \$12.4 million in federal funding for the year 1997. The federal funds would provide low interest loans to qualifying public water systems, such as the Board of Water Supply, to help finance construction projects that will protect public health and improve the quality of drinking water.

"The Safe Drinking Water Act (SDWA) of 1974 required a public water system to monitor and conduct several types of water quality tests. The SDWA has been amended in 1986 and 1996 requiring more types of pollutants to be monitored and tested. With the 1996 amendments, the U.S. Congress allocated matching federal funding for the State to comply with more demanding 1996 water standards.

"HB 1836 is the enabling legislation to authorize the State to tap this large source of federal money available to the State to help qualifying public water systems to comply with the 1996 water standards.

"In addition, there is a large unmet need for testing water catchment systems. A provision was added to provide analyses for lead and copper. It was an obvious oversight that the State's Clean Drinking Water law did not allow for the Department of Health to monitor the quality of water catchment systems. This bill rectifies this oversight.

"The State's Clean Drinking Water law is an important document. It provides for safe and clean drinking water for all the citizens of Hawaii.

"This bill enables that process to take place, and provides the enabling legislation and funding in the form of matching funds for qualifying public water systems to comply with the 1996 federal monitoring requirements.

"Mr. Speaker, I urge all House members to vote in support of HB 1836."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1836, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRINKING WATER," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 113 and H.B. No. 2032, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 2032, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Ito submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, we must act now if we are to see substantial results in Education in the coming millennium. We can do so by supporting this measure. HB 2032 would appropriate \$500,000 to establish a school-to-work opportunities system, as well as the mechanism for its governance and management. Mr. Speaker, this is money well spent considering the federal government is expected to pitch in about \$10.2 million over a five-year period.

"A system such as this can only bring positive results in reforming education and stimulating economic development."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2032, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 114 and H.B. No. 1781, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1781, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 115 and H.B. No. 1857, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1857, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Arakaki rose in opposition to the bill, stating:

"Mr. Speaker, it is with regret and with apologies to the Hawaiian Affairs Chair that I rise in opposition to House Bill 1857.

"As we take this final vote on this measure, Mr. Speaker, I ask you and our colleagues to once again remember our State motto: 'UA MAU KE EA O KA AINA IKA PONO -- the Life or the sovereignty of our aina, our land, is preserved in Pono or righteousness. Mr. Speaker, we must remember that this motto represents the heart and soul of the native people and of those who hold aloha in their hearts.

"How many of us remember hearing the taunts as children of 'Indian giver.' It was usually directed to those who would give something and then ask for its return. No doubt, its origin comes from our nation's sorry history of giving lands to native Americans and taking it back when its values increased. Perhaps, someday, this Legislature will be labeled 'Kanaka giver' to indicate our penchant to provide remedy, then take it away when we find out the cost or if we feel justice is unaffordable. Perhaps only a handful are fully aware of the process we created in 1991. To establish the Hawaiian Home Lands Individual Claims Review, which gave beneficiaries of the Hawaiian Homelands Trust their first chance, since the creation of the trust in 1921, to have their problems corrected and/or obtain money compensation for problems caused by actions and inactions of the Hawaiian Homes Commission or the Department of Hawaiian Home Lands. This was a process of ho'oponopono, to heal and to make right, some of the wrongs that were committed in the past against the Kanaka Ma'oli.

"There are those who will have you believe, and others who wrongly believe, that the Hawaiian Homes Settlement of Claims two years ago remedied the problems of those who were making these claims. As the Chair of the Hawaiian Affairs Committee and as the manager of the bill for the House at that time, I ascertained and made it

abundantly clear that the individual claims were not in any way linked to the \$600 million settlement. In fact, some of you may remember that one of our House positions was to postpone the settlement for two years in order to package all the claims together. We were soundly criticized, and abandoned that proposal.

"In fact, the settlement claim involved disputed claims involving gubernatorial executive orders and proclamations resulting in lost income to the trust; and the mismanagement and wrongful taking or transfer of approximately 39,000 acres of public lands. It was a process that has established a firm legal, ethical, and moral ground that the claims of wrongful taking and use of lands meant for the benefit of native Hawaiians.

"It could be easily argued that the wrongful taking and use was the result of the lack of maka'ala or vigilance by native Hawaiians and those who were given the trust responsibilities. Perhaps it is because native Hawaiians were considered wards of the State, unable to look after their own welfare and subject to the care of the great white fathers. Since then, native Hawaiians have awakened and are akamai to what is happening and have found avenues to legally pursue justice and their birth rights.

"Yet, we who are at the vanguard of promulgating and promoting those avenues to justice and encourage citizens to find remedy of problems through legislation and the legal system are about to deny justice to 142 individuals. Who were the first of approximately three thousand claimants, who relied on the law enacted in 1991 to allegedly provide them compensation for harm they suffered for breaches of trust that the State committed between 1959 and 1988.

"If nothing else, our actions will even further the need for native Hawaiians to seek their own sovereign nation and government. One that will not break their promises and one that will keep the best interest of its native people first and foremost.

"To the 142 individual claimants and for the one thousand native Hawaiians who we may eliminate, their only opportunity to receive fair compensation for damages they suffered because of the State's refusal to accept the trust duty we established at statehood, I humble myself and apologize for what we are about to do. Please forgive us. For all of us, I say, remember these words: He 'onipa'a ka 'oia i'o -- truth is not changeable.

"Mahalo."

Representative Kawanakoa rose and stated:

"In light of Representative Arakaki's statements, I would ask that this House amend House Bill No. 1857," and offered the following amendment:

**SECTION 1.** House Bill No. 1857, HD 1, SD 1, CD 1, is amended by deleting the contents of this bill in its entirety and replacing it with the contents of House Bill 1857 to read:

**"SECTION 1.** Section 674-1, Hawaii Revised Statutes, is amended to read as follows:

**"§674-1 Purpose.** The purpose of this chapter is to establish a process under which individual beneficiaries under the Hawaiian home lands trust may resolve claims for actual damages arising out of or resulting from a breach of trust, which occurred between August 21, 1959, and June 30, 1988, and was caused by an act or omission of an employee of the State in the management and disposition of trust resources:

(1) By establishing a Hawaiian home lands trust individual claims review panel which shall:

- (A) Receive, review, and evaluate the merits of an individual beneficiary's claim;
- (B) Render findings and issue an advisory opinion regarding the merits of each claim filed with the panel, including an estimate of the probable award of actual damages or recommended corrective action that may be implemented to resolve each claim;
- (C) Prepare and transmit a report to the Governor and Legislature, at least twenty days prior to the convening of each regular legislative session, and a final report, at least twenty days prior to the convening of the [1997] 1999 regular legislative session, on the activities of the panel including a panel's findings and advisory opinion regarding the merits of each claim and an estimate of the probable compensation or any recommended corrective action from legislative action;
- (D) Disburse any compensation awarded by the Legislature in regular session or undertake other actions as provided by law which are acceptable to a claimant; and

(2) By providing an individual beneficiary claimant the right to bring an action to recover actual damages for a breach of trust, in the circuit courts of the State of Hawaii, if the action taken by the Legislature in regular session on each claim brought before the panel is not acceptable to an individual beneficiary claimant."

SECTION 2. Section 674-4, Hawaii Revised Statutes, is amended to read as follows:

**"§674-4 Tenure and compensation of members.** The term of office of each member of the panel shall be until December 30, [1997.] 1999. Any member appointed to fill a vacancy shall be appointed by the Governor for the remainder of the term. A vacancy in the panel shall not affect its powers.

Each member of the panel shall be compensated at the rate of \$100 per day for each day's actual attendance to the member's duties; provided that the compensation shall not exceed a maximum of \$10,000 per year. The members of the panel shall be paid their necessary traveling and subsistence expenses incurred in the discharge of their duties. Expenses incurred under this section shall be paid by the department of commerce and consumer affairs."

SECTION 3. Section 674-14, Hawaii Revised Statutes, is amended to read as follows:

**"§674-14 Annual report.** The panel shall prepare a report to be transmitted to the Governor and to the Legislature, at least twenty days prior to the convening of each regular legislative session, and a final report to be transmitted to the Governor and to the Legislature, at least twenty days prior to the convening of the [1997] 1999 regular legislative session, which summarizes its activities in furtherance of this chapter, and shall include a summary of each claim brought before the panel, the panel's findings and advisory opinion regarding the merits of each claim, and an estimate of the probable compensation or recommended corrective action by the State, for action by the Legislature in regular session."

SECTION 4. Section 674-17, Hawaii Revised Statutes, is amended to read as follows:

**"674-17 Right to sue, individual claims.** (a) An aggrieved individual claimant shall have the right to bring an action, in accordance with this part, in the circuit courts of the State for recovery of actual damages suffered by the claimant arising out of or resulting from a breach of trust which occurred between August 21, 1959, to June 20, 1988; provided that no action shall be filed until after October 1, [1997.] 1999.

(b) "Aggrieved individual claimant", as used in this section, means an individual claimant whose claim was reviewed by the panel under this chapter and who has filed, no later than October 1, [1997.] 1999, a written notice with the panel that the claimant does not accept the action taken by the Legislature in regular session upon the claim. Any claimant who fails to file a written notice rejecting the action of the Legislature upon the claim shall be deemed to have accepted the action taken by the Legislature."

SECTION 5. Section 674-19, Hawaii Revised Statutes, is amended to read as follows:

**"§674-19 Limitation on actions.** Every claim cognizable under this part shall forever be barred unless the action is commenced by September 30, [1998.] 2000."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This act shall take effect upon its approval."

Representative Kawanakoa moved that the amendment be adopted, seconded by Representative Aiona.

Representative Kawanakoa rose to speak in support of the amendment, stating:

"As you have before you, what we have done is, we've gone back to the original drafting as proposed to this body from the executive. To otherwise continue the Individual Claims Review Panel without necessarily dispensing with the waiting list claims.

"I would ask that the words of Representative Arakaki be entered into the Journal as if they were my own (the Chair 'so ordered'), speaking in support of this amendment. So that we may rectify the egregious action taken by this House, to otherwise deny the trusting claimants that have come forward over the last two to three years in initiating their claims with the Individual Claims Review Panel.

"I find that the background and understanding, with regard to this particular approach of denying or what otherwise denying these individuals their just claims, is inappropriate. I encourage all my members to stand in support of this floor amendment that would take us back to an appropriate bill. It would take us back to fulfilling our promises to the people who have come forward, and it would take us back to a pono decision by the House of Representatives.

"Thank you, Mr. Speaker."

Representative Pendleton then rose in support of the amendment, stating:

"Mr. Speaker, it's fairly easy to be able to rise in support of the amendment because the amendment does

many good things. Basically, the critique of the bill that is before us by Representative Arakaki provides support in the rationale for supporting this amendment.

"This amendment returns the bill to what it should have been -- just an extension -- and not something onerous when we eliminate causes of action on the waiting list claims. Which we really owe the Hawaiian people an apology not only for taking so long -- many people have had to die waiting -- but we owe them an apology for actually trying to take away a cause of action.

"So I hope that my colleagues on both sides of the aisle would join in supporting this amendment.

"Thank you, Mr. Speaker."

Representative Case then rose to speak against the amendment, stating:

"In explaining why I oppose the amendment, I have to give the background of this bill. This year, as discussed on the floor earlier when this bill passed the House the first time around, we faced the situation where 142 claimants had submitted roughly 165 claims, a small proportion of all claims that were pending before the Panel.

"This House took a very difficult and very direct position with respect to some of the issues outstanding in those claims and also in the remaining claims. That position was primarily that this House disagreed that the so-called pure waiting list claims had in fact been authorized in this law. This House disagreed that they were remediable in that fashion, but did not disagree that there might be other remedies for them. This House also, I believe, stated in its vote (and it certainly was the position of the Hawaiian Affairs Committee or at least the majority of members) that pure waiting list claims were claims arising out of general mismanagement and were therefore incorporated into the 1995 settlement in which we agreed to pay \$600 million over twenty years.

"I, therefore, respectfully disagree with my predecessor as Chair of the Hawaiian Affairs Committee. I was there in the development of the 1995 bill as well, and I have gone back and taken the record apart to discover exactly what happened in the course of the development of that bill.

"There was a very specific amendment added to chapter 674, which is the chapter that is before us today, in which it was clarified that actual damages meant 'with respect to an individual beneficiary': that was added in the 1995 conference. It resulted from an exchange of correspondence that I had with the executive chairperson of the claims panel, so I must respectfully disagree with my predecessor, at whose knee I learned many lessons, and I regret that this disagreement has come between us.

"As to the pending bill, the Senate did not agree with the position that the House took. The Senate believed that decisions on specific issues such as the validity of pure waiting list claims should be left to another venue, and the venue should be a working group consisting of the Panel, the Attorney General, the Department of Hawaiian Home Lands, and the Department of Budget and Finance.

"In extensive discussions in conference, the choice was clear: to continue the claims process, which does not have legislative authorization as we sit here today, under conditions, or to insist on the House position. The conferees ultimately agreed that the process should continue with reference of such questions to that venue, and that is where this bill stands at this moment.

"So the decision whether pure waiting list claims are covered is not going to be made today. However, I must be fair and indicate that the legislative intent referred to by all of the conferees, both House and Senate, does indicate a strong skepticism of whether the pure waiting list claims were in fact encompassed, so the likely outcome is, in fact, to provide for a recommendation to the venue that the pure waiting list claims not be remedied by this Act. There may be other ways of remedying that, and that applies to both the submitted claims and to the pending claims. But again, the final decision has not been made and will not be made by this legislation.

"Now, with respect to the amendment proposed by the minority member on my Committee, I have five reasons why that amendment should be rejected. The first reason is, again, that there is currently no legislative authorization for the Panel. If this bill fails, this process fails. Roughly two hours ago, the Senate passed this bill on final reading, unamended, so if this bill is amended, this process fails, period.

"Second, the pending amendment was not the administration's position; it was the Panel's position. It was portrayed as an administrative package item, but it was clear from the testimony that this was, in fact, the Panel's decision. It was not, for example, the decision or the recommendation of the Attorney General, and it was not even the recommendation of the Department of Hawaiian Home Lands; it was the Panel's recommendation.

"I think if we have learned anything from this process, (and it's unfortunate that we have learned only at this stage), the Panel, which was to have functioned in a neutral role, in fact became an advocate. I don't blame the Panel for doing that, but I do regret that it has required the Legislature to address these problems at this point, rather than to provide for a neutral, independent forum in which they could be addressed. This process just hasn't worked.

"The third reason is that the amendment does, in fact, worsen the process. The amendment proposes that no claimant shall be entitled to seek remedy in court if he or she doesn't like the Legislature's actions by no earlier than 1999. In fact, the bill that is before us today anticipates that some claims would be addressed in the 1998 session -- next year. If the Panel can get through those claims, that they would be addressed in the 1998 session and, hopefully, we would fund legitimate claims at that point. Hopefully, we would all be straight in what the guidelines were and, hopefully, if any of those claimants disagreed with what the Legislature did, they would in fact be able to file suit in court a whole year earlier than would be allowed under the amendment that is pending before us.

"The fourth reason is that, as I have tried to summarize in describing the history of this measure, the final versions of this bill is the result of the accommodation of very many different interests, feelings, and motivations, each of which frankly threatens the entire process. It was difficult to put together a compromise, which would be minimally satisfactory to all. This is the balance that we have struck, and this amendment would upset that balance and threaten the process.

"The fifth reason for opposing this amendment is that essentially what the amendment asks us to do is simply put this problem off to another day. If we adopt this amendment today, we will be right back here. . .



At this point, Speaker Souki yielded his time to Representative Case.

Representative Case thanked the Chair and continued, saying

"I appreciate the Speaker yielding to me, and will count that as the one and only time in my career that it will happen.

"There've just been too many delays, too many problems that have been put off, too many times when we have created expectations by inaction, expectations which we should never have created to start with.

"Again I say today what I've said before on this particular issue (and I think it applies to many of the very difficult Native Hawaiian issues that we have confronted in this session): When we make a promise, we should keep it. But when we haven't made a promise -- and we did not make a promise to compensate through this process pure waiting list claims -- I don't think that anybody should come back and say we broke a promise. It simply discourages us from ever, ever making anything that approaches any kind of an undertaking.

"I repeat, we didn't make a promise here. If we had made it, I would be the first to try and keep it, but we didn't. So I urge my colleagues to oppose this amendment, and allow the claims process to continue with the bill as presented to us. Thank you."

Representative Kahikina then rose and stated:

"I'm sad to say that I'm standing in opposition to the amendment.

"Mr. Speaker, as the previous speaker, Chair of the Hawaiian Affairs Committee, has just alluded, to jeopardize this bill would jeopardize the process for many native Hawaiians. At this point, I would like to claim a conflict of interest. I have two personal claims that is part of the unattended claims."

The Chair ruled "no conflict."

Representative Kahikina thanked the Chair and continued his remarks, saying:

"No matter what we say, we can justify ourselves today, Mr. Speaker, but you cannot erase history. As the former Chair of Hawaiian Affairs, of which I was privy to be his Vice Chair, Representative Arakaki stated, his words are very true, that it was never intended that the settlement was part of the Individual Claims.

"Although whatever justification that we may say on this issue, the issue is still that there was a grave injustice done to the first people of these islands. If that's not a promise for us to uphold this freedom and democracy and to uphold justice, I don't know what we are here for. Whether we made a promise or not, we know that something was gravely done to the first people of these islands. With that, this legislation needs to look seriously at making right this very wrong.

"Mr. Speaker, as a native Hawaiian, I say that we accept the apology from Representative Arakaki on behalf of this body. But as a native Hawaiian, may I say that there are native Hawaiians out there that may not hold the same aloha as this native Hawaiian speaking this afternoon, that there are things going on in the community that I hate to say and come back and say: I told you so.

"For that matter, I would encourage that we not do this floor amendment and jeopardize this bill, and let the process go. Thank you."

Representative Kawanakoa, in rebuttal, stated:

"I would like to rebut some of the statements that were made, starting in reverse order with the five points made by the Chair of the Hawaiian Affairs Committee.

"First of all, there is a point number five made that this will put the problem off to another day. As admitted by the statements made, the conference draft simply does put that off until another day: the review with the formulary with respect to adjudicating the waiting list claims. We are already putting off the ultimate final arbitration of these issues to another day, until this Committee or this panel can come together to otherwise come up with a new formulary.

"With regard to point four that there is a certain balance; in other words, a give and take here at the Legislature, in order to arrive at this compromise, I guess we are making reference to House Bill 2207. I would submit that the balance has been in favor of the State the entire time. There is no balance here. Everything is balancing in favor of the State.

"In regard to point three with respect to the court claims that will not be allowed until a later date under the amendment, I would submit that under the conference draft, there would be no claims to go to court. There will be no claims to file because the aggrieved parties have now been told: you don't have an appropriate claim. You can't come through the Review Panel. You cannot get a determination of 'no' from the Legislature, a denial of that claim, or recommendation from the Review Panel. So you'll never have a chance to go to court, period, whether it's in 1997, in 1998, or subsequently in the year 1999.

"With regard to point two that the draft that was submitted was a position of the Panel, I suppose that's accurate. The Panel was simply coming to the Legislature asking for an extension because of the unwieldiness of the number of claims that came forth, and in all good conscience and I guess in the matter of justice, we owed it to the Panel to give them enough resources and time to finish out their mandate.

"With respect to the first point that there is no legislative purpose for having this amendment because the Senate has already moved and therefore if we pass this amendment, the process fails. I simply submit to this body that this amendment is what your House Minority would have come forward with. This is the direction that we would have honored our promises of the past and came to the Legislature and argued more fervently in Conference to otherwise agree with the Senate and have the waiting list claims fulfilled.

"So this is the difference. Our amendment shows the position of your House Minority, perhaps others here that will vote in favor of the amendment.

"I also would like to mention that there was discussion with regard to the \$600 million settlement, that it somehow took care of the waiting list claims. If we look back to Chapter 674/673, there is clearly different claimants mentioned -- Hawaiian organizations, the Department of Hawaiian Home Lands, Individual Claims, claims where the individuals that have been hurt by inappropriate actions of the Department of Hawaiian Home Lands or misappropriation of the trust funds. The settlement of \$600 million does not go to the individual claimants. That goes to the Department of Hawaiian



Home Lands. If I am injured -- a car hits me and breaks my leg -- and I want to bring suit against the wrongdoer, because you paid some third party, it doesn't resolve that obligation to me, and I believe that was the intent of having the various claimants.

"Finally, I would just like to mention my opposition to the various Committee report comments and legislative history stating that we never intended to fund these waiting list claims. I find that very difficult for us to stand here and say that that was what we intended. I believe there may have been no intent at that time, but if we look back and we understand that we waived our sovereign immunity and allowed the Review Panel to come forward and litigate, or otherwise adjudicate these claims, then we have to take the breadth and width of a waiver of sovereignty and immunity in its fullest capacity without otherwise specifically limiting it. We never specifically gave an intent that we did not intend solely waiting list claims to be excluded from our waiver, and otherwise denying the Review Panel from addressing these issues. I think that needs to be stricken from the committee report and on the conference draft or the prior committees because they are all referenced via the conference draft committee report.

"All of these points all sum up to one thing -- it's very convoluted -- and I did want to give rebuttal to much of the points that were made in a very legal fashion. The bottom line is that this is not right.

"We did have another alternative to allow the waiting list claims to come before us and deny them and then allow these claimants, as we had promised them, the opportunity to go to court and otherwise press their claims. Right now, what we've said is: You don't have a claim any longer. You can't go to court as we had once promised. If we're so sure that these are inappropriate trust claims or breaches of our fiduciary responsibility, why don't we allow it to go to court? Why don't we stand up for what we said from the very beginning? Bring your claims to the Review Panel, let them adjudicate it, make the recommendation, if we don't agree with the recommendation. . .

At this point, Representative Aiona rose and yielded his time to Representative Kawanakoa.

Representative Kawanakoa thanked the Chair and continued his remarks, saying:

"Then you may go to court. What we're saying now is: No, we don't want you to go to court, we don't want a review, and we don't want the Review Panel to even take up these issues. I believe that's going back on our word, plain and simple. It's very simple.

"Thank you, Mr. Speaker."

Representative Moses then rose in support of the amendment, stating:

"Mr. Speaker, I am a man of my word, and I believe that our government is and should be. I direct my colleagues' attention to the fourth word in the title of the OD. It is the word 'Trust.' I believe that we asked the Hawaiian people to trust us. Now I ask, who will or should in the future, if we renege on this promise.

"Thank you."

At 5:37 o'clock p.m., Representative Arakaki asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:40 o'clock p.m., Representative Arakaki was recognized and he stated:

"Mr. Speaker, just one final comment in opposition to the amendment.

"While I appreciate the effort and sincerity of trying to remedy this situation, at this point in time, given the fact that the Senate has already adjourned and they have already passed this bill, it probably will be an exercise in futility and result in the bill dying. Therefore, I would respectfully ask that the maker of that motion withdraw his motion.

"Thank you, Mr. Speaker."

Representative Aiona then rose on a point of information and asked:

"If we do pass this amendment, seeing as though we are going to be in extension on Thursday, will the Senate be allowed to amend the bill?"

At 5:41 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:42 o'clock p.m.

Representative Kawanakoa rose and asked for a Roll Call on the amendment and upon a show of hands, the request was granted.

Roll call having been requested, the motion to adopt the amendment was put to vote by the Chair and failed to carry on the following showing of Noes, Ayes and Excused.

Noes, 37: Representatives Abinsay, Ahu Isa, Arakaki, Cachola, Case, Chang, Garcia, Goodenow, Hamakawa, Herkes, Hiraki, Ito, Jones, Kahikina, Kanoho, Kawakami, Lee, Menor, Morihara, Morita, Nakasone, M. Oshiro, Saiki, Say, Souki, Stegmaier, Suzuki, Takai, Takamine, Takumi, Tarnas, Tom, White, Yamane, Yonamine, Yoshinaga and P. Oshiro.

Ayes, 11: Representatives Aiona, Fox, Halford, Kawanakoa, McDermott, Meyer, Moses, Pendleton, Thielen, Ward and Whalen.

Excused, 3: Representatives Marumoto, Okamura and Santiago.

Representative Morita then rose in support of the bill with reservations, stating:

"I support the extension of the Review Panel. However, I do not support this body's proposed action to rewrite the original legislative intent of Chapter 674.

"This bill will deny 142 native Hawaiians money compensation, even though these individuals successfully proved their claims before the Individual Claims Review Panel. These Hawaiians are the first of over three thousand claimants who relied on a law, enacted by this body in 1991, to provide them compensation for harm they suffered for breaches of trust that the State committed between 1959 and 1988.

"In good faith, these individuals participated in a process set up by this body. Now we change the rules."

Representative Pendleton then rose in support of the bill with reservations, stating:

"Mr. Speaker, I support this measure because it extends the limitation on actions deadline, I understand, to December 31, 1999. This is a good and absolutely necessary measure.

"I have reservations because, well first, perhaps I should back up, Mr. Speaker. An earlier version of this bill explicitly and expressly excluded claims for losses based solely on waiting due to lack of available developed homesteads. In other words, waiting list claims were expressly and explicitly forbidden. This list changed, but unfortunately, the replacement language doesn't get us much further than those onerous words.

"My understanding, Mr. Speaker, is that the new language that is in CD 1, requires the Attorney General, the Director of Finance, and the Chairperson of the Hawaiian Home Lands Trust Individual Claims Review Panel to convene within thirty days of the effective date of this Act to discuss and formulate an appropriate formula and any necessary criteria necessary to qualify and resolve all claims. This formula shall be submitted for approval by the Governor by October 15, 1997, and reported to the Legislature no later than twenty days prior to the convening of the 1998 session.

"In effect, we are punting the issue, we are getting around it by saying that we aren't submitting legislation, which expressly outlaws or removes the waiting list claims. We are allowing this Panel to make the decision. But as Chairman Case has already said, we already know what their inclinations are. The individuals on this Panel have not been silent about their positions, or their interpretation of the underlying law. We already know that they believe that there shouldn't be a waiting list claim and so, in a sense, we've taken up the expressed reference to waiting list claims in a more surreptitious manner, addressed it without the Legislature having to take the heat for such a decision.

"Again, the report, or the formula is to be approved by the Governor and reported to the Legislature. We won't have a say on this issue so, in future years, I suppose we can say, 'Well, I was just for the extension, but I didn't really want to limit the waiting list claim.' The fact is that that's what is going to happen from this bill, and that's why I have strong reservations. I wish I could vote no as a protest, but we absolutely need the extension, and so I have to vote aye with reservations on this bill.

"Thank you, Mr. Speaker."

Representative Thielen then rose with very serious reservations, stating:

"Mr. Speaker, my vote in support is only for that aspect that continues the Individual Claims Review Panel.

"I would like to adopt the remarks of the Representative from Hana, and also add some of my own into the Journal," and the Chair "so ordered." (By reference only.)

Representative Thielen's remarks are as follows:

"Mr. Speaker, I am speaking with grave reservations in support of the bill. I do support the extension of the Individual Claims Review Panel (ICRP). I do not support breaching our trust to the claimants and believe they should be compensated for damages, including the 'wait list' damage.

"What is the significance of the ICRP process?

"In 1991, the creation of the Hawaiian Home Lands Individual Claims Review process gave beneficiaries of the

Hawaiian Home Lands Trust their first chance -- since the creation of the trust in 1921 -- to have their problems corrected and/or obtain money compensation for problems caused by actions and inactions of the Hawaiian Homes Commission or the Department of Hawaiian Home Lands.

"In that year, the Governor and Legislature finally agreed with native Hawaiians that individuals who were hurt or harmed by DHHL or the Hawaiian Homes Commission between 1959-1988 deserved to have their grievances or claims heard before an independent body, which would propose recommendations for payment and corrective actions.

"By the August 1995 deadline, more than 3,000 people had filed applications with the Hawaiian Claims Office, seeking in good faith to go through the investigative process and hearings outlined in the law. The ICRP filed at least three progress reports with the Legislature to inform legislative leaders of their progress and methodology. These reports specifically mentioned the Panel's processing of individual claims based on damages suffered over the years they were forced to wait for homesteads. Despite the work of the ICRP and painstaking efforts invested by claimants over several years, the final version of H.B. 1857 denies monetary relief to 142 claimants seeking funding for their damages this session. Instead the bill directs the ICRP and DHHL to find non-monetary ways to compensate these individuals. The problem -- as has been borne out in the lives of several claimants -- is that even if DHHL were to offer these individuals a homestead now, many can't qualify for it financially because their best wage earning years are behind them. House Bill 1857 is silent about what kind of non-monetary relief is inappropriate, even though it requires that it be provided.

"House Bill 1857, CD 1, sets up a 'working group' without including anyone advocating for native Hawaiian beneficiaries -- only the DHHL, Attorney General, Office of Budget and Finance, and the Hawaiian Claims Office, the office in which the ICRP is housed. Claimants fear that such a 'stacked deck' would ultimately redefine what is an acceptable claim and eliminate approximately 1,000 people (with 1,600 claims) seeking damages for being on waiting lists up to 40 years from this procedure.

"Claimants question why lawmakers would entrust the fate of the claimants to a group made of members who actively opposed them in the regular claims review process. Almost five years into the ICRP process, and after receiving at least three legislative reports detailing what the process entailed, the Legislature has chosen to change the rules and criteria so less people can play.

"What about the \$600 million settlement to the Department of Hawaiian Home Lands? In this settlement package, the State agreed to pay DHHL \$30 million a year for the next 20 years as a way to compensate the department for past illegal uses, sales and losses of trust lands. DHHL's development of future homesteads is laudable in itself, but it does not meet the 1991 purpose of the ICRP process, which is to compensate individual Hawaiians for injuries or harms suffered in the past. If DHHL offered a Hawaiian family a homestead today, would that award wipe out or satisfy the cost and suffering borne by that family during their 30 or 20 year wait?

"Secondly, the act that created the \$600 million settlement does not permit direct payments to individuals. Consequently, it is impossible to suggest that people will be compensated twice. Since I believe the existence of the ICRP should be extended, I cannot vote against this bill. I do vehemently believe, however, that we should pay the claimants for the damages they have suffered."

Representative Kahikina then rose in support of the bill with reservations, stating:

"I think the previous speakers have summed it all up -- we really need this bill to move forward. In the spirit of aloha that my kupunas have taught me, I would like to extend, just as well as Representative Arakaki extended his 'ekalamai' to the Kanaka Ma'oli, I would also like to say 'ekalamai of forgiveness' to Chairman Case, to Vice Chair Suzuki and to the members of the Hawaiian Affairs Committee, for they really diligently have worked very hard in trying to remedy this situation. I know personally that Chairman Case has taken a lot of unnecessary heat, and I apologize on behalf of the native Hawaiians for those ignorant behaviors.

"But, Mr. Speaker, I support this measure. I hope that my colleagues would support it and move this bill forward.

"Thank you."

Representative Aiona then rose and asked the Clerk to register an aye with reservations for him, and the Chair "so ordered."

Representative Kawananakoa then rose and asked the Clerk to register an aye with reservations (and the Chair "so ordered"), saying:

"A previous speaker mentioned the spirit of aloha, that he wanted to extend his gratitude and otherwise be accepting of this egregious Act. I am standing up for the other side of the Hawaiian character and personal traits, and that's of a warrior. It's time for us as Hawaiians to come forward and to make our claims.

"I cannot, in good conscience, vote for this bill without mentioning the egregious acts that have been taken to otherwise take the waiting list claims out of play, literally taking them out of play. If we take a look at HRS 674-1, the Individual Claims Review Panel is authorized to resolve claims and I quote: 'For actual damages arising out of or resulting from a breach of trust which occurred between August 21, 1959 to June 30, 1988, and was caused by an act or omission of an employee of the State in management and disposition of trust resources.' The Review Panel has determined that there has been an omission.

"The claimants have come forward -- they have come forward in the spirit of aloha, by the way -- but I suspect that after coming forward with the spirit of aloha for over a hundred years, perhaps Hawaiians are going to come forward with another spirit. They might turn to their warring capacity. I am not trying to threaten anybody, Mr. Speaker, I'm just noting that there is another side of the story. That we have taken a very kind, giving, and benevolent people and have succumbed them to begging us for approval of their rights. We promised to allow them to come forward, adjudicate their claims before the Panel, and to otherwise recognize that recommendation or deny it. Now we are taking away that claim altogether. I believe that, that is inappropriate.

"However, because voting no on this bill would mean the devolution of the actual Review Panel altogether, I need to vote in favor of the measure. However, I have those strong reservations. We must, we must address this again, perhaps in the next session, to otherwise rectify what seems to be going in the wrong direction.

"I should also note that the Senate position is in agreement with your House Minority. I know the misgivings about trying to pass the amendment because I

believe that if we had, the Senate would have come forward and approved that similar amendment. That was their original position.

"Thank you, Mr. Speaker."

Representative Takumi then rose and asked the Clerk to record an aye with reservations, and the Chair "so ordered."

At 5:54 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:55 o'clock p.m.

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

"I'm all for the measure and the fact that it extends the Review Panel. However, as previously discussed by many speakers, it's just a shame to not even allow claims to go forward, to see if they're legitimate or not, and I bear some of that shame for this body's action today.

"Thank you."

Representative Whalen then rose and requested an aye with reservations "for the aforementioned reasons," and the Chair "so ordered."

Representative Meyer then rose in support of the bill with reservations, stating:

"It's almost embarrassing to me to see us in this position. I was not part of the Legislature in 1991, but the Legislature gave this Panel the right, the power, to look at the claims and to give their advisory opinion. In this last week of getting the final bills in position to vote on today, I am reminded of the old saying. That you don't want to see how sausages are made when you eat them, and that's kind of a way some legislation comes out. While I see that this bill creates a new group to formulate an appropriate formula, that would seem like something that should have been done in 1991. It's as if we pass laws and then after the fact, find out the ramifications, the cost of what they will do, that we then decide that this was not our intention.

"I will vote for this because I think it should be kept open, the Panel should stay alive, and I'm in great hopes that people on the waiting list will get some kind of satisfaction. I feel very sorry for people that did have an opinion made and were lead to believe that they were going to get the financial compensation and that all seems to be up in the air now. I just hope that these two years that we are extending will create some real justice.

"Thank you, Mr. Speaker."

Representative Tarnas then rose and stated:

"Mr. Speaker, I rise in support with just one reservation.

"It's good to see the Panel's continuing -- the claims remain valid. But let's place responsibility where it's due. It's the Department of Hawaiian Home Lands that has responsibility of getting these people on the land. They haven't met their responsibility, and they should compensate.

"If the Department followed through in their responsibility, we wouldn't have this problem. Let's learn from our mistakes, and get the people on their lands

so they can build their homes and start their farms and ranches.

"Thank you, Mr. Speaker."

Representative Case then rose and stated:

"Although I disagree with some of the comments previously made, the time for debate appears to be past. I do want to make one clarification, and make this very clearly, because I've heard three members already say it and I have heard it said in the media.

"The claims that are on submission to the Legislature today are not ended. These claims are sent back to the Panel for determination, in accordance with the guidelines, and not all of those claims were pure waiting list claims. I envision that some of those claimants -- I don't know how many because they're not broken out in any real fashion -- will, in fact, be entitled to damages when those claims are reconsidered by the Panel. So we are not turning 142 people out into the cold.

"Finally, I cannot let the observation by my colleague, the Representative from Nanakuli, go unappreciated. I very much appreciate his apology, but it's not necessary.

"Thank you."

Representative Morihara then rose and asked the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Kawananaoka in rebuttal, stated:

"I would just note that this new formulary Committee is made up of people who are statedly against the waiting list claims. Certainly it doesn't say in the bill that waiting list claims will not be honored or otherwise compensated. However, it's clear to me and should be clear to anyone of us who can see one step into a chess game, that obviously this Review Panel, or this Formulary Panel, is going to come out and rule that no waiting list claims are cognizable with the Review Panel in setting up its formula.

"I should also note that the current claims that are before the Review Panel had been processed through the Review Panel and have been awarded monetary awards, or recommended for monetary awards, are now going to be given non-monetary remedial relief. I'm not sure exactly what that means; I don't think anyone here knows what that means. Perhaps it means they'll move them up on the waiting list again, put them at the front of the waiting list. Perhaps it means, pat them on the back, pat them on the head. Perhaps it means that they'll give them a low interest rate loan. I'm not sure what it means.

"The point of the matter is, we've broken our promise to fulfill the process. We have another option and that's to deny the waiting list claims, not to take away those claims from the courts.

"Thank you, Mr. Speaker."

Representative Fox then rose and asked the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Halford then rose and asked the Clerk to cast an aye with reservations for him, and the Chair "so ordered."

Representative Jones then rose to speak in support of the bill with reservations, stating:

"The Hawaiian Homes Commission is an Executive Board. They have the power to administer the program. It's their fiduciary responsibility to administer the program and when things go wrong, you know, it's really for the Commission to make payments. The Commission has, in the past, made payments for similar claims against the Commission. I feel, because it is the Commission's fiduciary responsibility to settle these claims, they should be asked to settle the claims and not the State of Hawaii. The Hawaiian Homes Commission should settle it like they have done in the past on other claims.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1857, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Arakaki voting no, and Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 116 and H.B. No. 2207, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 2207, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Kawananaoka rose in support of the measure with reservations and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Kawananaoka's remarks are as follows:

"This bill does much good, especially in the mapping of the public trust lands. But mixed in with the good is a terrible limit of \$15.1 million. Why must we continue to break our promises?"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2207, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

**Conf. Com. Rep. No. 117 and H.B. No. 931, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 931, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 120, 147, 1836, 2032, 1781, 1857, 2207 and 931 had passed Final Reading at 6:02 o'clock p.m.

At 6:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:18 o'clock p.m., with the Speaker presiding.

**Conf. Com. Rep. No. 118 and H.B. No. 1690, HD 1, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative P. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1690, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION," passed Final Reading by a vote of 46 ayes, with Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 119 and H.B. No. 1656, HD 1, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1656, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative P. Oshiro.

Representative Arakaki submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, let me acknowledge Higher Education Chair, Representative David Morihara, Finance Chair, Calvin Say, their Conference Committee members and their Senate counterparts for keeping HOPE alive.

"Mr. Speaker and colleagues, House Bill 1656, creates an Endowment Fund at the University of Hawaii by retaining monies of the HOPE Special Fund into the Endowment Fund, which will fund activities through revenues generated by investment on principal. The Endowment Fund as it grows, will provide opportunities to financially needy students, especially to those ethnic groups which are underrepresented. It is a measure which represents an investment in our children and the future of Hawaii. Some claim it's not possible to legislate a dream and a vision, but that is what makes HOPE a special measure. It represents a commitment for the future as well as a recognition that education is the key to opening doors of opportunity.

"Mr. Speaker and colleagues, far too many students are losing hope too early in life, turning to substance abuse, dropping out from school, and filling our prisons and welfare rolls. Many of our youths are growing up in Hawaii without a dream to cling to.

"Hopes and dreams are to our young people what the sun and the rain is to a seedling. Without the nurturance, there are few chances to grow, let alone survive. We have an opportunity colleagues, to inspire the hopes and dreams of a generation that will carry us over the threshold of the 21st century.

"Thank you for nurturing our most precious investment and thank you for keeping HOPE alive. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1656, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 46 ayes, with Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 120 and H.B. No. 1804, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1804, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative P. Oshiro.

Representative Fox rose to speak against the bill, stating:

"I am sorry, I am a little bit confused. This bill raises ten million dollars for repair and maintenance through the sale of bonds. Since we're doing a one billion dollar bond authorization, one percent of that is ten million dollars. That seems to be what we're talking about.

"I am not quite clear why repair and maintenance would be financed through the sale of bonds. That should be paid out of general funds, not through the sale of bonds. There may be some constitutional problems with handling this issue that way since it seems so obviously the wrong thing to do.

"I may be misunderstanding the bill, and that's why I do this with a bit of hesitancy. Thank you."

Representative Pendleton then rose in support of the bill with reservations, stating:

"Again, I echo the concerns of the previous speaker, Mr. Speaker. If I look at the CD 1 of House Bill 1804, specifically page 1, lines 7 through 9, the language reads: 'into which shall be transferred one percent of all State general obligation bond fund appropriations for capital improvements.' That looks fine, and as one that is not schooled in all of this, I think that looks good, but if you move further on down -- lines 16 and 17 -- I believe that's what Representative Fox was referring to. It says: 'including repainting, repair or replacement, and resurfacing.'

"Again, that looks like maintenance and things that we shouldn't be borrowing money just to do the operation of the State, so that's some of my concerns.

"In a previous speech, I spoke about ways in which we could find moneys. I wish we approached it that way rather than borrowing money to pay for operational expenses. So those are my only reservations, Mr. Speaker. Thank you."

Representative Kawanakoa then rose in opposition to the bill and requested that the comments of the previous two speakers (Representatives Fox and Pendleton) be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Ward submitted the following comments to be inserted into the Journal:

"Mr. Speaker, I rise in opposition of HB 1804, CD1. This is another example of the 'gimmick' approach to balancing the budget. This bill borrows long-term debt for short-term repairs and maintenance of government buildings.

"We are setting up our children and grandchildren for future financial burdens and potential bankruptcy by our bad current fiscal policies. One simply doesn't borrow long-term debt, like a mortgage, to meet short-term expenses such as food, and then have a future debt that keeps accruing interest. The food ends up costing much more in the end.

"This 'gimmick' of not really appropriating the money for repairs and maintenance and using long-term debt for short-term needs sets us up for many future problems."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1804, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE," passed Final Reading by a vote of 39 ayes to 7 noes, with Representative Fox, Halford, Kawanakoa, McDermott, Meyer, Ward and Whalen



voting no, and Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 121 and S.B. No. 1618, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative P. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1618, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSPORTATION IMPROVEMENT SPECIAL FUND," passed Final Reading by a vote of 46 ayes, with Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 122 and S.B. No. 1943, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1943, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative P. Oshiro.

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

"Mr. Speaker, I am proud to support this measure since it acknowledges the many men and women who served this nation to ensure freedom for all.

"First of all, I want to thank Vice Speaker Paul Oshiro and members of the Transportation Committee and Chairman Hiraki for bringing this measure up front.

"This bill would authorize the counties to issue special license plates to veterans who served in the Vietnam War, the Korean War and World War II. It also has a special plate for combat veterans.

"By passing this bill, these proud veterans will be given the recognition they so rightly deserve. It will also remind everyone, especially the young, that freedom has been achieved through the ultimate sacrifice by those who lost their lives.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I wish to echo the comments of the previous speaker. I just want to point out that it would have been nice to be able to do this as the previous version of this measure had it with decals so that we could honor all of our veterans, including Gulf War veterans, Dominican Republic, et cetera.

"Thank you, Mr. Speaker."

Representative Kahikina then rose in support of the bill and requested that Representative Ito's comments be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Yoshinaga then rose in strong support of the bill and asked that Representative Ito's comments be entered into the Journal as her own, and the Chair "so ordered." (By reference only)

Representative Yoshinaga continued, saying:

"I also am rising in support in honor of my father who is a veteran. Thank you."

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

No. 1943, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Final Reading by a vote of 46 ayes, with Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 123 and S.B. No. 1919, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1919, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative P. Oshiro.

Representative Ward rose to speak in strong opposition to the bill, stating:

"Mr. Speaker, this bill is about freedom of speech, it's about freedom of access, and it's about no taxation without representation. I say that because in a vibrant democracy, the Legislature is designed as the arena for free exchange of ideas. This floor, Mr. Speaker, is the marketplace of ideas and our access to and from the public is open and free. The citizens of Hawaii elect representatives to the Legislature to express their opinions, their hopes and their dreams. The voters, Mr. Speaker, elected both Republicans and Democrats, and as I said on Opening Day, your Minority, Mr. Speaker, is now 24 percent of this House and represent over a quarter million constituents. . .

The Chair interrupted and asked:

"Are you speaking for or against? I'm sorry I didn't hear you."

Representative Ward answered:

"I'm speaking in strong opposition, Mr. Speaker.

"In the day to day proceedings of the Legislature, the Minority is allowed to speak in committees and in the House chamber, as I am speaking now. The House Rules that allow the voice of the Minority to be heard is a matter of courtesy and right, although sometimes, Mr. Speaker, you've given the impression that when and if I stir off for fifteen seconds or say something that you possibly don't like, the gavel may be the response.

"The fact of the matter is, when the Majority uses taxpayer-funded Olelo to argue its ideas, courtesy and democracy are thrown out the window. The case in point is this: The media dubbed last year's session as a 'do-nothing session.' You would have never known this if, and this is right where the bill permanentizes the use of Olelo for wrap up sessions. The wrap up sessions are accessible to the committee chairs. They are inaccessible to those who are not. Therefore, taxpayers' money is used for eighteen hours of. . .and I use this hesitatingly, propaganda, Mr. Speaker. . ."

The Chair interrupted and said:

"I don't have to tell you, please speak to the merits or demerits of the bill."

Representative Ward continued, saying:

"Yes, Mr. Speaker, as we heard today, when your Chair stood up on the State budget, they 'gilded the lily' like it was the best thing since sliced bread. . ."

Chair: "Again, that doesn't seem germane to the subject."



Representative Ward: "The point is, when we have eighteen hours of Olelo at the end of this session, which is going to start in about a week, and all that the public hears -- the public that's right there now, by taxpayers' money, looking at us -- all they hear is that side of the story, Mr. Speaker, the \$150,000 of taxpayers' money is not being used wisely. Many. . ."

At this point, Representative Santiago rose on a point of personal privilege and stated:

"I'm quite offended by the speaker's rendition that the chairs of the committees propagandizing a political perspective. I'm sorry. . ."

The Chair interrupted and said:

"Representative Ward, will you please temper your remarks."

Representative Ward responded:

"My apologies to the Chair of the Health Committee if he is offended by that, but my Minority is equally offended by not having a say, using taxpayers' money of \$150,000. . ."

The Chair interrupted, saying:

"This is not a debate so please speak to the. . ."

Representative Ward continued, saying:

"Therefore, Mr. Speaker, this is the technique of many totalitarian regimes where they let only one side tell the story. They control the State's television, the radio stations, and they silence the opposition party. Is that what we want in the Legislature's end of session wrap up on Olelo? One voice, no choice. Is that, Mr. Speaker. . ."

The Chair interrupted:

"Representative Ward, I am going to have to call you out of order. I don't believe that has anything to do with the bill at hand. If you're going to continue to be that way, I will call you out of order again. Please stick to what you don't find fair about the bill besides the philosophical areas, which you're discussing about."

Representative Ward responded, saying:

"Mr. Speaker, the fact of the matter is, the reality is that the bill we have before us -- Senate Bill 1919 -- locks in concrete, permanentizes unequal access to the voice of the duly elected representatives of this body. If that is not germane, Mr. Speaker, I do not know what is."

The Chair interrupted and said:

"That is not germane. Will you speak to the. . ."

Representative Ward continued, saying:

"Therefore, you're fulfilling what I've already said when we stray with fifteen seconds of relative information, we are being out of order."

The Chair answered:

"That is correct."

Representative Ward continued, saying:

"The bottom line is this, Mr. Speaker. I appeal for the sake of public access to give your Minority one-half hour

of the Olelo wrap ups, which this bill will not allow because this bill is implemented in a way that you, the Majority, get eighteen hours; we have, in effect, a half-hour which is not equal time. We're asking for a balance. It's an eighteen hour show versus a zero show: the point is, the public wants equal access to what we've done in this session. Next week is going to be the beginning of your eighteen hours. We, at least like the Senate, would like inclusion. They've had two electronic town meetings so far. We have had one. There's was free, at the taxpayers'. . ."

The Chair interrupted and said:

"Again, will you please speak to the merits or demerits of the bill. You are out of order. Please speak to the contents of the bill."

Representative Ward: "If this bill permanentizes 'no taxation without representation,' Mr. Speaker, it's propaganda. It doesn't really say what it should say. The public, even if they don't like it. . ."

Chair: "Again, will you please speak to the contents of the bill."

Representative Ward: "Mr. Speaker, democracy is, even if you don't like what I'm saying, I have the right to say it, Mr. Speaker. That's what I'm trying to say."

Chair: "You have the right to speak against the bill -- to the contents of the bill -- not to how you feel philosophically about it."

Representative Ward: "Therefore and in conclusion, if when you do allow it next week, please don't muzzle the Minority. Full stop, end of case, this is democracy what I've said. This is the Minority's way of asking for equal time."

"Thank you very much."

Chair: "Thank you very much for your speech which was not germane to the bill at all, and I hope that the Minority will consider and look at the contents of the bill and you restrict your remarks to the bill."

Representative P. Oshiro then rose to speak in favor of the bill, stating:

"Mr. Speaker, the legislative broadcast program, which is a part of this bill, has been an integral and important part of our public access program. In recent years, Mr. Speaker, much effort has been made to broaden the coverage base and viewership of this program by expanding the number of and varying the types of bills and resolutions covered at the public hearings and the floor sessions for broadcast. The selection, Mr. Speaker, of these public hearings and floor sessions are collaboratively discussed and collaboratively implemented with the involvement of both the Majority and Minority members. These public hearings, Mr. Speaker, and floor sessions are selected for broadcast on our legislative broadcast program based upon their content and subject matter, along with an overriding attempt to offer the viewing public a glimpse of the widest and most diverse subject matters discussed here at the State Capitol. We have certainly, Mr. Speaker, put forth our very best effort to ensure that, above all, the broadcasts under our legislative access program are selected and aired on a truly nonpartisan basis."

"This basic premise of non-partisanship was also a prevalent factor in the development of our 1996 Post Session Legislative Broadcast Program, which is a part of the legislative access program that we have in this bill."

These post session programs, Mr. Speaker, were formulated and they were structured around the subject area standing committees of our State House of Representatives. The committee chairpersons, who are elected by the members of this House, summarized legislative activity in their respective subject areas. Neither the Majority nor the Minority, as a caucus, were given any opportunity to present post session reports under this legislative broadcast program, which is in this bill, from their partisan perspectives. Again, Mr. Speaker, these post session reports were offered by subject matter standing committees on behalf of our entire State House of Representatives. There was truly, Mr. Speaker, no partisan intention involved.

"First of all, I acknowledge as the person who has a part in this legislative broadcast public access program -- I acknowledge the concern that has been voiced regarding the perceived partisan overtures of our 1996 post session legislative broadcasts. Although I do not agree with such an assessment, I certainly respect and I understand the basis from which it evolves.

"From my perspective, Mr. Speaker, in regards to our legislative broadcast program or legislative access program, I pledge to continue to oversee our legislative broadcast program in the fairest and most objective manner possible to offer our viewing public the most informative, nonpartisan glimpse into our work here at the State Capitol, and I urge support of the bill.

"Thank you."

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

"Mr. Speaker, for our government to work the way our forefathers intended it to work, we must be accessible and accountable to the citizens that we represent. By passing out this measure, we will accomplish just that. Senate Bill 1919 will allow the legislative broadcast program to become a permanent part of the Legislative Public Access Program. It will also appropriate money to the three neighbor island broadcasting organizations and to replace our existing obsolete computer system.

"I cannot emphasize how important this measure is in restoring the people's faith in our government. We need to continue to foster this trust in order for our people to become informed and responsible in their choices.

"Thank you, Mr. Speaker."

Representative Thielen then rose and stated:

"I'm rising with a question about the bill, Mr. Speaker. If Vice Speaker Oshiro will respond to it."

At 6:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:33 o'clock p.m., Representative Thielen continued, stating:

"I appreciated the opportunity to ask the Vice Speaker a question. Based upon the response, I'm going to have to vote against the bill at this point with the hope that my 'no' vote will change matters.

"I specifically asked the Vice Speaker if the Minority members would be included. . .

The Chair interrupted and said:

"Will you please speak to the merits or demerits of the bill, please."

Representative Thielen continued her remarks, saying:

"I am. I am responding to what the Vice Speaker had said was in the bill and what would be the impact of the bill. I specifically asked the Vice Speaker if the Minority would be included in the post session wrap up and was told that, that is under consideration, but has not yet been determined. If it is determined that we will be included as part of the post session wrap up, that we will be a part of the legislative wrap up as befitting our one-fourth membership in this House of Representatives, then at that point I would support the bill.

"The Media Council has already given an opinion that it is discriminatory to exclude us. I mean, I can't see how all of you here can sit here thinking that, that is fair - to do a post session wrap up. . ."

The Chair interrupted and said:

"Again, Representative, will you please speak to the contents of the bill. I think Representative Ken Ito gave a good description about the bill. Speak to the merits or demerits, to the contents of the bill; otherwise, I will call you out of order."

Representative Thielen answered:

"Alright. Mr. Speaker, I know this is an uncomfortable subject matter for the Majority. . ."

The Chair interrupted and said:

"It is not uncomfortable. We're just trying to have this concluded in a logical way. Will you please restrict your discussion to the contents of the bill."

Representative Thielen responded:

"I would see a great way to do that. As the Vice Speaker mentioned, the legislative reports are offered by subject matter chairs, and I am quoting him, 'what I would like to say is, in offering these legislative reports, the Minority deserves to be part of that report and to be represented. . ."

The Chair interrupted and said:

"I think that can be taken up at a different time and a different place. Please restrict yourself to the contents of the bill, or I will call you out of order if you continue with that line of reasoning."

Representative Thielen answered:

"Mr. Speaker, I am merely responding to what the Vice Speaker said. . ."

Chair: "We've heard you respond. Will you please go to the merits of the bill."

Representative Thielen: "I would like to have a commitment from the Democrats in this body that. . ."

Chair: "You are out of order. . .you are out of order."

Representative Thielen: "That you will include the Republicans in that. . ."

Chair: "You are out order. . .you are out of order."

At this point (6:35 p.m.), the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:37 o'clock p.m., Representative Thielen was recognized and she stated:

"Thank you, Mr. Speaker. I know it's late and I know tempers are maybe a little bit frayed at this point.

"I'm reading from the bill, Mr. Speaker. . .I'm speaking to the bill. It states: 'There is established in the State Capitol a legislative broadcast program that shall become part of the Legislature's permanent public access program.'

"I ask you all in the Majority Party to make it fair and let us be represented within that as well.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose in support of the bill with some reservations, stating:

"I appreciate the Vice Speaker's discussion and his intent to make this as nonpartisan as possible with our legislative broadcasting and our wrap up at the end of session.

"What I am concerned about is the unintended consequences. I suspect that since all of our chairs of the various committees are members of the Majority Party, some of the Minority view may not be as well aired in those legislative wrap ups.

"I hope that when various committees at another time take up this issue, we keep in mind that there are two points of view, and that they are not always in conflict, and it may be appropriate to have both sides of those views aired over our public access airwaves.

"Thank you."

Representative Pendleton then rose in support of the bill with reservations, stating:

"Mr. Speaker, we've heard some of the concerns by the Minority. My concern regarding this bill is that we have a very good practice by many of the chairs -- Chair Arakaki, Chair David Stegmaier -- in allowing not just the Minority to speak forth regarding legislation and bills, but also people who aren't even in the Legislature -- other people who provided insight, input, valuable information which formed or helped us form our decisions. That kind of information is valuable to the public and I wish that their pattern and practice were expressly and explicitly adopted in this bill. I would have preferred that procedure.

"I don't believe that the only concern is whether or not the Minority participates. I believe that it is important for the public to see the issues, to hear the people who testified, to get the feel and flavor for the testimony and the information that influenced our decision-making process. I wish that we made that a permanent part of this program, not just limiting it to legislators, but to all kinds of people who might have provided valuable input into the decision-making process.

"For example, Mr. Speaker, and I'm trying to stay close to the bill, but on the no-fault motor vehicle, we might vote across-the-board between parties. It might be valuable to have two people from the same party present the two views that were discussed in Conference Committee. That might be very valuable. Sure, they might be from the same party, they might be both Democrats. But having the public be able to hear both the prevailing view as well as the dissent, helps the public understand that we are wrestling some very difficult, challenging issues.

"On the issue of same-sex marriage, we might have two people from the same party, but with different views on 117. I think that would be valuable, that would really make our investment here -- I understand it's over a million dollars -- that would really make our investment worthwhile for the people of Hawaii, not just limiting the information to the chairs.

"Fortunately, we have some chairs who believe in providing that kind of information to the public, but that might not always be the case in the future, and so I wish that policy became law.

"Thank you, Mr. Speaker."

Representative Meyer then rose to speak in support of the bill with some reservations, stating:

"Your Minority is definitely in favor of public access -- more the better. We want the public to know what goes on down here.

"In looking at page 2, line 6, it says: 'Providing equal access to legislative broadcasts for all citizens in the State.' That should apply to legislators as well, and that's the point I think our Minority Leader is trying to make.

"While the Majority Party and the chairman may not have meant to not have the Minority represented, last summer the omission was so obvious that, that was something your Minority members felt very badly about.

"From the conversation on this floor today, I think we can all look forward to more open government and much better relationships, and so I am in support of the bill, and I hope it will move forward.

"Thank you, Mr. Speaker."

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

"My concern with this bill is the \$1.5 million we are going to spend to replace existing equipment. I don't think that's a prudent expenditure, all things considered, at this time.

"Thank you."

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

"I am all for the general intent of the bill, which is permanentization of the public access program. I am all for that; we need to get the word out to the public. With great deference to the current committee chairs and to the leadership, I know that you are trying to be fair.

"My concern is, what happens when you move on? We are then left to the whim of the new leadership and the new committee chairs. I think we have to codify the fact that all viewpoints should be made available to the public."

Representative Halford then rose in support of the bill with reservations, stating:

"This bill spends public money for more public access and exposure to this Legislature. I agree with the earlier previous speaker that our forefathers intended us to be accessible and accountable to the people. I want to emphasize that this money, hopefully, is being spent for the public benefit, not for our benefit, but for the public benefit. I agree with the accessibility and accountability,

and I favor a broader exposure for the benefit of the public.

"Thank you."

Representative M. Oshiro then rose to speak in strong support of the bill, stating:

"Much has been said about the speculative elements of this program. I would like to remind the members here that the purpose of this is to provide legislative access to the community, and the previous speaker from the island of Maui, in a nutshell, summed up the purpose of this bill. I would just like to address some of the features of the bill, the specific features of this bill.

"Mr. Speaker, this bill would appropriate funds for grants-in-aid to Ho'ike Kauai; Akaku: Maui Public Television; and Na Leo 'O Hawai'i Television. The purpose of this grant-in-aid of \$75,000 over the fiscal year is to provide the neighbor islands with the videotaping equipment and broadcast equipment so that the rebroadcast of our legislative sessions, committee hearings and so forth, can be made available to the neighbor island folks at a more reasonable hour. I am sure all fifteen of the House members, including yourself, Mr. Speaker, would appreciate that their constituents in their communities can take part in the process.

"Another area of this bill, Mr. Speaker, is that it appropriates \$175,000 and establishes this as an on-going form of program.

"The \$1.5 million in general revenues, which will be spent, and I heard some comments about it, is for a very good purpose, Mr. Speaker. It is something that myself, as well as other legislators here, have been hoping to see. What this will allow us to do is to get off the current mainframe system that was hooked up to a now most into the 21st century of having PC's on our desks. What this would do, Mr. Speaker, is make the legislative process more open, more available to our constituents and our communities. This will hook us up to an Internet. It's a two-way street, both information coming in to us, as well as information going out. My understanding is that the community will have access to our bills, our committee reports, our hearing notices, and have an update from their own homes on the status of legislation. Talk about being monitored by our constituents on what goes on day-to-day in the Legislature, this will enable our community to have this ability.

"Finally, Mr. Speaker, I would just like to close, that I hope this bill does not become vetoed by the Governor. It is my understanding that last year a similar Senate Bill -- 641 -- was vetoed for the very fact that it contained an appropriation of a grant-in-aid to assist the neighbor islands in their rebroadcasting of the legislative goings-on.

"I think this is a wise investment and this is a hallmark feature of this process of opening up the Legislature, making us more accountable and keeping us in touch with our broader communities.

"Thank you, Mr. Speaker."

Representative Ito rose and stated:

"Mr. Speaker, I just want to let the members know that currently Olelo televises 250 hours of legislative programming each session. This broadcast includes six to eight committee hearings a week, at least six hours of Senate chamber sessions, and also informational briefings and conference committee reports.

"Thank you, Mr. Speaker."

Representative Ward, in rebuttal, stated:

"First, a rebuttal with a commendation to the Vice Speaker who has worked with my office and is a man of integrity and is a man of his word. During the session, Mr. Speaker, this program is the best thing since sliced bread. Hearings are covered effectively to the public's access. It's only the post session coverage. That's all we're talking about, that slice that only the Chairs get to have a part of it.

"Mr. Speaker, as I noted in my letter to you a few weeks ago, if there's a part of this being too partisan, that this group says too much the way we think, I say: well, let's have a half hour with your leadership and our leadership, or your group and our group. We can do that.

"But I heard even today from Representative Pendleton that it's to the subject matter. You want us to cover a specific subject with your side or our side, we can do that. The point is, let us have some of the wrap-up of the session. That's simply all we're saying, Mr. Speaker.

"Second, regarding the comments, Mr. Speaker, of one other member who said, the speculative elements of this bill. The fact is, this is a de facto elimination of this. De jure, everything is perfect -- de facto. The practice of it being in fact. . . you know, this is not standing up in rhetoric. We even went to the Media Council. We spoke before all the advertising people, the television people, and all the media is saying: this is the way we're carrying on at the Legislature. They wrote a memo to the effect that says, 'the possibility of partisan manipulation of the media raises serious questions.'

"The people of Hawaii are looking at us, Mr. Speaker. All we're saying is let our half-hour have light and a Minority voice.

"Thank you very much."

Representative Kanoho then rose to speak in support of the bill, saying:

"With all the good that the legislative access program does, I find it very difficult that anyone should criticize it. How ironic it is that the Minority speaks of equal time, that if we were to consider the amount of time they spend on the floor, as compared to the Majority, it would be quite disproportionate. Perhaps if we take that extra time and convert it into some other focus, it would do well.

"Thank you, Mr. Speaker."

The Chair remarked:

"You are out of order, but it's too late now."

Representative Thielen then rose and the Chair asked:

"Were you going to call him out of order, Representative Thielen?"

Representative Thielen responded:

"Yes, I was going to call him out of order, Mr. Speaker. . .

The Chair then said:

"Yes, he was out of order. Please continue."

Representative Thielen continued, saying:

"Mr. Speaker, I just have a few comments in rebuttal to both Representative Kanohe and to the Majority Floor Leader.

"So we should be quiet and good little folks over here? I don't think so. When I listen to what your Majority Floor Leader said, that the hallmark feature is opening up the Legislature and making us accessible to our communities, well that's great, unless you're a Republican, because you're not going to be accessible, and you won't be able to participate.

"That's all we're asking for. Now, I know you're going to go back after session and discuss this as to whether or not you want to open it up to parity. I would hope that the Democrats would be democratic in this and say yes, the Republicans deserve to have a voice.

"Thank you."

At this time, Representative Goodenow called for the question, seconded by Representative Kahikina and carried.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1919, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," passed Final Reading by a vote of 42 ayes to 4 noes, with Representatives McDermott, Moses, Thielen and Ward voting no, and Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 124 and S.B. No. 1571, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1571, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative P. Oshiro.

Representative Meyer rose in strong support of the bill, stating:

"This is a bill that I voted 'no' on previously because I objected to the fact that it would have closed off all public access to index data at the Department of Health.

"With the wisdom of the Judiciary Chair and the House and Senate conferees, they have taken care of that problem, and I am very grateful for that, and I can support this wholeheartedly.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1571, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Final Reading by a vote of 45 ayes to 1 no, with Representative Halford voting no, and Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 125 and S.B. No. 1421, SD 2, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1421, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative P. Oshiro.

Representative Halford rose to speak against the bill, stating:

"This is the bill that allows the one-time borrowing from employees to pay for current expenses. I want to clarify that this is a borrowing and the deferment of payments. I am bringing this up because of what I hear in the halls and read in the papers that it is a savings, and to say that it is a savings is really a spin. It is, in fact, a borrowing or a deferment.

"I object to the fact that we would do a borrowing to pay for current expenses rather than to pay down our debt. This is just increasing our debt.

"Also, I am concerned that the stated purpose that this is to correct the problems of a predicted payroll will not be achieved. I don't believe that the State today can achieve and perfectly correlate it after-the-fact payroll in five days. In the cases of many of the payroll periods, it will actually be given two days after the payroll period because of holidays or weekends or whatever. I find it disingenuous that we feel that we're going to rectify the problems of predicted payroll in such a short period of time.

"Thank you, Mr. Speaker."

Representative Kawanakoa then rose in opposition to the bill and asked that the comments of Representative Halford be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Tarnas submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I support this measure since this brings it into alignment with the private sector and makes our payroll system more accountable. But to be clear -- this should have been negotiated in collective bargaining."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1421, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYROLL PERIODS," passed Final Reading by a vote of 44 ayes to 2 noes, with Representatives Halford and Kawanakoa voting no, and Representatives Arakaki, Herkes, Morihara, Nakasone and Okamura being excused.

The Chair directed the Clerk to note that H.B. Nos. 1690, 1656, 1804 and S.B. Nos. 1618, 1943, 1919, 1571 and 1421 had passed Final Reading at 7:00 o'clock p.m.

**Conf. Com. Rep. No. 126 and S.B. No. 1632, SD 2, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1632, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 46 ayes, with Representatives Aiona, Arakaki, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 127 and S.B. No. 37, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 37, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Fox rose in support of the bill with reservations, stating:

"I just want to express concern about one outrageous thing that happened. That was that the Conference

Committee decided to designate an enterprise zone on Oahu. That's a process that's laid out in law to be done by counties. They nominate enterprise zones to the State, and the State awards them on the basis of the nomination from the county.

"This bill just went right in, designated a Waialua enterprise zone without going to the counties, and has upset the concerned councilmembers.

"Thank you, Mr. Speaker."

Representative Herkes then rose in support of the bill, stating:

"It did not happen in Conference Committee, it was in the original Senate draft."

Representative Fox, in response, stated:

"Mr. Speaker, I would like to thank Representative Herkes for pointing that out."

Representative Santiago then rose in support of the bill, stating:

"Just for further clarification. There have been extensive community meetings involving the councilmembers who have raised some of the concerns -- extensive meetings over the years on this issue.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 37, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Final Reading by a vote of 46 ayes, with Representatives Aiona, Arakaki, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 128 and S.B. No. 1891, SD 1, HD 2, CD 1:**

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

**Conf. Com. Rep. No. 129 and S.B. No. 58, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 58, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KINDERGARTENS," passed Final Reading by a vote of 46 ayes, with Representatives Aiona, Arakaki, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 130 and S.B. No. 1951, HD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.B. No. 1951, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 46 ayes, with Representatives Aiona, Arakaki, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 131 and S.B. No. 1581, SD 2, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1581, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"This voluntary response clean up bill is an example of your Committee on Energy and Environmental Protection's creative and innovative approaches to fostering partnerships with the private sector. To assist the State in cleaning up contaminated properties and promoting redevelopment of historic districts.

"This bill provides a 'win-win' solution for the economy and environment of Hawaii.

"This bill encourages the private sector to help the State to clean up contaminated sites and convert those properties back to productive use by providing prospective purchasers with a certainty of the degree of risk involved in such a clean up.

"By providing incentives and safeguards for lenders and prospective purchasers of contaminated sites, private parties are encouraged to clean up and develop properties that would otherwise lie dormant and polluted and result in economic waste. The State would then be forced, in many cases, to clean them up at taxpayer's expense.

"After the prospective purchaser cleans up the contaminated property, he or she would be given a letter of completion that provides a degree of structure and certainty to the process. This procedure provides clarity and protection, would make financing of the project possible, and would encourage private businesses to clean up and redevelop these sites.

"The voluntary response program allows developers to negotiate a clean up agreement with the Department of Health and pay for a private environmental consultant to supervise the clean up without any cost to the taxpayer.

"This bill would solve a major obstacle in the redevelopment of potential sites. The problem is that loans are needed to finance the redevelopment, but are often secured by the property being purchased. If the property is contaminated, the banks are not normally willing to lend money since they may be held liable in the event of foreclosure. This measure solves that problem and in so doing also makes Hawaii's law consistent with federal law.

"The bill is also a 'win-win' for the economy and the public because it will encourage the productive use of otherwise stagnant property and promote the construction industry. This bill also allows the revitalization and redevelopment of our older and historic business districts.

"Mr. Speaker, thank you for the opportunity to speak in favor of this important bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1581, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 46 ayes, with Representatives Aiona, Arakaki, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 132 and S.B. No. 1082, SD 1, HD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1082, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Garcia.



Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"The idea that anyone in our State disposes of their wastewater by injecting it back into the ground is something I find to be a breach of trust, a breach of the basic respect that we all should have for the 'aina' that sustains us.

"This is especially true today when we have the technology and the knowledge of how to properly treat wastewater and use it for alternative purposes.

"Water is our most precious resource. If I have any regret, it is that we have not given enough attention to the issue of water quality, which is something I fully intend to correct in the future.

"For the moment, this bill would help the DOH establish a resource base it needs to begin to address this problem. Like many other bills in from my Committee, it is an initial step that is necessary now to build the legacy of environmental protection for our children.

"A focus group at the Energy and Environmental Summit of 1993 explored the issue of adequate funding levels and determination of proper funding sources for environmental programs. Until now, nothing has become of the findings of the Summit. It is high time that we take a closer look at what we learned from that Summit to determine the best way to fund the State's water quality programs.

"In these times of falling State revenues, it is now imperative and appropriate to evaluate whether the assessment of fees on those industries and entities, whose activities trigger the need for government regulation, is a fair and equitable manner to raise sufficient funds to enforce environmental water quality laws effectively.

"This bill requires the Department of Health to evaluate the overall costs of running the water quality programs and determine the appropriate level of funding for our Water Quality programs.

"The DOH must also review, evaluate, and make recommendations on the current fee structure and recommend ways that user fees and other methods of funding could be used to finance and support the water quality programs.

"In these times of fiscal crisis, the State needs to continue its search to find ways to fairly and properly allocate the costs of regulation to those that require that regulation.

"Thank you, Mr. Speaker, for the opportunity to speak in favor of SB 1082."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1082, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 45 ayes to 1 no, with Representative McDermott voting no, and Representatives Aiona, Arakaki, Morihara, Nakasone and Okamura being excused.

**Conf. Com. Rep. No. 133 and H.B. No. 1640, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1640, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"This is a good bill in the sense that it is a deferral of tax for certain businesses that have been unduly hurt because of many items, but especially downsizing and things of that nature.

"The reservation I have is that this is only a deferral and not an excusal. I believe businesses such afflicted should have a tax excusal and not just a deferral, which they will have to make up at some time in the very near future. Thank you."

Representative Pendleton rose and stated:

"Mr. Speaker, I rise in support, but I do have a concern.

"Again, the purpose of this bill is to clarify provisions of the general excise tax for certain businesses to foster compliance with the law and deter abuse. Specifically, there is a tax relief provision and there is a deferral of the tax, and we are looking primarily at the businesses in depressed areas, whether that is due to the economy or due to some natural disaster, Mr. Speaker. I believe that it is important for us to pass measures which help out small businesses, especially when it comes to taxes.

"My concerns don't rise to the level of voting with reservations, but my concern has to do with the fact that: Is a tax postponement really going to help since tax revenues are generated? Is a tax postponement really going to help because these businesses are already in a bad situation so there may be no liability to defer? Some of these businesses are doing so badly, there isn't much of a tax liability in the first place. So, we're saying we're going to defer whatever taxes you might owe, but because we select businesses that are in economically depressed areas, they may not have much liability anyway, so we're saying you can defer something, but there is really nothing to defer.

"That's really my only concern, Mr. Speaker, and this was mentioned by individuals I've spoken with. Mike Yuen reported that Lowell Kalapa has stated this and there's a lot of concern that this looks good and might in fact be good, but there might not be any tax liability to defer."

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1640, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Final Reading by a vote of 44 ayes to 2 noes, with Representatives Fox and Ward voting no, and Representatives Aiona, Arakaki, Morihara, Nakasone and Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 1632, 37, 58, 1951, 1581, 1082 and H.B. No. 1640 had passed Final Reading at 7:06 o'clock p.m.

At 7:07 o'clock p.m., Representative Thielen asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:11 o'clock p.m.

**Conf. Com. Rep. No. 134 and H.B. No. 1646, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1646, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AN AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Final Reading by a vote of 46 ayes, with Representatives Hiraki, Nakasone, Okamura, Pendleton and Takumi being excused.

**Conf. Com. Rep. No. 135 and H.B. No. 1840, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1840, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Kawanakoa rose in support of the bill with reservations, stating:

"I was very encouraged by the fact that we were able to get \$12 million into the budget for an emergency appropriation for the Hawaii Health Systems Corporation. As we know, this will fund community hospitals on the neighbor islands and also on this island.

"My concern with this particular measure is simply that I hope that we will be able to fully fund their \$21 million request. I should note that this is one of the areas where, I guess, the public sector has looked to the private sector and is trying to otherwise 'massage' its current operations, have a plan to take the community hospitals out of the purview of the public sector, and hopefully, have them become self-sufficient. They were working in that manner, and I believe, that perhaps the \$12 million might slow them down in that effort. I am glad to see that it's up from \$8 million that was perhaps another position raised during Conference.

"At this time, I would like to note that this is a priority for me. I believe that government should be involved in health, public safety, welfare, and education. Certainly for the community hospitals, that helps to service people who are unable to perhaps provide or to secure medical assistance and care.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1840, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Final Reading by a vote of 46 ayes, with Representatives Hiraki, Nakasone, Okamura, Pendleton and Takumi being excused.

**Conf. Com. Rep. No. 136 and H.B. No. 1721, HD 2, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1721, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELIGIBILITY FOR PAYMENT PROGRAMS," passed Final Reading by a vote of 46 ayes, with Representatives Hiraki, Nakasone, Okamura, Pendleton and Takumi being excused.

**Conf. Com. Rep. No. 137 and H.B. No. 258, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the

Committee was adopted and H.B. No. 258, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Final Reading by a vote of 46 ayes, with Representatives Hiraki, Nakasone, Okamura, Pendleton and Takumi being excused.

**Conf. Com. Rep. No. 138 and H.B. No. 139, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 139, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"I want to express the thanks of the Republicans for the work that the Majority did, in both the House and Senate, to hammer out a 'high-three' bill that's truly a meaningful reform in response to what the people want, that takes care of present as well as future lawmakers.

"Thank you very much for a job well done."

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

"Mr. Speaker, this bill is no stranger to us. This is the liquor limitation bill for legislators -- you take three and you get high. In recent years, there has been a considerable amount of controversy and public pressure in regard to this issue, but, Mr. Speaker, pension reform is nothing new. It is an issue that has been around us since the 1970's.

"Enhanced retirement benefits were originally established to attract qualified individuals for civil service jobs. Although the Employees' Retirement System was established in 1925 to provide retirement, disability, and survivor benefits for government employees, it was not until 1951 that elected officials actually became eligible for retirement benefits. At that time the legislators earned \$1,500 for a two-year term. Even for the standard of living in 1951, this was not enough for the average person to live on.

"Legislative salaries have increased since 1951 and so has the complexity of the job. Your Conference Committee Report gives a good history of the legislative pension plan. But we must also recognize that these changing circumstances warrant a review of the current law.

"Mr. Speaker, we have reformed the 'high-three'. I need not delve into the amendments to the bill as contained in the House and Senate drafts. You all know them well. This bill addresses the need to change. It is fair and just. It recognizes the inequities that surround the 'high three' on appointed positions, and I commend all of you for your part in supporting this legislative pension reform. A deeper issue, it seems to me, is the lack of understanding of our roles and functions, by those who don't work directly with us and who don't get involved in the legislative process. Our performance on the job and the educating of the public are tied into the appropriateness of our pension plan. We must embark, as we have already done so, on an Operation TACO ('T' for trust, 'A' for accessibility, 'C' for confidence, and 'O' for openness). I couldn't think of any other acronym.

The Chair interrupted and said:

"Sounds pretty good. Will you please proceed."

Representative Yonamine continued, saying:

"In the years ahead we must reaffirm who we are and what we do as legislators. That we have, for example, two-year contracts, that we are evaluated every two years, and that it is a high risk job, hardly a secure career. That our hours are set around our constituents' days and hours, and that includes evenings, weekends, days and holidays throughout the year and not only during the session. Our lives are not our own anymore. It is a highly demanding and stressful job. We are involved in our communities in order to know where our constituents stand and what their concerns are. We make difficult decisions in the face of competing forces, fiercely partisan, and often subjective. Our solutions are complex and we cannot please everyone. We must meet with hundreds of individuals, professionals, organizations, corporations, special interest groups, and a great majority of these people are volunteers -- grassroots people -- and concerned citizens of all ages.

"Mr. Speaker, we do all of these things on Mondays. What else do we do the rest of the week? Just a joke there, folks. I'm not mentioning anything that you don't know about because you work long and hard and proceed with conscientious care in your decision making. The point is this, as a House, we are handpicked by our voters, but we are hardly elitist. We are indeed a special, unique group of professionals, and we should be proud of that. If the public and the people really know what we go through, they will understand that our benefits are hard earned and must match the responsibilities we bear. I repeat, our benefits must match the responsibilities we bear.

"I want to thank you, members, for your part in passing this legislative pension reform, and thank you, Mr. Speaker."

Representative Moses then rose in support of the bill, stating:

"I wish to adopt the comments of the former speaker, my dear friend and colleague -- the Labor and Public Employment Chair -- and then add a few brief remarks, Mr. Speaker." (The Chair "so ordered.")

"I do have some concern whenever a retirement system is changed with members earning credit in the system. However, I am very proud to be a member of this body today, when the people have spoken and we listened.

"Thank you."

Representative Ward then rose in strong support of the bill, stating:

"Mr. Speaker, I would like to commend and congratulate this body for passing the 'high-three'. I think as I go to the Neighborhood Board that started twenty minutes ago, I think we would all be very proud to tell the public that this is now behind us. Mr. Speaker, I put a footnote that the 'high three' reform was part of the House Republican emergency package and remember when we brought this down: twenty, nineteen, eighteen to one, it was a reminder that this, as well as both parties, have to get 'high three' out, and we are really happy that both parties in the Legislature have cooperated and this bill today has come to pass.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 139, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM," passed Final Reading by a

vote of 46 ayes, with Representatives Hiraki, Nakasone, Okamura, Pendleton and Takumi being excused.

**Conf. Com. Rep. No. 139 and H.B. No. 1838, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1838, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"The purpose of this bill is to authorize the Department of Health to promulgate rules to establish a lead paint hazard abatement program with the Department of Health (DOH).

"The intent of this measure is to authorize the DOH to establish, by rulemaking, a lead paint hazard abatement program. The intent of this measure is to protect the public, children in particular, from the adverse effects of lead exposure.

"Lead, one of the most serious environmental health problems affecting children, occur in dust and lead-based paint chips, and is extremely harmful if ingested or inhaled. Most cases of lead poisoning in Hawaii and elsewhere in the Nation can be traced to exposure to lead-based paint and lead-contaminated dust in the home and in areas where children frequent.

"The rulemaking would set up a program that utilizes specially trained and accredited persons to perform lead abatement activities in public and private residential dwelling and child-occupied facilities in the State.

"This bill authorizes the DOH to promulgate rules for a model State program with an accreditation plan for the training and certification of persons involved in lead abatement activities.

"The bill also would provide the DOH the authority to adopt rules for the inspection and enforcement of lead abatement procedures for compliance with proper work practice standards.

"The administration and implementation of the State lead program is accomplished through a State and federal cooperative agreement with the environmental protection agency. There is no financial implication to the State. The State lead program is 100% federally funded, with no requirement for matching funds.

"I urge all members to vote in support of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1838, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 46 ayes, with Representatives Hiraki, Nakasone, Okamura, Pendleton and Takumi being excused.

**Conf. Com. Rep. No. 140 and H.B. No. 122, HD 1, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 122, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"I would like to start by thanking the Health Chair, Representative Santiago, as well as Conference co-chair Representative Kawakami, and the Finance Chair, Representative Say, as well as our counterparts in the Senate, for this measure.

"This is a Majority Package bill and it provides an expression of our commitment to the young children of Hawaii. Although it is a Majority Package House bill, when it comes to children, no one person, party or organization has a monopoly on keeping their interest in mind. Indeed, Mr. Speaker, we all have an obligation as both policymakers and as dream makers to make good investments to assure a healthy and productive society, now and for the future. We now know that investments in young children, such as those provided in this bill, will yield the greatest returns.

"In fact, recent findings in the study of brain development of developing fetus', newborns, infants and young children, have provided hard evidence of the importance of prenatal, postnatal, early childhood education and parenting skills. The research findings also makes clear, the moral and social imperative for parents and policymakers alike to maximize investments in caring for our pregnant mom, the newborn infant (0-3) and the young child.

"According to a recent **TIME** magazine article, and I quote: 'The new insights into brain development are more than just interesting science. They have profound implications for parents and policymakers. In an age when mothers and fathers are increasingly pressed for time, the results coming out of the labs are likely to increase concerns about leaving very young children in the care of others. For the data underscores the importance of hands-on parenting of finding the time to cuddle a baby, talk with a toddler and provide infants with stimulating experiences. There is an urgent need, say child-development experts, for pre-school programs designed to boost the brain power of youngsters born into impoverished rural and inner-city households. Without such programs, they warn, the current drive to curtail welfare costs by pushing mothers with infants and toddlers into the workforce may well back fire.'

"For our young children, whether they be high risk, at risk, disabled, or come from the wealthiest and strongest of families, the investment in early intervention and quality care will bring dividends that we can be assured will be recognized long after we have left these hallowed chambers for greener pastures.

"On behalf of the children, parents, and families of Hawaii, I say 'thank you' to all of you for having faith.

"I close with this quote from Gabriela Mistral, a Nobel Prize winning poet from Chile: 'We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait, the child cannot. Right now is the time his bones are being formed, his blood is being made, and his senses are being developed. To him we cannot answer, "Tomorrow." His name is "Today".'

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 122, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," passed Final Reading by a vote of 46 ayes, with Representatives

Hiraki, Nakasone, Okamura, Pendleton and Takumi being excused.

The Chair directed the Clerk to note that H.B. Nos. 1646, 1840, 1721, 258, 139, 1838 and 122 had passed Final Reading at 7:24 o'clock p.m.

**Conf. Com. Rep. No. 141 and H.B. No. 167, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 167, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yamane submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I introduced HB 167, relating to Traumatic Brain Injury. Traumatic Brain Injury is caused by motor vehicle accidents, falls, assaults, sport and recreation accidents, and child abuse. It is a leading cause of death and disability.

"This bill is the first of its kind and will take care of a needy segment of our population who are often misdiagnosed. It will allow the latest technology to be applied so that they may be rehabilitated and become more productive citizens.

"Families are the first resource for brain injured people. This bill will help put programs in place to enable families to help the injured reintegrate into the community."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 167, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 142 and H.B. No. 1984, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1984, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"First of all, I would like to commend the chairs and members of both Health and Finance who have done so much in moving this bill out of their respective committees. I appreciate their commitment and hard work in addressing aggressively this major problem of our society.

"If I may say once again, Mr. Speaker, House Bill 1984 is a very important measure, one which would help teens who are dependent on drugs get treatment in a family-like setting or atmosphere.

"According to the Department of Education, there are currently 11,975 students statewide who need drug treatment. Current funding is available to treat only 1,200 students, but only at school facilities. The Bobby Benson Center and the Maui Youth and Family Center are the only residential facilities we have in the entire State of Hawaii with a total bed space availability of only 36. Because of the lack of funding, only 11 students are being placed in these residential facilities at the present time.

"Mr. Speaker, statistics show that most juvenile crimes are drug related. Yes, prevention is the key in addressing drug problems, and more and more measures or resources are now in place to try to deter our youngsters from getting involved in drugs. However, we cannot ignore the fact that so many of our students are seriously addicted to drugs and they desperately need our attention. To them, we have moral obligations. It is up to us to help these kids beat the habit so that they may become contributing members of our society. School-based treatment is good and can be effective, but for those who need around the clock treatment, residential facilities are a must. This bill is a must, Mr. Speaker, and I strongly urge each member of this honorable body to help me in this endeavor.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1984, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 143 and H.B. No. 1829, HD 3, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1829, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

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

"Mr. Speaker, this bill relates to Domestic Violence Prevention and Vital Statistics Improvement Special Funds. Specifically, Mr. Speaker, this bill creates special funds, and the moneys therein shall be reserved for 'use by the Department of Health for staff programs and grants or purchases of service consistent with chapter 42D that support or provide domestic violence intervention or prevention as authorized by law.'

"I am very, very pleased and proud today to be a part of this body and to be passing, or at least standing in support of this legislation. It's very humble legislation; it's not very controversial, but it's very important.

"Domestic violence, as we all know, is a serious problem. How often we forget about it after the headlines are old and the newspapers go on to report other things. But, Mr. Speaker, it's important for us to remember that every twelve seconds, a woman is battered, and that 20 percent of all murders in our country are related to domestic violence. Furthermore, in our own State, statistics from the Honolulu Police Department, Mr. Speaker, show that 39 percent of the homicides, which took place in 1993 and 1994 were domestic violence related. So this bill addresses a very pressing and a very important problem.

"We also need to remember, Mr. Speaker, that we are not just talking about adult spouses who are being beaten, we are also talking about children. Fifty percent of the time, there's both child abuse and domestic abuse in the same household. So, through the creation of these special funds or through the passage of this bill, we are directly attacking, or at least trying to take on this problem.

"Mr. Speaker, I really commend this body and the leadership in this body and throughout this Legislature for moving forward on this bill. As humble as it seems, it

does very, very important work. Who knows how many lives it might save.

"Mr. Speaker, in conclusion, in the Book of Luke, chapter 10, Jesus tells of the famous parable of the Good Samaritan. Oddly enough, his parable is in response to a question by a lawyer: How can I be saved, and what does it mean to be a neighbor? Jesus tells the story about a person who is beaten and, apparently, a couple of people see this person, but do nothing. You have a priest and then you have a Levite, learned and educated, who just walk by this beaten man, but you have a humble Samaritan who helps this person. I suppose one of the lessons from that is: Oftentimes, Mr. Speaker, injustices happen when people do nothing. So I am so proud today to see the Legislature not do nothing, but rather, do something -- something of this importance on this important issue.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1829, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," passed Final Reading by a vote of 44 ayes to 2 noes, with Representatives McDermott and Whalen voting no, and Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 144 and H.B. No. 1831, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1831, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 145 and H.B. No. 1843, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1843, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"This bill provides refinements to the way the State provides for water pollution control funds, and it mandates an education component in our environmental management policy.

"The purpose of this bill is to expand the financing potential of the Wastewater Pollution Control Revolving Fund, commonly known as the State Revolving Fund (SRF) to include the capability to leverage our existing funds through the sale of revenue bonds. Although the Department of Health already has the authority to issue bonds, this bill would coordinate the existing fund and the revenue bonds so that they will not exceed the constitutional debt ceiling.

"This bill would also clarify and simplify all of the existing SRF legislation.

"There is no attempt to do anything, but guarantee that the water pollution control efforts in our State are properly funded, that there is a measure of accountability

in the process, and that the Legislature receives an annual report on how these monies are expended.

"It has been a pleasure as the Chair of Energy and Environmental Protection Committee to have the opportunity to craft a mechanism for funding environmental protection well into the future.

"I have never felt that it is the Legislature's place to micromanage government. We are policy makers, and we give the experts the resources they need to meet the goals we've mandated.

"This bill is consistent with that philosophy.

"Mr. Speaker, I urge all House members to vote in support of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1843, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 146 and H.B. No. 1250, HD 3, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1250, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"This bill addresses the need for public oversight in safeguarding our environment in the area of pipeline safety for transmission of hazardous substances.

"It authorizes the Department of Health to coordinate the existing public/private voluntary Pipeline Safety Committee, and requires the State Emergency Response Commission to monitor pipeline safety in the State. All this, at no cost to the public.

"Mr. Speaker, after the Chevron oil spill into Pearl Harbor last year, I think we all had a heightened awareness of the environmental exposure and risk we face from poorly maintained pipelines, which carry millions of gallons of environmentally hazardous materials every day.

"This session, the need to address this issue by your Committee on Energy and Environmental Protection was clear. The solution, however, was not.

"Through public testimony what we learned was that the federal government already has comprehensive standards for pipeline operations, and that the major pipeline operators in our State were already on their way to coordinating safety efforts.

"Although the oil industry had taken an active lead in the past to self-regulate, your Committee noted lapses in the level of 'commitment' -- as in 1992 -- which jeopardized efforts to voluntarily coordinate pipeline safety.

"This measure provides the opportunity to place responsibility for coordinating pipeline safety efforts into an environmentally responsible State agency. It demonstrates our commitment to safe pipeline operations by requiring annual reports on the Committee's efforts

and accomplishments toward cooperative protection and technology sharing.

"This bill is a necessary first step to ensure pipeline safety. I strongly urge all my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1250, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 147 and H.B. No. 1701, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1701, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Moses offered the following amendment.

SECTION 1. House Bill No. 1701, HD 2, SD 2, CD 1, is amended by deleting page 14, lines 8 through 9 to read:

"[(2) Conveyed as an airport complex to the department of transportation;] and

[ (3) (2) Conveyed to the department of Hawaiian home lands."

Representative Moses moved that the amendment be adopted, seconded by Representative McDermott:

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

"As this body may be aware, in the past I have expressed my concerns concerning the airport at Barbers Point. However, I do believe in the reuse process and I believe that this bill, which is necessary for us to move forward, is flawed. The flaw occurs on page 14, Mr. Speaker. If you look at lines 3 through 9 of page 14, you will find that we define the Kalaeloa community development district, but we specifically exclude lands retained by the federal government, which naturally would be excluded. We exclude lands conveyed to the Department of Hawaiian Home Lands which is actually on line 10, which was discussed during the reuse process.

"However, by mistake, and this mistake is borne out by the administration also, that lines 8 and 9 exclude the conveyance of the airport complex to the local reuse authority -- the Kalaeloa Redevelopment Commission. I believe that flaw was an oversight, it was not intentional. However, it got through because the community, the State, and everybody else looking at this bill was concerned with the establishment and the balance of the Redevelopment Commission itself and just missed this portion.

"If you look throughout the bill, Mr. Speaker, it talks about the reuse plan and the local reuse authority will execute the reuse plan, and the reuse plan does include the airport. By excluding over 700 acres in the middle of Barbers Point, I feel that we maybe created a roadblock and we won't be able to move forward over this next year.

"So with that, Mr. Speaker, I urge my colleagues to support this amendment."



The motion to adopt the amendment was put by the Chair and failed to carry by voice vote. (Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga were excused.)

At 7:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:32 o'clock p.m.

Representative Moses rose in support of the bill with reservations, stating:

"It's called the Kalaeloa community development district, and I am very proud of the fact that I used the term 'Kalaeloa' about three years ago in referring to this area. In ancient times, this was the long point and I hope to keep my point very short, but there is a great amount of hesitation from the community based on past experiences with the reuse process.

"Under this bill, which I hope is not flawed, the Commission must report back next session to this body, and that is good. That is very good. This body should not be afraid to amend this bill if it doesn't work. We should be watching for things such as no real community involvement. We should be watching to make sure the job does get done, and we should be watching to see if amendments are made to the reuse plan 'willy-nilly'. I hope we will all be watching, and this body should not hesitate to amend this bill if necessary next session.

"With that, I urge passage of the bill, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1701, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 148 and H.B. No. 1591, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1591, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Herkes rose and requested a conflict ruling, saying that he serves on the Board at the Hawaii State Clearinghouse for Missing Children, and the Chair ruled "no conflict."

Representative Herkes then spoke in favor of the bill, stating:

"The Hawaii State Clearinghouse for Missing Children has done a very wonderful job with very limited resources. We have people like Sharon Martinez who had her children abducted by a non-custodial parent. The work that Ann Clark has done has been phenomenal.

"Hawaii, for years, has been the venue of choice for non-custodial parents to stow away their stolen children. It has also been the place of choice to steal children from. That is no longer true because of the work with the Hawaii State Clearinghouse. For an investment of \$86,000, this is a very, very worthwhile investment.

"I applaud the Legislature for bringing it to this State, and I hope we can have unanimous support for this bill.

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1591, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 167, 1984, 1829, 1831, 1843, 1250, 1701 and 1591 had passed Final Reading at 7:36 o'clock p.m.

**Conf. Com. Rep. No. 149 and H.B. No. 1688, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1688, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KING KAMEHAMEHA CELEBRATION COMMISSION," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 150 and H.B. No. 143, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 143, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 45 ayes to 1 no, with Representative Halford voting no, and Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 151 and H.B. No. 108, HD 2, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 108, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Thielen submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I am happy to see that we are taking steps to insure that our constituents are fully informed when dangerous offenders are released.

"The newspapers have carried several stories about pedophiles and sex offenders residing in our communities, including on the Windward side.

"Our constituents have a right to know when these released felons settle among them, so they can take measures to protect themselves and their children.

"Additionally, this is a much needed bill because receiving certain federal funding depends on passing such legislation, and in our tight fiscal situation we cannot afford to pass up federal funding for our programs.

"I also introduced a similar bill, and appreciate that the Chairs included the provisions for DNA testing from the bill in the legislation we have before us."

Representative Tom submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I rise to speak in support of HB108 CD1, relating to release of information about sex offenders.

"Mr. Speaker, this year the House of Representatives committed itself to addressing the concerns of the community when an incarcerated sex offender is released on parole or has served his full term and takes residence in our neighborhoods.

"Children are by far the most helpless and vulnerable members of our society and are the individuals most in need of our support and protection. With this in mind, last year President Clinton signed legislation popularly known as 'Megan's Law' requiring states to release relevant information that is necessary to protect the public. 'Megan's Law' is named after 7 year-old Megan Kanka of Hamilton, New Jersey, who was killed two years ago. Charged with the crime was a convicted sex offender who, unknown to the Kankas, lived across the street from the Kanka's home. This tragedy may have been averted had the Kankas known of the criminal history of their neighbor.

"Although our House members are aware that the privacy rights of those who have served their time and paid their debt to society are important, they are outweighed by the rights of parents to protect their children. As President Clinton stated when signing the federal measure into law, 'there is no greater right than a parent's right to raise a child in safety and love...Today, America circles the wagons around our children.' Likewise, we must ensure that Hawaii's children receive the protection and support of their government.

"HB108 CD1 assures compliance with the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program. Compliance is necessary to avoid loss of federal funds in the amount of approximately \$300,000 per year. This bill will also authorize the taking of blood and saliva samples from prisoners prior to release for the purpose of DNA analysis.

"Mr. Speaker, this legislation is an important part of our program to make our communities safe and to allow our citizens access to information so that they can act with appropriate caution to protect themselves and their children. I urge my colleagues to show their full support for this crucial bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 108, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 152 and H.B. No. 1613, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1613, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 153 and H.B. No. 1582, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1582, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 154 and H.B. No. 1188, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1188, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"I am immensely pleased to have sponsored this measure, and that this measure has made it this far that is should one again come before this body for our consideration. It could not have come at a more opportune time than the present.

"I would especially like to recognize the hard work involved in promoting this bill for the past two years by Mr. Calvin Beralas, without whose efforts this bill could not have become reality. He spent many hours of research and writing to explain the bill and advocate its benefits through many committee hearings in the legislative process with me. The Legislature owes a big aloha to dedicated citizens like Mr. Beralas who really care about our community and State, and are willing to get involved in the process.

"Many citizens across this State are appalled by the activities of crime that have rendered our communities powerless. Many have fallen prey to incidents of crime, paying dearly with either the loss of life, property, or both. In my district alone, many residents carry about their routines, living in fear, never knowing when a break-in or burglary will occur. We lock ourselves indoors for our streets are unsafe. We dare not step out after hours. We have become as prisoners in our own homes.

"Almost daily in the newscast, we learn of someone in our community who has become the victim of a cruel and tragic circumstance -- shot, beaten, robbed, and murdered. Someone's brother, someone's sister, someone's father or mother, someone's husband or wife, someone's daughter or son -- statistics in crime-related incidents have real faces. The count continues. Day after day, another precious life is taken from among us.

"Over the last few years, the surge in crime activities has notably become a rising concern for many citizens and law enforcement officials alike. Here in Hawaii, we bear one of the highest rates for property crime and motor vehicle theft. A January 1997 issue of the Crime Trend Series published by the State Department of the Attorney General points out that auto thefts in Honolulu have increased since 1991, and has doubled in number in three years since 1992. The same report states that Hawaii's auto theft rate exceeded the national rate in 1995. Equally frightening is the finding that domestic violence accounts for nearly 30% of all homicides reported in Hawaii, and that firearms were used in these incidents.

"The war against crime requires our constant efforts in order to stamp it out among our streets, our

neighborhoods, our parks and playgrounds, our schools and campuses, and our business districts. Our role then as leaders in our communities, and as lawmakers, is to make certain that our government provides for and secures the safety and well-being of our citizens. While we must provide for the protection of all citizens in this State, we must also take on the enormous task of dealing with the issues and problems associated with crime in Hawaii. We must look creatively to bring solutions to bear on those issues and problems. For if we prevail in this endeavor, we will make our neighborhoods and communities, and our island state, a much safer place for everyone.

"In light of State government fiscal restraints, House Bill No. 1188 allows us the opportunity to look creatively to address the most pressing crime issues that are plaguing our island state and allows us to move forward to: (1) encourage and foster networking and increase coordination among agencies of the law enforcement sector; (2) enhance, strengthen and streamline our crime-fighting and crime-prevention programs and efforts; (3) eliminate redundant and inefficient programs; (4) formulate and propose solutions to specific crime issues; and (5) to educate and inform the public on crime in Hawaii, its problems and its solutions.

"The bill calls for a one-day symposium and directs the utilization of existing in-state facilities, resources and expertise, and that participating agencies of the symposium front their own expenses of travel, logistical support, and the like. It also provides for establishing a volunteer crime consortium, which is to conduct certain activities, such as to formulate a statewide strategy to combat various areas of crime; to identify and prioritize various crime issues and problems; to recommend proposals and courses of action for each crime area identified; and to follow through with the findings of the symposium and put forth policy proposals in addressing the specifics of crime in Hawaii.

"The symposium bill does not require any State appropriation or State funding. Rather, it directs departmental agencies to access forfeiture funds and to utilize other resources to support their participation. In effect, the Symposium provides a much-needed forum today with no additional costs to taxpayers of this State.

"Furthermore, the ambition behind the symposium idea is to promote vital information sharing among the various sectors of the law enforcement and crime-prevention communities; to identify key resources in the community; and to promote a coalition in the hopes of building a united crime-fighting front. The conventional wisdom and genius undergirding the Symposium bill points this out. When existing resources are utilized, and inefficient programs are streamlined, our efforts to effectively address crime translates into real solutions to the problems and issues of crime, and produces a united crime fighting front with dramatic savings to the State.

"Mr. Speaker, House Bill No. 1188 marks a step forward in the investment toward safer streets, safer neighborhoods, safer schools, playgrounds, and safer communities. In essence, we make an investment towards making Hawaii a much safer place for all. House Bill No. 1188 holds forth the promise and hope that if we build a united front and coalition in the fight against crime, we secure the well-being of all citizens across this State, for this generation and the next.

"Respectfully, I urge all House members to vote in the affirmative for this measure.

"Thank you, Mr. Speaker, for allowing me to speak favorably on this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1188, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A SYMPOSIUM ON CRIME IN HAWAII," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 155 and H.B. No. 140, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 140, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Thielen submitted the following comments in support of the measure to be inserted into the Journal:

"The bill has improved since our last visit. An advisory opinion may be rendered in 90 days instead of in the previously objected to 30 days time frame. Fundraisers (\$25 or over) are capped at two instead of previous limitless fundraisers.

"Campaign loans: contributions are capped at \$2,000, and under this bill, loans are capped at \$10,000. This bill requires loans to be paid back in 1 year, and if not, requires all contributions received to go toward a repayment. The bill appropriately differentiates loans from self and family, and continues caps in other sections of law, which apply to these personal and family loans.

"I would have preferred to follow FEC regulations: cap informal loans - not those from self and family - at contribution ceilings; make them due on Election Day, or they become a contribution. Require all other loans to be through recognized lending institutions. Enact regulations regarding reporting of repayment by candidate, and disallow repayment by co-signer except up to contribution limit.

Representative Tom submitted the following comments in support of the measure to be inserted into the Journal:

"With the enactment of this measure, we have continued the work we started several years ago in passing comprehensive campaign spending reform. Then, we cut in half the amount a Representative could receive from \$4,000 to \$2,000.

"Today we continue the pledge to restore public trust in campaign funding and the political process. Today we close an egregious loophole, which funneled hundreds of thousands of dollars to insensitive and unaccountable politicians.

"With this measure, loans for any race are limited to \$10,000 and a one-year repayment provision is provided for. If the loan is not repaid within one year, the candidate is prohibited from accepting any other loans and any new contributions or surplus can only be used to repay the outstanding loan.

"This bill adopts the approach of the House position and strikes the appropriate balance between the need to allow legitimate loans especially for new-comers and the necessity to curb illegal campaign contributions which were disguised as loans.

"I have been criticized for wanting to retain this balance...sometimes unfairly I believe. But, my record over the past few years is proof that I have fought for tough campaign spending reform which encourages new

candidates to run for office while prohibiting the unconscionable abuses which have tainted the political process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 140, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 46 ayes, with Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

**Conf. Com. Rep. No. 156 and H.B. No. 1393, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1393, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY," passed Final Reading by a vote of 44 ayes to 2 noes, with Representatives McDermott and Ward voting no, and Representatives Goodenow, Morihara, Okamura, Suzuki and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 1688, 143, 108, 1613, 1582, 1188, 140 and 1393 had passed Final Reading at 7:37 o'clock p.m.

**Conf. Com. Rep. No. 157 and H.B. No. 1539, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1539, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CORRECTIONAL FACILITIES," passed Final Reading by a vote of 47 ayes, with Representatives Chang, Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 158 and H.B. No. 1587, HD 1, SD 2, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1587, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," passed Final Reading by a vote of 47 ayes, with Representatives Chang, Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 159 and H.B. No. 472, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 472, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading by a vote of 47 ayes, with Representatives Chang, Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 163 and H.B. No. 2019, HD 1, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 2019, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"Our State law requires that the Office of Solid Waste Management periodically review, revise and update the Integrated Solid Waste Management Plan. However, the Plan was revised only one since its inception in 1991 due to resource limitations experienced by the Office of Solid Waste Management. Consequently, that Plan is now in dire need of revision and its update is long overdue.

"We need to keep in mind here that the Plan primarily serves as a document to guide our State and counties in developing management policies governing the disposal of solid waste materials. Its foundation led to the development of integrated solid waste management plans at the county level in 1992 and 1993. Also, the Plan is significant in that it accounts for new approaches and technologies in the disposal of solid wastes, as well as alternatives to such disposals.

"Updating the Plan suits the need to coordinate the county integrated solid waste management plans as part of the State's comprehensive overview of our present solid waste management situation. An updated Integrated Solid Waste Management Plan is indeed vital in our effort to address solid waste issues of statewide concern.

"Mr. Speaker, I submit to you that, as your chair of the Energy and Environmental Protection Committee, we have a solid waste management plan that is out of step with present needs. Clearly, the Plan is outdated.

"Our Director of Health, Lawrence Miike, once pointed out we need a revised Plan that 'assesses present recycling developments and industry growth and which reflects technological advances in recycling and solid waste management...to guide (our) environmental and economic decision making.'

"Mr. Speaker, I affirm that updating and revising the existing Integrated Solid Waste Management Plan will enable our State and counties to reduce economic and environmental costs through recycling and waste minimization. Updating and revising the Plan would be, in essence, a move to equip Hawaii with the capability it needs in order to deal with and address effectively the various issues of solid waste management clear on into the 21st century.

"Respectfully, I ask for a full support by the House on this measure.

"Thank you, Mr. Speaker, for allowing me the opportunity to comment on this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2019, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 47 ayes, with Representatives Chang, Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 164 and H.B. No. 1292, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1292, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Thielen rose and stated:

"Mr. Speaker, I am rising to speak in strong, vehement opposition to House Bill 1292, the endangered species bill.

"First, I would like to ask a procedural question. On page 24 of the bill, it states: 'There is established within

the State treasury a special fund to be known as the endangered species trust fund.'

"Now that, to me, seems to be apples and oranges. . .

At 7:47 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:48 o'clock p.m.

Representative Thielen continued, saying:

"Thank you, Mr. Speaker. I understand that it went through a legal check, so if that legal check erred, then the Governor will catch it in case the bill does pass. I'm hoping it won't pass.

"The bill is titled 'Endangered Species,' but it really should be called 'the taking bill.' 'Taking' is the legal term for allowing a kill of or harm to an endangered species. I am tremendously concerned about this bill. There are fundamental flaws in it, and it outweighs any benefits that we might find in the bill itself.

"On page 5, section 2(b), the Department is no longer allowed to disapprove a habitat conservation plan, mandating that all plans go before the Board of Land and Natural Resources, which provides the expertise to judge whether a plan is good or bad, makes the decision on endangered species and habitat conservation plans -- a political decision rather than a biological one. When we're speaking of endangered species, that's very dangerous. We don't want politics to enter in; we want those decisions to be made on sound biological information.

"On page 8, section 2(c), the Board lacks the expertise to determine whether or not a habitat conservation plan is environmentally beneficial, or is likely to jeopardize a species continued existence. You know, your planting a tree in your backyard, Mr. Speaker, could be environmentally beneficial. We need to have more concrete biological information.

"Section 2(d)(1), page 9. Landowners are allowed to breach the terms of a plan -- a habitat conservation plan -- with impunity, as long as the effect will not diminish the likelihood that the plan will achieve its goals. That's really a very waffling kind of statement. It's not clear enough who would make the determination? Is a violation of an HCP a violation of State law? It's very unclear in there.

"The safe harbor agreements found on page 10: The Board should only be considering plans that have passed the minimum biological threshold. The Board lacks the expertise to know what the standard environmentally beneficial means with regards to a plan's impact on endangered species.

"Then on page 12, we have a five-year requirement and I am wondering what is the biological background or basis for that five-year requirement. Then it goes on and on, including with the confidentiality. I find that extremely troubling. We have confidentiality provisions. When you take a look at it, that endangered species are part of the public trust. They aren't something to be dealt with behind closed doors by government and the private landowner. They are part of the public trust. Our responsibility here as legislators is also a responsibility to make sure that we do things in the open, and that we preserve these endangered species that are within our trust as legislators.

"Then I go on into administrative enforcement, and it's not possible to compromise on the need for court action. I'm not sure how many of you recall the old saying, or the comments from a case that was by the late Justice Douglas from the United States Supreme Court, where he ruled that trees have 'standing'. Trees have 'standing' to be heard within a court system. If we prevent the courts from intervening to protect endangered species, we are really going to be taking away one of our greatest safeguards of the species themselves.

"Then there's another question, and I don't know if any of you have considered that: What is this going to cost the State? Landowners aren't expecting to pick up the cost. An adequate habitat conservation plan could cost \$100,000. Is it the Department of Land and Natural Resources that's going to have to be involved in putting that together? If so, that's going to bankrupt the department, or at least some of its programs.

"The bill is so bad, Mr. Speaker, that I understand the Senate wisely recommitted it. I would like to question, if that is correct, why we are even dealing with this bill now, unless it's an effort to be in your face to the Senate and its Committee, and I would. . ."

At this point, Representative Meyer rose and yielded her time to Representative Thielen.

Representative Thielen thanked the Chair and continued, saying:

"If the Senate did recommit it, and I am certain that we can find that out within two or three minutes, probably it's already known here. Why are we as House members. . ."

The Chair interrupted and said:

"Will you please speak to the merits of the bill or the demerits of the bill."

Representative Thielen responded:

"I am, it's to the demerits of the bill, Mr. Speaker. The Senate saw the demerits and I understand recommitted it. I would like to ask why we would go ahead with this bill now. . ."

Chair: "You're out of order. You're out of order. It's the decision for the Speaker to make, whether it is going to be reconsideration of action, recommitted, but not for you at this moment. Your role is to speak on the demerits of the bill -- you're speaking against the bill. Please continue with that line of reasoning."

Representative Say rose on a point of order and stated:

"The Clerk has stated, for the record, that the measure has passed the Senate, so it has not been recommitted."

Representative Thielen: "It has not been recommitted on the Senate side? That is disappointing."

Chair: "Please proceed."

Representative Thielen continued, saying:

"That's very disappointing. I thought the Senate was going to. . ."

Chair: "Again Representative, will you please provide decorum for the members and provide some leadership here. You're part of leadership so I expect you to provide some decorum. . ."

Representative Thielen: "I'm trying to provide the leadership for the endangered species, too, Mr. Speaker."

Chair: "And also for the House of Representatives that you are a member of, and also a leader of the House. Will you please continue."

Representative Thielen continued, saying:

"Continuing on with my concerns, I am disappointed. I thought the bill would have been stopped over on the Senate side.

"The Hawaii Audubon Society has followed this bill through the process very carefully. A number of members of the environmental community have, too. As the bill finally emerged and more and more defects were found in the bill, the support of the environmental community eroded away. The Hawaii Audubon Society has clearly come out saying the bill should not pass.

"The Nature Conservancy wants the bill to pass, but they've got a different focus. Nature Conservancy has landowners that donate land to Nature Conservancy and they want habitat conservation. . .

The Chair interrupted:

"Representative, you're editorializing and getting beyond the contents of the bill."

Representative Thielen continued, saying:

"No, habitat conservation plans are throughout the bill, Mr. Speaker. That's what I've been talking about. Because of the support they receive -- their land donations from landowners -- they are working with the landowners to try to get the habitat conservation plans placed into law.

"You know, we are sitting here, we are going to be taking an action today that we will have to live with, and the species, many of them, will die with. I would really ask you to look within yourselves to say: do we want to be the people that weaken our endangered species law? I mean, that's basically what we're being asked to do today. It's really an unprecedented step. We are taking an action today to weaken the endangered species law. There's no other way to look at it. That's the only way you can look at this. So your vote in favor of this bill says that you're willing to erode away some of the protections that those in the '70s and those in the '80s fought so hard to put in place. We have some real leaders in our community that worked so hard to have an endangered species law that had some teeth in it. It has worked for years and years and years, and we now have some landowners coming in and saying they want a safe harbor, Mr. Speaker, and that's in the bill, these habitat conservation plans. The safe harbor is safe for the landowner; it is not safe for the species.

"I would ask you to consider this when you vote on it and, Mr. Speaker, I would like to also move to have the bill recommitted so it dies."

The motion was seconded by Representative Ward.

The Chair stated:

"On this here, there is no discussion on this item, unless it is to the technical matter of the recommitment. . .

Representative Thielen: "My discussion is only to the technical matter of the recommitment."

Chair: "You've made the motion. If someone will question your motion, then they can have it. You've already made the motion so someone else can question your recommitment, but not you."

The motion for recommitment was put to vote by the Chair and failed to carry.

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

"I would like to start off with a brief comment that, yes, we've had an endangered species bill that people have fought hard to raise the level of consciousness about our endangered species. But, Mr. Speaker, I submit before this body that we are not weakening the law. This vote tonight is a vote for life for these creatures.

"The current endangered species law that we have so valiantly referred to for the last twenty years is not working. Hawaii has had one of the most restrictive endangered species law in the nation; yet, as a result, our unique Hawaiian species have continued to become endangered and extinct at an alarming rate.

"Thus, your Committee on Energy and Environmental Protection worked toward finding a balance that would provide incentives to private landowners to voluntarily cooperate with the State to help preserve Hawaii's endangered species, and enable the State to protect these species.

"Nearly 75 percent of the extinctions in the United States are from Hawaii, and nearly 40 percent of the endangered plants and birds in the United States are Hawaiian species. Equally staggering is the fact that over two hundred additional Hawaiian species were listed as endangered by the federal government during the four-year period, from 1991 to 1995. Our law is not working.

"There are trees still living on our islands, which were once perched by now extinct Hawaiian birds. These trees stand empty today. There are only six Po'ouli birds left on the wild on Maui. These are the last six left in the world. There are none in captivity. There are approximately one hundred Hawaiian plant species, which are known only from the twenty or less individuals remaining in existence.

"I submit, Mr. Speaker, that we do something now, and this bill does it. The endangered species crisis is of such proportions that it cannot be addressed solely on public lands and by government alone. There is a critical shortage of habitats, which will severely impact the ability to release endangered birds into the wild this summer and fall, if not addressed tonight by this bill.

"Existing government habitats are insufficient and as we are all painfully aware, additional State funding to create more is very difficult and impossible this year. Of the approximately 50 percent of Hawaii's endangered species habitat, 50 percent is located on private property. We, as a community, and that includes private property owners as well as public, must all come together and work cooperatively to save our species from extinction.

"If we do not act decisively today, then our children -- my daughter -- and succeeding generations, unfortunately, will be learning about these endangered Hawaiian species only through archive pictures and articles in scientific journals because our unique species will have perished in this debate, as a result of our inability to take a cooperative step forward.

"Many private landowners in Hawaii want to help the plight of Hawaii's rare plants and animals. But they feel



they are unable to do so because of the specter of lawsuits and severe adverse impacts of property values and use, which may result from the presence of endangered species on their lands.

At this time, Representative Garcia rose and yielded his time.

Representative Yoshinaga thanked the Chair and continued, saying:

"Everywhere else in the nation, the state governments, the federal government, and private landowners may use habitat conservation plans, safe harbor agreements, and incidental take licenses to give endangered species access to habitat on private lands, while offering landowners protection from penalties and preserving economic use of their lands.

"House Bill 1292 opens the door to discussions with private landowners with our State participation to voluntarily recover and protect endangered species on their property. It signals a major public policy shift towards cooperation. It allows government and private landowners to join together in the spirit of aloha and kokua to preserve our endangered species by using environmentally beneficial habitat conservation plans and safe harbor agreements, coupled with incidental take licenses.

"Due to the time, I won't debate all the specific points, which I could do in terms of why the bill is not defective and provides protection and balance.

"However, given the endangered species crisis in Hawaii, House Bill 1292 goes beyond the existing mainland programs aimed at just maintaining and preserving habitat. Our bill is of a higher standard, aims at expanding endangered species habitat, and seeks net gains to increase the likelihood of recovery to the point where the species are no longer endangered.

"We are creating new opportunities for the survival of many endangered species that are not otherwise protected. By providing balanced incentives, property owners, environmentalists, government agencies in charge of endangered species enforcement, and, most importantly, the unique flora and fauna of Hawaii will have more protection. It is a concept of 'working together' that we are fostering.

"It is my hope that through helping these plants and animals, which cannot speak for themselves, our community and volunteers that helped your Committee, Mr. Speaker, on this bill, deserve a round of applause. Our community will be able to realize how precious these endangered species are, and in helping them by voting for this bill, we will also find ways to help the people of Hawaii.

"House Bill 1292 will not only help Hawaii's endangered species, it will help our community to create much-needed jobs, especially on the neighbor islands and rural Oahu. This legislation also strengthens Hawaii's endangered species law to chart a new course in forestry and educational eco-tourism for the people of Hawaii.

"I ask all of my colleagues to support this measure and hope that its passage will be the first of many steps forward to help preserve what is uniquely Hawaii for future generations. To echo a thought by U.S. Senator Daniel K. Inouye, 'let us all work together toward the day when the song of the l'iwi birds once again ring through the forests.'

"Thank you very much."

Representative Tarnas then rose in support of the bill, stating:

"This was a very difficult measure to put together because it required close working between environmental organizations, environmental planners, and with private landowners and their representatives.

"Historically, they have been adversarial, at best. Now, we are trying to forge an alliance, and that's always difficult to do. So, no doubt, there are some provisions in this measure that will need improvement in years to come, but I do believe it is a good first step forward.

"I have some other remarks I would like to insert into the Journal," and the Chair "so ordered."

Representative Tarnas' additional remarks are as follows:

"This is landmark legislation intended to enhance the recovery of endangered species. It is definitely not an effort to weaken the endangered species law. It is designed to allow activities to take endangered species if those activities are a part of a plan, when taken as a whole, to provide a net benefit to the endangered species.

"This measure is meant to allow economic uses, such as reforestation of former forest areas or former sugar lands, eco-tourism, or other environmentally beneficial activities.

"Mr. Speaker, there are many landowners in my own district that are interested in activities that will enhance endangered species as a whole, but may require taking some individuals of that species. However, they won't reforest an area in koa because they are not certain they could harvest these trees in thirty years when they are mature. If, for example, some endangered birds move into the new forest, the landowner may be prevented from cutting any trees. Under provisions of this bill, an agreement allowing for harvesting of these trees would be possible.

"The current situation does not support endangered species adequately. This measure is a good step in the right direction to provide a framework of incentives for the protection and enhancement of endangered species. No doubt there is still work to be done on this measure, but let us begin walking this path."

Representative Thielen then rose and stated:

"Mr. Speaker and members, incidental take licenses are licenses to kill. You have to know that. An incidental take license authorized by this bill is a license to kill. There's no net habitat game requirement when the landowner enters into a safe harbor agreement with the Board of Land and Natural Resources. So when a species is allowed to be taken -- killed -- the bill itself isn't saying that can only occur as long as there will be a net habitat game. The trade-off is not on the side of the species; the trade-off is on the side of the landowner.

"It's a bad bill. I'd hope enough of you would vote against it."

Representative Tarnas then rose and stated:

"I understand the concern of the previous speaker, but I must emphasize that this measure is definitely not an effort to weaken the endangered species law. Rather, it is designed to allow activities to take endangered species, if those activities are part of a plan that when taken as a whole provides a net benefit to the endangered species.

"What we are trying to do here is allow, for example, a landowner to reforest an area in koa. To have the assurance that in thirty years they would be able to harvest that koa, or a portion of that koa. As long as there is a net benefit to the endangered species. Right now, landowners in my district, for example, who would like to replant large areas into koa forest are reluctant to do so because they have no assurance at all that they will be able to harvest some of that koa.

"This bill provides the framework for establishing the agreements to allow them to move forward, as long as the plan, when taken as a whole, provides for a net benefit to the endangered species. So I do encourage us to take a step down this path -- no doubt we will have to improve it as we move along -- but it is time that we do move forward.

"Thank you, Mr. Speaker."

Representative Herkes then rose and requested a conflict ruling, saying that he works for a subsidiary of Bishop Estate, and the Chair ruled "no conflict."

Representative Herkes continued, saying:

"I worked on a land use plan for Keahole Ranch, a 60,000 acre facility, for a piece of property in Volcano which includes. . ."

The Chair interrupted and asked:

"You're speaking in favor of the bill?"

Representative Herkes answered:

"I'm speaking in favor. Which includes an alala hatchery, a facility -- thanks to Senator Inouye -- we have nene rehabilitation. . ."

Representative Thielen rose and asked:

"Mr. Speaker, is he speaking to the bill? It doesn't sound like it."

Representative Herkes continued, saying:

"I think it's a good bill. It has encouraged this landowner -- this landowner -- to have that alala hatching facility. It has encouraged this landowner to have nene rehabilitation. It has encouraged this landowner to plant over twelve million koa trees, and it made this landowner put extensive money into habitat preservation, much more extensive than our neighbor, which is the National Park Service.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. NO. 1292, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Thielen voting no, and Representatives Chang, Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 165 and H.B. No. 1837, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1837, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"This bill gives the Department of Health the flexibility it needs to fund emergency response activities. Specifically, this measure will enhance our ability to prepare for all environmental emergencies, not just oil spills.

"Mr. Speaker, we are aware that these are hard economic times. Extra money is a commodity as rare as a Maui silversword. Yet the State must be fully prepared to respond to hazardous incidents, and it has a duty to keep the public informed at all times. These dual needs demand flexibility and creativity.

"That's exactly what we're exercising here in HB 1837. We are simply following through on our commitment in 1993 to the Hawaii Emergency Planning and Community Right-to Know Act, by appropriately allocating emergency response funds and using them for local emergency planning committees in each district. As well as for important services which would not otherwise be funded.

"We are also directing the Department of Health to use environmental fees for environmental purposes - as well, they should be.

"Mr. Speaker, there is no controversy in this bill. There is nothing before us, but the opportunity to improve the environmental quality of our State by using our resources more creatively. In a manner, which responds to our communities' right to know, need to plan, and to be safe from hazardous material emergencies.

"Mr. Speaker, I urge all House members to vote in support of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1837, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 47 ayes, with Representatives Chang, Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 166 and H.B. No. 1243, HD 1, SD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and H.B. No. 1243, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Garcia.

Representative Moses offered the following amendment:

**SECTION 1.** H.B. No. 1243, HD 1, SD 1, CD 1 is amended by deleting sections 4 to 8.

**SECTION 2.** H.B. No. 1243, HD 1, SD 1, CD 1 is amended by renumbering section 9 to 12.

**SECTION 3.** H.B. No. 1243, HD 1, SD 1, CD 1 is amended by amending lines 21 to 22 on page 9 and lines 1 to 2 on page 10 to read:

**"SECTION 7.** This Act shall take effect upon its approval; provided that section 4 and 5 shall be effective July 1, 1997."

**SECTION 4.** A copy of the amended version of this bill is attached.

Representative Moses moved that the amendment be adopted, seconded by Representative McDermott.

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

"The report or the bill, as it stands now, does some very good things. It provides for a toxicologist and an air quality monitor, which is needed, necessary, and required. It also creates a task force, an advisory task force, within the Department of Health to conduct an assessment of the air quality at Campbell Industrial Park and the Kahe Valley area. It goes on to state that this task force will be made up of representatives from the community, from the Campbell Local Emergency Action Network Committee, a member of the Senate, and a member of the House.

"Mr. Speaker, the community has already done such. The Campbell Local Emergency Action Network Committee, the Neighborhood Board, the local senators and representatives are already involved in this very activity, in conjunction with Mr. Bruce Anderson and his folks from the Department of Health. Therefore, this is quite an unnecessary, redundant task force that would probably be conflicting with something we've been working for a number of years to get going.

"So with that, Mr. Speaker, the amendment that I offer simply removes the language that deals with this advisory task force while leaving in place the funding and the positions of the toxicologist and the air quality monitor."

Representative Yoshinaga then rose to speak against the amendment, stating:

"Having been working with the previous Chair of your Energy and Environmental Protection Committee, I beg to differ strongly with the previous speaker. What we need is a long-term plan for many of these issues dealing with our environment and community involvement.

"What this proposed floor amendment intends to do is basically undermine the whole partnering concept which your current Chair of Environmental Protection has tried to achieve. Every time that I hear someone here saying that something is unnecessary, we get back to the whole argument that, well, let's do nothing.

"What this bill does is partner with industry, communities. It provides for community notification that is long overdue, and has been strongly opposed by many members. Not just industry, but also misunderstanding members that really, I think, this is an important step that we need to take today for a long-term plan for the area.

"Thank you, Mr. Speaker."

Representative Moses, in rebuttal, stated:

"These misunderstanding members, along with the senators and the other representatives from the entire region, have been involved with this issue for many years, and especially the last two years.

"We finally have some procedures in place; we have a response coordinator funded through fines from emissions at Campbell Industrial Park. We are finally getting the procedures in place. I believe that this bill would do nothing, but sidetrack and derail what we worked so hard over hundreds of hours with all the community involved, the State involved, and the elected officials, both City and County involved, and I urge that the amendment be passed.

"Thank you, Mr. Speaker."

Representative Yoshinaga, in rebuttal, stated:

"What this bill does is to ensure that voluntary cooperation that the previous speaker spoke so eloquently about will continue. Another measure today demonstrates the need for a statute to ensure that community involvement will continue because without this type of reporting mechanism and statutory language, that type of insurance policy doesn't exist. This bill is a good measure in providing that assurance back to the communities, long-term.

"Thank you, Mr. Speaker."

The motion to adopt the amendment was put to vote by the Chair and failed to carry by voice vote. (Representatives Chang, Okamura, Pendleton and Whalen were excused.)

Representative Herkes rose to speak against the bill, stating:

"I don't know why geothermal is included in this. They are supposed to report air quality control ten to fifteen miles away. You've got a volcano that's putting out a hundred tons a week. We got to control that, too? It just seems totally inappropriate to include geothermal in this.

"Thank you, Mr. Speaker."

Representative Yoshinaga submitted the following comments in support of the measure to be inserted into the Journal:

"This bill is the most comprehensive legislation to address clean air since the State's Clean Air Act authorization more than five years ago. This bill provides resources for the Department of Health (DOH), mandates a study of air quality in Kapolei, and requires community notification from the DOH whenever unplanned dangerous emissions take place.

"Hawaii is a state blessed with perennial winds, which make our air quality the best in the nation. We have also come to have high expectations for maintaining a high level of environmental quality.

"To this end, we are sensitive whenever any nuisance odors or noxious emissions disrupt our communities.

"At the same time, we all recognize that our limited industrial base is a critical foundation of our State's future and economic stability. Hawaii is not a heavily industrialized state. It is, in fact, one of the least industrialized states in the country. The industry we do have is at the very core of our State infrastructure.

"We must have oil refineries, power plants, waste incinerators, chemical companies, cement plants, and bulk storage warehouses.

"Concentrating these industries at the most leeward point of Oahu was a long term planning configuration, and today Campbell Industrial Park is as important to our State as Waikiki Beach.

"It is, however, at the core of the tensions between its tenants and the residents of the second city of Kapolei. When the wind turns Kona, the new community in Leeward Oahu is beset with industrial odors and the fears that naturally accompany those odors.

"What we are proposing to do in this law is give the Department of Health the positions they need to determine if the emissions, blowing over Kapolei from Campbell

Industrial Park, are a legitimate threat to the health of the residents there.

"We are also proposing to mandate that the DOH conduct a study of air quality in that area - and we have given them the authority to fund that study from independent sources if necessary.

"Finally, we have addressed the problem of when and who should notify the residents of unplanned emissions that may or may not be dangerous to human health.

"This is the most comprehensive air quality bill that has been drafted in almost half a decade. It is an appropriate step to take now, before the second city grows any larger and before we make important decisions on the use and future of Barbers Point Naval Air Station.

"Mr. Speaker, I urge all my colleagues to vote for this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1243, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Final Reading by a vote of 44 ayes to 3 noes, with Representatives Ahu Isa, Herkes and Kahikina voting no, and Representatives Chang, Okamura, Pendleton and Whalen being excused.

The Chair directed the Clerk to note that H.B. Nos. 1539, 1587, 472, 2019, 1292, 1837 and 1243 had passed Third Reading at 8:12 o'clock p.m.

**Conf. Com. Rep. No. 168 and S.C.R. No. 171, SD 1, HD 1, CD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.C.R. No. 171, SD 1, HD 1, CD 1, be Finally adopted, seconded by Representative Garcia.

Representative Stegmaier rose to speak in support of the concurrent resolution, stating:

"We're asking the Legislative Auditor to do a management and financial audit of the library system. I'm looking forward to the results for the next legislative session."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 171, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII STATE LIBRARY SYSTEM," was Finally adopted with Representatives Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 169 and S.C.R. No. 182, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 182, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO REVIEW ITS POLICY FOR WORKING WITH HAWAII'S DEAF, HARD-OF-HEARING, AND DEAF-BLIND COMMUNITY," was Finally adopted with Representatives Okamura, Pendleton and Whalen being excused.

**Conf. Com. Rep. No. 170 and S.C.R. No. 270, SD 1, HD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 270, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF EDUCATION," was Finally adopted with Representatives Okamura, Pendleton and Whalen being excused.

At 8:13 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:14 o'clock p.m.

### SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Aiona, Okamura and Saiki were excused.)

### STANDING COMMITTEE REPORT

Representative Say, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1888) recommending that S.B. No. 1881, SD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1881, SD 1, pass Third Reading, seconded by Representative Garcia.

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

"First of all, I'd like to thank Chairman Say for passing this out of Finance. This was part of the Keiki Caucus. We know that our House bill had passed over first, but for some reason the Senate did not hear our House bill.

"I am very thankful for this measure being passed. The purpose is to create the Waianae Coast Community Benchmarking Pilot Project for further benchmarking efforts for developing the economy and improving the quality of life on the Waianae Coast, and I urge my members to support it.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1881, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Third Reading by a vote of 49 ayes, with Representatives Okamura and Saiki being excused.

The Chair directed the Clerk to note that S.B. No. 1881, had passed Third Reading at 8:15 o'clock p.m.

At 8:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:20 o'clock p.m.

### MATTERS DEFERRED TO THE END OF THE CALENDAR

**Conf. Com. Rep. No. 48 and H.B. No. 979, HD 2, SD 1, CD 1:**

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, Conf. Com. Rep. No. 48 and H.B. No. 979, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES AND TOBACCO TAX," were recommitted to the Committee on Conference with Representatives Ahu Isa, Goodenow, Halford, Kahikina, Okamura, Saiki and Say being excused.

**Conf. Com. Rep. No. 128 and S.B. No. 1891, SD 1, HD 2, CD 1:**

On motion by Representative Okamura, seconded by Representative M. Oshiro and carried, Conf. Com. Rep. No. 128 and S.B. No. 1891, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," were recommitted to the Committee on Conference with Representatives Ahu Isa, Goodenow, Kahikina, Okamura and Say being excused.

At 8:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:29 o'clock p.m.

**FINAL READING**

The following bills were taken from the Clerk's desk and the following actions taken:

**H.B. No. 1, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1, HD 1, and H.B. No. 1, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 133, HD 2, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 133, HD 2, and H.B. No. 133, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNICAL AND VOCATIONAL TRAINING," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 233, SD 1:**

Representative M. Oshiro moved that the House agree to the amendments proposed by the Senate to H.B. No. 233, and H.B. No. 233, SD 1, pass Final Reading, seconded by Representative Ward.

Representative Thielen rose and stated:

"I still come down on the side of Bambi with this one, Mr. Speaker. I am against arming hunters with pistols and revolvers, and so are the law enforcement people."

Representative Morita then rose and stated:

"On the same measure, I voice my 'no' again, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No 233, and H.B. No. 233, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Final Reading by a vote of 46 ayes

to 4 noes with Representatives Arakaki, Case, Morita and Thielen voting no, and Representative Okamura being excused.

**H.B. No. 728, HD 1, SD 1:**

Representative M. Oshiro moved that the House agree to the amendments proposed by the Senate to H.B. No. 728, HD 1 and H.B. No. 728, HD 1, SD 1, pass Final Reading, seconded by Representative M. Oshiro.

Representative Yamane submitted the following comments in support of the measure to be inserted into the Journal:

"Mr. Speaker, I would like to urge my colleagues in this legislative Body to join me and support the passage of HB 728, relating to the conveyance tax. This bill would allow for one to be able to establish an estate while eliminating the burden of having to pay a conveyance tax for the second time. As taxes are high enough in the State of Hawaii already, it is the intent of this bill to help relieve our citizens of yet another financial burden. At this time, I would humbly like to ask for the support of my fellow colleagues in support of this measure.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No 728, HD 1, and H.B. No. 728, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 777, HD 1, SD 2:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 777, HD 1, and H.B. No. 777, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 780, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 780, HD 1, and H.B. No. 780, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 793, HD 1, SD 2:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 793, HD 1, and H.B. No. 793, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 872, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 872, and H.B. No. 872, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EAST-WEST CENTER," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 912, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 912, HD 1, and H.B. No. 912, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1132, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1132, HD 1, and H.B. No. 1132, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RECODIFICATION OF THE EDUCATION STATUTES," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1216, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1216, HD 1, and H.B. No. 1216, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1300, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1300, HD 1, and H.B. No. 1300, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1388, HD 2, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1388, HD 2, and H.B. No. 1388, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Final Reading by a vote of 49 ayes to 1 no, with Representative McDermott voting no, and Representative Okamura being excused.

**H.B. No. 1410, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1410, HD 1, and H.B. No. 1410, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION RECORDS AND USES THEREOF," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1450, SD 1:**

Representative M. Oshiro moved that the House agree to the amendments proposed by the Senate to H.B. No. 1450, and H.B. No. 1450, SD 1, pass Final Reading, seconded by Representative Ward.

Representative Yamane submitted the following comments in support of the measure to be inserted into the Journal:

"In regards to HB 1450 SD 1, I have to report that I am against the measure. This bill calls for a complete facelift of section 412:9-304, 2 (B), Hawaii Revised Statutes. The present statute concurs that 'any prepayment penalty shall not be charged on a consumer loan that is a variable rate or open-end loan, on a precomputed loan on which interest is computed under section 412:9-301(1), or on loans which are not secured by real estate...'

"The proposed measure states that 'the prepayment penalty shall only be charged on a consumer loan that is a variable rate loan when the consumer loan is purchased by a company other than the financial services loan company, which originally made the consumer loan. Holding the consumer loan or repurchase of the consumer loan by the financial services loan company will render the prepayment penalty void.' These costs are already suppose to be in the rate being changed.

"In the existing statute, no prepayment penalty shall be charged on a consumer loan that is a variable rate or open-end loan, or on a precomputed loan in compliance with section 412:9-310(1). The proposed statute is aiming to fully change the present one, and at this time I am against it."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No 1450, and H.B. No. 1450, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives McDermott and Yamane voting no, and Representative Okamura being excused.

**H.B. No. 1485, HD 2, SD 2:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1485, HD 2, and H.B. No. 1485, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1510, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1510, and H.B. No. 1510, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1575, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1575, and H.B. No. 1575, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MILK," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1593, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1593, and H.B. No. 1593, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.



**H.B. No. 1641, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1641, and H.B. No. 1641, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1645, HD 1, SD 2:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1645, HD 1, and H.B. No. 1645, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMING TAX PROVISIONS TO THE UNIFORM LIMITED LIABILITY COMPANY ACT," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1648, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1648, and H.B. No. 1648, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REMITTANCES TO THE DEPARTMENT OF TAXATION," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1654, HD 1, SD 2:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1654, HD 1, and H.B. No. 1654, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SUPERVISION OF ACCOUNTS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1655, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1655, HD 1, and H.B. No. 1655, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1689, HD 1, SD 2:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1689, HD 1, and H.B. No. 1689, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXPENDITURE OF STATE FUNDS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1715, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1715, HD 1, and H.B. No. 1715, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARDS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1716, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1716, HD 1, and H.B. No. 1716, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF UNCLAIMED FINANCIAL ASSISTANCE BENEFITS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1724, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1724, HD 1, and H.B. No. 1724, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1818, HD 2, SD 2:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1818, HD 2, and H.B. No. 1818, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1842, HD 2, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1842, HD 2, and H.B. No. 1842, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY RESIDENTIAL TREATMENT SYSTEM," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1854, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1854, HD 1, and H.B. No. 1854, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND BONDS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1858, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1858, and H.B. No. 1858, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1864, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1864, HD 1, and H.B. No. 1864, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

**H.B. No. 1893, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the

amendments proposed by the Senate to H.B. No 1893, and H.B. No. 1893, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY BOARD APPOINTMENTS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 1900, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1900, HD 1, and H.B. No. 1900, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE LICENSING," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 1902, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1902, and H.B. No. 1902, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING HOME ADMINISTRATORS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 1904, HD 3, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1904, HD 3, and H.B. No. 1904, HD 3, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 2305, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 2305, and H.B. No. 2305, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FORGERY," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 2308, HD 2, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 2308, HD 2, and H.B. No. 2308, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

The Chair directed the Clerk to note that H.B. Nos. 1, 133, 233, 728, 777, 780, 793, 872, 912, 1132, 1216, 1300, 1388, 1410, 1450, 1485, 1510, 1575, 1593, 1641, 1645, 1648, 1654, 1655, 1689, 1715, 1716, 1724, 1818, 1842, 1854, 1858, 1864, 1893, 1900, 1902, 1904, 2305 and 2308 had passed Final Reading at 8:30 o'clock p.m.

### **SUSPENSION OF RULES**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representative Okamura was excused.)

### **RECONSIDERATION OF ACTION TAKEN**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House reconsidered its action taken on April 10, 1997, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 480, HD 2 (SD 1); 1086, HD 2 (SD 2); 1247 (SD 1); 1367 (SD 1); and 1695, HD 2 (SD 1).

At 8:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:34 o'clock p.m.

### **FINAL READING**

#### **H.B. No. 480, HD 2, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 480, HD 2, and H.B. No. 480, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 1086, HD 2, SD 2:**

Representative M. Oshiro moved that the House agree to the amendments proposed by the Senate to H.B. No. 1086, HD 2, and H.B. No. 1086, HD 2, SD 2, pass Final Reading, seconded by Representative Ward.

Representative Cachola submitted the following comments in support of the measure to be inserted into the Journal:-

"The federal government will soon begin its phase-out of entitlements, transferring much of the burden to the states. The program established in this bill would help provide job opportunities for welfare recipients and legal immigrants.

"This may not serve all of those affected, but at least some can receive help, particularly immigrants who have a farming background. In addition, this will help the State fulfill its constitutional mandate to preserve prime agricultural lands.

"This bill has no appropriation. In its first phase, it consists of a training and will use existing funds. Before the second phase begins, the Legislature will determine the funding level, if any, next session.

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

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No 1086, HD 2, and H.B. No. 1086, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WORK OPPORTUNITIES," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 1247, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No 1247, and H.B. No. 1247, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 1367, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1367, and H.B. No. 1367, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

#### **H.B. No. 1695, HD 2, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1695, HD 2, and H.B. No. 1695, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PERFORMANCE CONTRACTING FOR PUBLIC FACILITIES," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

At 8:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:38 o'clock p.m.

The Chair directed the Clerk to note that H.B. Nos. 480, 1086, 1247, 1367 and 1695 had passed Final Reading at 8:39 o'clock p.m.

At 8:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:41 o'clock p.m.

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

##### **H.C.R. No. 72, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 72, and H.C.R. No. 72, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE RURAL TRANSITION PLAN THAT PROMOTES NEW AND DIVERSIFIED AGRICULTURE AND INCREASES RURAL EMPLOYMENT AND DEVELOPMENT IN THE STATE," was Finally adopted, with Representative Okamura being excused.

##### **H.C.R. No. 119, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 119, HD 1, and H.C.R. No. 119, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO SUPPORT SENATOR JOHN MCCAIN'S FEDERAL LEGISLATION TO PROVIDE FOR THE MANAGEMENT OF THE AIRSPACE OVER UNITS OF THE NATIONAL PARK SYSTEM," was Finally adopted, with Representative Meyer voting no, and Representative Okamura being excused.

##### **H.C.R. No. 125, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward 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 DEPARTMENT OF HEALTH TO ESTABLISH A MENTAL HEALTH STATUTES TASK FORCE," was Finally adopted, with Representative Okamura being excused.

##### **H.C.R. No. 252, HD 1, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 252, HD 1, and H.C.R. No. 252, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RECRUITMENT OF THE 'AMERICA'S SMITHSONIAN' EXHIBITION TO HAWAII," was Finally adopted with Representative Okamura being excused.

At this time, the following Petition was received and was placed on file:

"Your Petitioners, members of the House of Representatives and of the Senate of the Nineteenth Legislature of the State of Hawaii, respectfully request an extension of one day beyond the sixtieth day of the Regular Session of 1997 of the Nineteenth Legislature of the State of Hawaii.

Signed on April 29, 1997 by the following:

Senators D. Ige, Baker, Slom, Ihara, Jr., Kawamoto, Chumbley, Kanno, Tanaka, Levin, Fukunaga, McCartney, Matsunaga, Tam, Bunda, Chun Oakland, Fernandes Salling, Aki, Iwase, Solomon, Taniguchi, Sakamoto, M. Ige.

Representatives Menor, P. Oshiro, M. Oshiro, Garcia, Yonamine, Nakasone, Lee, Say, Kawakami, Ito, Takai, Kanoho, White, Ahu Isa, Herkes, Cachola, Chang, Jones, Takumi, Morihara, Morita, Stegmaier, Yoshinaga, Goodenow, Takamine, Tarnas, Hamakawa, Saiki, Kahikina, Hiraki, Suzuki, Abinsay, Jr., Marumoto, McDermott, Tom, Ward, Halford, Aiona, Yamane, Meyer, Pendleton, Thielen, Case, Moses, Santiago, Arakaki, Whalen, Kawanakoa."

The following Proclamation was read by the Clerk and was placed on file:

#### **"PROCLAMATION**

We, Norman Mizuguchi, President of the Senate, and Joseph M. Souki, Speaker of the House of Representatives, of the Nineteenth Legislature of the State of Hawaii Pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled, do hereby extend the Regular Session of 1997 of the Nineteenth Legislature of the State of Hawaii for a period of One Day beyond the Sixtieth day of the 1997 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Norman Mizuguchi  
President of the Senate

/s/ Joseph M. Souki  
Speaker, House of Representatives"

#### **SENATE COMMUNICATION**

Sen. Com. No. 806, transmitting S.C.R. No. 279, entitled: "SENATE CONCURRENT RESOLUTION DECLARING APRIL 30, 1997, A RECESS DAY OF THE NINETEENTH LEGISLATURE OF THE STATE OF

HAWAII, REGULAR SESSION OF 1997," which was adopted by the Senate on April 29, 1997, was received and announced by the Clerk and was placed on file.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, S.C.R. No. 279 was adopted, with Representative Okamura being excused.

#### CONFERENCE COMMITTEE REPORT

Representatives Menor, Tom and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 100, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 171) recommending that H.B. No. 100, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 171 and H.B. No. 100, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on legislative Management, presented a report (Stand. Com. Rep. No. 1889) recommending that S.C.R. No. 166, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 166, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO UPDATE REPORT NO. 93-27, A REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR CONTRACEPTIVE SERVICES," was adopted with Representative Okamura being excused.

Representative Stegmaier, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1890) recommending that S.C.R. No. 78, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the report of the Committee was adopted and S.C.R. No. 78, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF ALL PUBLIC SCHOOL PARKING SITUATIONS," was referred to the Committee on Finance with Representative Okamura being excused.

#### ANNOUNCEMENTS

Representative Ahu Isa: "My colleagues and I in the back row want permission to celebrate Representative Ken Ito's birthday today by singing 'Happy Birthday' to him."

Chair: "I think we could use a little song after the hard day we had here. Will you please proceed with your song."

The members of the House then sang "Happy Birthday" to Representative Ken Ito.

Representative Halford was permitted a late introduction, and he introduced Mr. David Silva, "a dynamic individual, a friend, and employed by GTE."

Representative Ward: "There will be a Minority caucus one hour to our convening on Thursday, at which

I'm anticipating that it will be at 10:00, so 9:00 a.m., Minority caucus."

Representative Arakaki then rose and stated:

"Something else we're all going to need, especially after this session -- long-term care. We are going to have a task force, but actually we're going to get a jump-start on the task force. Your Human Services Committee is having a briefing on managed care long-term care on Thursday, May 1st, at 2:30 p.m. in Senate Conference Room 224, along with the Senate Human Services Committee."

The Chair then stated:

"You are all invited up to the Speaker's Office for a little snack before you go home. This is for both sides of the aisle, of course."

#### ADJOURNMENT

At 8:50 o'clock p.m., on motion by Representative M. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 10:00 o'clock a.m. on Thursday, May 1, 1997. (Representatives Okamura and Takumi were excused.)

## SIXTY-FIRST DAY

**Thursday, May 1, 1997**

The House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 10:23 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Kenny Goodenow, after which the Roll was called showing all members present with the exception of Representative Okamura, who was excused.

On motion by Representative M. Oshiro, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the House of Representatives of the Fifty-Ninth Day was subsequently approved, with Representative Okamura being excused.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 199 through 201) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 199, informing the House that on April 28, 1997, he signed the following bill into law:

Senate Bill No. 1631 as Act 77, entitled: "RELATING TO EARLY CHILDHOOD EDUCATION".

Gov. Msg. No. 200, informing the House that on April 29, 1997, he signed the following bills into law:

Senate Bill No. 228 as Act 78, entitled: "RELATING TO THE DEFINITION OF CHIROPRACTIC";

Senate Bill No. 1115 as Act 79, entitled: "RELATING TO THE RETURN OF MERCHANDISE";

Senate Bill No. 1118 as Act 80, entitled: "RELATING TO PEST CONTROL OPERATORS";

Senate Bill No. 1486 as Act 81, entitled: "RELATING TO INSURANCE RATE REGULATION";

Senate Bill No. 1495 as Act 82, entitled: "RELATING TO MOTOR VEHICLE LEASE DISCLOSURE";

Senate Bill No. 1499 as Act 83, entitled: "RELATING TO UNFAIR METHODS OF COMPETITION";

Senate Bill No. 1515 as Act 84, entitled: "RELATING TO PEST CONTROL OPERATORS";

Senate Bill No. 1516 as Act 85, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY LICENSING";

Senate Bill No. 1519 as Act 86, entitled: "RELATING TO PUBLIC ACCOUNTANCY";

Senate Bill No. 1521 as Act 87, entitled: "RELATING TO THE BOARD OF BARBERING AND COSMETOLOGY";

Senate Bill No. 1523 as Act 88, entitled: "RELATING TO REGULATION OF HEARING AID DEALERS AND FITTERS";

Senate Bill No. 1524 as Act 89, entitled: "RELATING TO DENTISTRY";

Senate Bill No. 1556 as Act 90, entitled: "RELATING TO HOMELESSNESS";

Senate Bill No. 1565 as Act 91, entitled: "RELATING TO GENETIC INFORMATION";

Senate Bill No. 1578 as Act 92, entitled: "RELATING TO GLASS RECYCLING";

Senate Bill No. 1715 as Act 93, entitled: "RELATING TO SECURED TRANSACTIONS";

Senate Bill No. 1814 as Act 94, entitled: "RELATING TO EMERGENCY TELEPHONE SERVICE"; and

House Bill No. 2239 as Act 95, entitled: "RELATING TO UTILITY LINES".

Gov. Msg. No. 201, transmitting copies of the following: Report to the Nineteenth Legislature, State of Hawaii, 1997, on the Activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and Use of the Environmental Response Revolving Fund (ERRF).

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 761 through 809) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 761, returning H.B. No. 248, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 762, returning H.B. No. 264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE WILCOX HEALTH SYSTEM," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 763, returning H.B. No. 787, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 764, returning H.B. No. 1036, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 765, returning H.B. No. 1104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 766, returning H.B. No. 1381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEAL COURT FEES," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 767, returning H.B. No. 1572, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 768, returning H.B. No. 1573, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 769, returning H.B. No. 1574, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 770, returning H.B. No. 1576, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 771, returning H.B. No. 1581, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AGRICULTURAL RESOURCE MANAGEMENT," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 772, returning H.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO VACATION ALLOWANCES," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 773, returning H.B. No. 1617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUGGESTION AWARDS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 774, returning H.B. No. 1620, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 775, returning H.B. No. 1631, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 776, returning H.B. No. 1634, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 777, returning H.B. No. 1643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO THE STATE BY ELECTRONIC FUNDS TRANSFER," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 778, returning H.B. No. 1658, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION PROGRAM," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 779, returning H.B. No. 1642, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC FILING OF TAX RETURNS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 780, returning H.B. No. 1659, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 781, returning H.B. No. 1662, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 782, returning H.B. No. 1687, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC FUNDS TRANSFERS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 783, returning H.B. No. 1696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 784, returning H.B. No. 1707, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF VETERANS' SERVICES," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 785, returning H.B. No. 1709, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 786, returning H.B. No. 1712, 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 29, 1997.

Sen. Com. No. 787, returning H.B. No. 1719, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT AND FOR THE BLIND SHOP REVOLVING AND HANDICRAFT FUND," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 788, returning H.B. No. 1746, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF THE KAHOLAWE ISLAND RESERVE COMMISSION," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 789, returning H.B. No. 1752, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 790, returning H.B. No. 1753, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 791, returning H.B. No. 1757, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 792, returning H.B. No. 1768, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 793, returning H.B. No. 1810, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 794, returning H.B. No. 1812, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 795, returning H.B. No. 1855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 796, returning H.B. No. 1869, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on April 29, 1997.



Sen. Com. No. 797, returning H.B. No. 1878, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 798, returning H.B. No. 1895, HD 2, entitled: "A BILL FOR AN ACT RELATING TO APPOINTMENT OF ADVISORY COMMITTEES FOR REGULATORY PROGRAMS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 799, returning H.B. No. 1896, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT OF PROFESSIONAL AND VOCATIONAL LICENSE FEES," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 800, returning H.B. No. 2016, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE UNIVERSITY OF HAWAII-HILO THEATRE REVOLVING FUND," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 801, returning H.B. No. 2110, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY EXEMPTIONS FROM REAL PROPERTY TAXES," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 802, returning H.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO COFFEE CERTIFICATION," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 803, returning H.B. No. 2238, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 804, returning H.B. No. 816, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 805, returning H.B. No. 1463, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 807, informing the House that the Senate reconsidered its action taken on April 10, 1997, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate Bills passed Final Reading in the Senate on April 29, 1997:

S.B. No. 147, SD 1, HD 1  
S.B. No. 538, SD 3, HD 1  
S.B. No. 623, SD 2, HD 1  
S.B. No. 843, SD 1, HD 2  
S.B. No. 938, SD 1, HD 1  
S.B. No. 1018, SD 1, HD 2  
S.B. No. 1264, SD 1, HD 1  
S.B. No. 1316, SD 2, HD 1  
S.B. No. 1628, SD 2, HD 2

Sen. Com. No. 808, informing the House that the Senate has reconsidered its action of April 10, 1997, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and said Senate Bills passed Final Reading in the Senate on April 29, 1997:

S.B. No. 26, HD 1, entitled: "RELATING TO PARENT AND GUARDIAN RESPONSIBILITY FOR MINOR";

S.B. No. 293, SD 1, HD 1, entitled: "RELATING TO THE PENAL CODE";

S.B. No. 1064, SD 1, HD 1, entitled: "RELATING TO BALLOT ACCESS FOR POLITICAL PARTIES"; and

S.B. No. 1464, SD 1, HD 1, entitled: "RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION".

Sen. Com. No. 809, informing the House that the following bills passed Final Reading in the Senate on April 29, 1997:

H.B. No. 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS";

H.B. No. 20, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING";

H.B. No. 65, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS";

H.B. No. 103, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS";

H.B. No. 106, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS";

H.B. No. 107, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES";

H.B. No. 108, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME";

H.B. No. 111, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT";

H.B. No. 113, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES";

H.B. No. 116, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR";

H.B. No. 117, SD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE";

H.B. No. 120, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE";

H.B. No. 122, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION";

H.B. No. 139, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM";

H.B. No. 140, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS";

H.B. No. 141, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE";

H.B. No. 143, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING";

H.B. No. 147, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE";

H.B. No. 167, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY";

H.B. No. 214, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KEAHOE AIRPORT";

H.B. No. 258, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER";

H.B. No. 350, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET";

H.B. No. 351, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT";

H.B. No. 417, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS PROGRAM";

H.B. No. 472, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS";

H.B. No. 581, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY";

H.B. No. 582, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMBAT";

H.B. No. 631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS";

H.B. No. 636, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY";

H.B. No. 931, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT";

H.B. No. 939, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES";

H.B. No. 979, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES AND TOBACCO TAX";

H.B. No. 1006, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS";

H.B. No. 1012, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE";

H.B. No. 1023, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE";

H.B. No. 1105, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH";

H.B. No. 1188, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A SYMPOSIUM ON CRIME IN HAWAII";

H.B. No. 1243, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION";

H.B. No. 1250, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE";

H.B. No. 1287, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE";

H.B. No. 1292, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

H.B. No. 1309, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME";

H.B. No. 1370, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FOREST RESERVES";

H.B. No. 1390, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY";

H.B. No. 1393, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY";

H.B. No. 1451, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY";

H.B. No. 1539, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CORRECTIONAL FACILITIES";

H.B. No. 1547, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS";

H.B. No. 1582, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

H.B. No. 1587, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION";

H.B. No. 1591, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN";

H.B. No. 1610, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF THE UNITED STATES";

H.B. No. 1613, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL";

H.B. No. 1638, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES";

H.B. No. 1640, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX";

H.B. No. 1646, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AN AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION";

H.B. No. 1656, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII";

H.B. No. 1657, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII";

H.B. No. 1660, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT";

H.B. No. 1664, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN GOVERNORS UNIVERSITY";

H.B. No. 1675, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS";

H.B. No. 1686, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT";

H.B. No. 1688, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KING KAMEHAMEHA CELEBRATION COMMISSION";

H.B. No. 1690, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION";

H.B. No. 1701, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION";

H.B. No. 1706, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND";

H.B. No. 1713, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

H.B. No. 1721, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELIGIBILITY FOR PAYMENT PROGRAMS";

H.B. No. 1731, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE PUBLIC LIBRARY SYSTEM";

H.B. No. 1732, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION";

H.B. No. 1745, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT";

H.B. No. 1771, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1774, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1775, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1776, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1777, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1778, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1781, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1792, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

H.B. No. 1796, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION";

H.B. No. 1798, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES";

H.B. No. 1804, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE";

H.B. No. 1819, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS";

H.B. No. 1829, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH";

H.B. No. 1831, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH";

H.B. No. 1836, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRINKING WATER";

H.B. No. 1837, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

H.B. No. 1838, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

H.B. No. 1840, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION";

H.B. No. 1841, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING";

H.B. No. 1843, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL";

H.B. No. 1857, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS";

H.B. No. 1863, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER AND BUSINESS EDUCATION";

H.B. No. 1894, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE ELEVATOR MECHANICS LICENSING BOARD";

H.B. No. 1899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE";

H.B. No. 1965, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARMFUL AQUATIC LIFE";

H.B. No. 1984, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE";

H.B. No. 2019, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

H.B. No. 2032, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES";

H.B. No. 2060, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

H.B. No. 2202, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES";

H.B. No. 2207, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST";

H.B. No. 2234, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII";

S.B. No. 5, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORSPORTS INSURANCE";

S.B. No. 37, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES";

S.B. No. 58, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KINDERGARTENS";

S.B. No. 130, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES";

S.B. No. 135, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY";

S.B. No. 138, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REIMBURSEMENTS OF MENTAL HEALTH AND SUBSTANCE ABUSE BENEFITS FOR ADVANCED PRACTICE REGISTERED NURSES";

S.B. No. 141, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASE-PURCHASE AGREEMENTS";

S.B. No. 152, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING";

S.B. No. 165, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DONATION OF PHARMACEUTICALS AND HEALTH CARE SUPPLIES";

S.B. No. 175, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

S.B. No. 208, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION";

S.B. No. 251, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION";

S.B. No. 252, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE";

S.B. No. 257, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM";

S.B. No. 373, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

S.B. No. 375, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT";

S.B. No. 377, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS";

S.B. No. 382, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING";

S.B. No. 426, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE";

S.B. No. 512, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS";

S.B. No. 633, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST OPERATIONS";

S.B. No. 647, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY";

S.B. No. 656, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS";

S.B. No. 717, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT EDUCATION FOR SEPARATING PARTIES";

S.B. No. 718, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-SENTENCE DIAGNOSIS AND REPORT";

S.B. No. 727, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

S.B. No. 817, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION";

S.B. No. 835, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIANS";

S.B. No. 846, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES";

S.B. No. 870, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PICKUP TRUCKS";

S.B. No. 927, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION";

S.B. No. 986, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS";

S.B. No. 989, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS";

S.B. No. 991, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY";

S.B. No. 1032, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS";

S.B. No. 1069, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE NOMINATION PAPERS";

S.B. No. 1082, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

S.B. No. 1114, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS";

S.B. No. 1160, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES";

S.B. No. 1191, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE";

S.B. No. 1197, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES";

S.B. No. 1266, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT";

S.B. No. 1267, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT";

S.B. No. 1268, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT";

S.B. No. 1421, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYROLL PERIODS";

S.B. No. 1487, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES";

S.B. No. 1522, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS";

S.B. No. 1535, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE";

S.B. No. 1554, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING";

S.B. No. 1571, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS";

S.B. No. 1581, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT";

S.B. No. 1588, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH";

S.B. No. 1589, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD DEATH REVIEW";

S.B. No. 1618, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSPORTATION IMPROVEMENT SPECIAL FUND";

S.B. No. 1619, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS";

S.B. No. 1621, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES";

S.B. No. 1624, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM";

S.B. No. 1632, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING";

S.B. No. 1683, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAIIAN LANGUAGE COLLEGE";

S.B. No. 1794, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SANITATION PERMITS";

S.B. No. 1879, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES";

S.B. No. 1901, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE";

S.B. No. 1919, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE";

S.B. No. 1943, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES"; and

S.B. No. 1951, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION".

At this time, the following introductions were made to the members of the House:

Representative White introduced a group of students from Waihee Elementary School on Maui. They were accompanied by their teachers: Jackie Mukai and Dottie Aganos; and parents: Pauline Akui, Mike Cummins, Tom Coronil, Faye DiCenzo, Calvin Pico, Lauralei Farrell, Lillian Apoa, Ann Taylor and Anita Ferraro.

The students then rendered an oli (song) to the members of the House.

Representative Kanoho introduced Mr. Wakinekona, "who has spent so much time and effort helping us to improve the legislative process."

Representative Hamakawa introduced Reverend Alan Murasaki of the Aiea Hongwanji Mission, and a good friend of his from Hilo.

## ORDER OF THE DAY

### SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative Garcia and carried, the rules were suspended for the purpose of considering a bill on Final Reading on the basis of a modified consent calendar, with

Representatives Nakasone, Okamura and Yonamine being excused.

### UNFINISHED BUSINESS

**Conf. Com. Rep. No. 171 and H.B. No. 100, HD 1, CD 1, CD 1:**

Representative Menor moved that the report of the Committee be adopted and H.B. No. 100, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Lee.

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

"Mr. Speaker and my fellow colleagues, as I stand before you today to speak in support of this measure, I feel as though I have finally come to the end of a long and oftentimes difficult journey. As you know, Mr. Speaker, I have been involved in efforts to reform our automobile insurance system as your lead chairman of the House Conference Committee for three years now. In this regard, I feel a sense of relief and gratitude that this day has finally become a reality.

I also would like you to know that after Friday's midnight deadline had passed and we still had no bill, I became even more determined to go back to the drawing board to produce a bill for several reasons. First of all, I recognized that automobile insurance reform was a top priority for my House colleagues and I wanted to fulfill a promise that I had made to all of you before this session began that your House conferees would deliver a motor vehicle insurance reform bill that we could pass to the Governor and that he would sign into law. Most importantly, both Senate and House conferees recognized that the people of the state of Hawaii expected and deserved action this session to make positive changes to our automobile insurance system. Mr. Speaker, I believe that the bill that we have before us achieves that goal.

"Mr. Speaker, House Bill 100, CD 1, represents a fair and balanced measure that will generate real savings for consumers. Moreover, those savings will be realized without shifting additional costs to employer-paid health plans. This auto insurance measure will also allow policyholders to purchase coverages at levels they can afford. Under this measure, policyholders will have more options in coverage choice, creating a policy that suits their individual needs.

"In addition to producing real savings for consumers, this bill insures adequate protection for those who are injured or incur damages in an automobile accident. Furthermore, this bill preserves fundamental consumer rights by insuring full protection for innocent drivers injured in accidents where a reckless driver is at fault.

"At this time, I would like to summarize some of the key provisions of House Bill 100, CD 1, that will substantially improve Hawaii's motor vehicle insurance system.

- (1) First and foremost, this bill includes a mandatory reduction in premiums of at least 20 percent to 35 percent on basic policies to take effect on January 1, 1998. As I will explain later, this rate reduction is actuarially supportable and defensible.
- (2) This bill also abolishes the current medical rehabilitative threshold and peer review process that have proven to be costly and cumbersome.

- (3) This bill will also eliminate frivolous claims and lawsuits by reducing all awards or settlements on a graduated level basis beginning at \$5,000 and leveling off at \$10,000. This provision is referred to as a covered loss deductible on page 3 of the bill. For example, if the court grants an award of \$10,000 to a driver who has incurred medical expenses of \$5,000, the claimant will receive \$5,000 (less the reduction). If a claimant incurs a larger amount of medical expenses, the amount of the reduction would also increase correspondingly. All suits with medical costs at \$10,000 or over will be subject to the maximum reduction of \$10,000. The graduated reduction will have less impact on those more seriously injured because they will receive more substantial judgments, making the reduction impact a lesser percentage of the overall award. It will also serve as a deterrent to the filing of lawsuits by those involved in less serious accidents. Because the reduction in the final judgment on a smaller claim will be a more substantial percentage of the award, persons who have minor claims will not want to take a case to court and incur attorney's fees and costs in the process.

- (4) This bill also places limits on alternative care that has proven to be a cost driver within the system.
- (5) Moreover, this bill would require bodily injury liability coverage of \$20,000 per person with a cap of \$40,000 per accident. Under present law, there is no such limitation on the amount of damages that an insurance carrier would have to potentially pay out for each accident.
- (6) In addition, this bill also requires property damage liability coverage of \$10,000 and provides for personal injury protection (PIP) benefits of \$10,000 for medical expenses. This medical coverage amount, which is the coverage limit that is required under present law, is sufficiently high enough to insure that additional medical costs will not be shifted to employer-paid health plans.
- (7) This bill also contains new optional coverages for wage loss benefits, death benefits, managed care arrangements, treatment by alternative care providers, co-payments for medical expenses to discourage unnecessary medical treatment and group insurance which allows consumers to buy coverages cheaper.
- (8) Furthermore, this bill gives the Commissioner the authority to reduce rates when insurance profits are excessive and to return the excess profits of the past few years to consumers.
- (9) This bill also creates a strong anti-insurance fraud law and a fraud unit for enforcement.

"Mr. Speaker, all of these provisions are aimed at addressing the cost drivers within the system while at the same time insuring that people who are injured in automobile accidents are adequately compensated.

"I recognize that there are a number of concerns about this bill and I would like to take the time to briefly respond to them. . .

At this point, Representative Garcia rose and yielded his time to Representative Menor.

Representative Menor thanked the Chair and continued, saying:



"First of all, certain representatives from the insurance industry are making last minute allegations that this bill may not generate savings for consumers. However, I would note that our State Actuary has performed an actuarial analysis of the provisions of this bill and has concluded that they will equate into real savings for the vast majority of consumers who purchase either basic or optional coverages. I would like to bring your attention and to enter into the House Journal two letters from Martin M. Simons, dated April 29, 1997, which confirm his pricing of this measure.

'April 29, 1997  
SUBJECT: H.B. 100, HD 1, SD 1, CD 1

I have reviewed the language in the captioned Bill which was faxed to me late in the evening on April 28, 1997 Hawaii time.

The provisions in this Bill will provide for savings in the premiums charged for basic insurance (ie, mandated coverages) of between 20 percent and 35 percent from the rates that were in effect on July 1, 1996.'

'April 29, 1997  
SUBJECT: Hawaii's New Automobile Insurance Law

Hawaii's new automobile insurance law gives Hawaii's drivers a greater choice in providing for their automobile insurance needs. This legislation continues to control the legal costs associated with minor injuries and eliminates the duplicate payment of claims that are already covered through other forms of insurance, thereby saving the Hawaii consumer millions of dollars in annual automobile insurance premiums while continuing to provide the much needed coverages associated with driving an automobile.

There are savings included in the new law for every purchaser of insurance in the State. The legislature has addressed those issues that have been the major contributors in driving up the cost of insurance in Hawaii. While automobile insurance rates will always be driven by the higher than average cost of products and services in the State, this law will provide for substantial reductions in the price of Hawaii's automobile insurance. Additional savings are available to those insurance buyers who elect not to purchase certain coverage that they decide they do not need. Hawaii insurance purchasers can expect to see savings of as much as twenty to thirty-five percent from last year's rates as the new rates and premiums are adjusted for the effects of this law. By deciding upon his or her own insurance needs, each citizen is in a position to determine the amount of coverage needed, and to directly impact upon his or her individual insurance cost savings.

In addition, the law provides for increased powers on the part of state officials in investigating and punishing those who are found guilty of fraud in association with virtually all parts of the insurance process. Activities that have provided costly delays in the automobile insurance process have been discontinued and the abilities of state officials to prevent costly excesses have been improved.

Automobile insurance legislation is a complex and intricate issue. Contributions to this much needed insurance reform have come from all sectors involved in the automobile insurance process including consumers, medical providers, insurers and public officials.'

"I believe that it is important for us to rely on the State Actuary's actuarial analysis instead of the insurance companies' analysis because it is the State Actuary and not the insurance companies who will be implementing the rate rollback and defending the rate rollback if challenged. If our State Actuary and the State Insurance

Commissioner have said that rates will be rolled back, then I think that we can be confident that they will be rolled back! I would also like to emphasize again that this bill does not merely rely on the goodwill of the insurance industry to achieve a reduction in rates. It contains a mandatory rate rollback that will help to insure that the vast majority of consumers will achieve savings.

"Moreover, it should be noted that the reason why we rely on the State Actuary is to obtain a neutral and objective analysis of data and actuarial assumptions offered by the insurance industry in the rate-making process to insure that the consumers' interests are being furthered. In addition, it should be pointed out that the rate rollbacks under the 1992 auto insurance reform bill proved to be illusory because the State Actuary was not involved in the pricing of that piece of legislation. That is not the case in regards to the measure that is before us. In the instant case, the State Actuary was not only involved in carefully analyzing the bill that is before you, but also he helped to draft the covered loss deductible provision that I described earlier that will reduce bodily injury awards and bring down litigation costs. In this regard, I would direct your attention to a letter from Martin M. Simons dated April 28, 1997 in which he explains the cost savings that will result from the implementation of the covered loss deductible. I would like to have this letter entered into the House Journal. Again, the State Actuary has concluded that the mandated rate reduction that is contained in this bill is actuarially supportable and defensible!

'April 28, 1997  
SUBJECT: Clarification of "covered loss deductible"

The covered loss deductible works in the following manner:

1) In cases where the damages associated with an automobile accident are less than \$5,000, the claimant is precluded from suing the negligent party in an automobile accident. This is necessary in order to keep the small claims out of litigation.

2) In cases where the claimant has incurred medical expenses of between \$5,000 and \$10,000, the result of the litigation will have subtracted from the award the amount of medical expenses incurred. This precludes the claimant from receiving funds for medical expenses for which is covered under his own policy. The deductible is an improvement over the current monetary threshold since it is deducted, and the litigation will not be viewed as a money making venture as it currently is under a threshold that is completely paid to the claimant once it is pierced.

Example: A claimant with \$7,200.00 of medical expenses that are covered by the PIP portion of an automobile insurance policy, who is successful in court and receives an award of \$9,000 (including \$7,200 for his medical expenses and \$1,800 for pain and suffering) will receive only \$1,800.

3) In cases where the claimant has incurred medical expenses of \$10,000 or more, any award obtained through any means of litigation will be reduced by \$10,000.

In the case where medical expenses exceed \$10,000, that amount will be subtracted from any award. Therefore, for all cases under the current monetary threshold that exceed \$13,900, the insurers' claim payment will be less than it is today by the amount of medical expenses incurred. Generally for larger cases, the reduction would equal \$10,000.

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There are several reasons why the covered loss deductible will save money over the current monetary threshold.

1) Due to the limitations imposed on chiropractic care, this coverage can no longer be used to reach the deductible. This has been a major cost driver under the monetary threshold.

2) Due to their exclusion from the mandated coverages, loss of wages cannot be used to reach or to offset the deductible as they can today under the monetary threshold.

3) Once the deductible is reached (at whatever level according to the items in the first part of this memo) the amount of the deductible is still deducted from any award unlike under the monetary threshold where, once reached, the amount of the threshold is collectible by the prevailing party in the litigation.'

"You should also be aware that the State Actuary raised serious concerns about the accuracy and validity of the pricing analysis that had been previously performed by several insurance companies for your House and Senate conferees. Therefore, we need to be very cautious about accepting the recent statements of insurance industry representatives about the impact of this bill. . .

At this point, Representative Kanoho rose and yielded his time to Representative Menor.

Representative Menor thanked the Chair and continued, saying:

"Another concern that has been expressed is that this bill will achieve cost savings only by reducing basic required coverages. I must respectfully disagree with that contention. I have already discussed the numerous provisions in this bill that will address the cost drivers and that when taken together will generate real savings for consumers according to the State Actuary.

"Questions have also been raised as to whether this bill will effectively address the problem of uninsured motorists. I believe that this bill will have a positive impact by making the cost of a basic policy significantly less expensive for people who are driving uninsured because they cannot afford the high cost of insurance. Moreover, this bill provides an amnesty opportunity for those who have been uninsured to buy insurance without penalty.

"Nevertheless, if these measures prove to be ineffective in reducing the number of people who drive uninsured, I would like you to know that I am open to considering other proposals next session to more effectively address the problem of uninsured motorists.

"Furthermore, one additional benefit of this bill that has not received much discussion is the fact that this measure could have a stimulative effect on our ailing economy. The savings that this bill will generate for consumers could pump millions of dollars into our economy.

"Finally, yesterday's edition of the Honolulu Advertiser reported that the groups that have been the most actively involved in lobbying on this issue -- the trial lawyers and insurance companies -- are not particularly pleased with this bill. For as long as I have been here in the Legislature, I have come to realize that sometimes the good bills that we pass out are the ones that satisfy none of the special interests because then you can be sure that the consumers have won out. By this measure, I believe

that the bill that we have before us is a good bill and worthy of your support!

"In closing, I would like to thank my co-chairs, Representative Tom and Representative Say, for the support that they gave me during the past three years as we tried to wrestle with this difficult issue. I would also like to thank the other House conferees -- Representative Yamane and Representative Whalen -- for their involvement and support. I am also grateful to the Senate conferees, especially Senator Rosalyn Baker and Senator David Ige, for their willingness to accommodate the concerns of the House and for their cooperation in getting a bill passed out this session. Finally, Mr. Speaker, I would especially like to thank you and this body for the trust and confidence that you placed in my leadership on this issue. If it were not for the backing that I received from many of my colleagues -- particularly you, Mr. Speaker -- it would not have been possible for me to produce the balanced and fair bill that we are now going to be voting on today. Again, I respectfully ask my colleagues to vote in favor of House Bill 100, CD 1.

"Thank you."

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

"Let me say first that I have the greatest respect for Chairman Menor. We served together in the Senate in 1988, and I have the greatest respect for his integrity, certainly for his intellectual capacity, and I know that this has been a very, very difficult water to navigate, to get a bill to us today, and I respect not only he, but all of the conferees for giving us this opportunity.

"Years ago, when I first got into politics, my political mentor said to me: 'When in doubt, vote no.' And that is my dilemma today, that I just have some lingering doubts about this bill. Mr. Speaker, I am not an insurance agent, nor am I schooled in the tort system. I am just somebody that tries to understand insurance.

"There are many things in the bill that I agree with. I certainly agree that the Insurance Commissioner should have the power to adjust rates. I agree with the managed care option; I agree with the preferred repair provider; I agree with the like kind and quality parts provision; and I certainly agree with the fraud provisions, and I especially agree with the amnesty provision. That will certainly help the people in my district. I regret that the hardship language that was in previous drafts has not been included in this bill.

"So what's the problem?"

"The bill calls for a rate reduction. It appears that a 10 percent reduction could have been achieved merely by giving the Commissioner the authority to set rates. We have heard about excessive profits in recent years by the insurance companies, or by offering incentives to insurance companies to reduce rates with the ability to restore rates when times change. So I think without the complexities of this bill, we could have achieved the 10 percent reduction just by giving the Commissioner the authority to set rates.

"Some of the rate saving comes from lower required coverage. I would certainly expect to pay less for a one-half pound of hamburger than I would for the full pound that we have been buying under existing law.

"I don't know if the required rate reduction is defensible. The lower mandated coverages benefit my district, there is no question about that, but I don't know if they benefit the majority of the residents in this state.

"The State Actuary told me about a month ago that under the House position at that time, that if I continued my same level of coverage, that my rates would be the same or more, and I would hope that the adjustments have been made in the bill since that time will change the Actuary's position on that.

"I think the real problem, Mr. Speaker, is that as a society in this state, we spend over \$600 million a year on auto insurance. That is a lot of money. When you have that much money in a pot, Mr. Speaker, it attracts all kinds of hungry bears. That part is designed to make those people, all citizens that have been in accidents, to make them whole. But when you have that much money at stake, people want to enrich themselves. And that ranges from a variety of people: the auto repair people, medical providers of all kinds, insurance companies, trial lawyers -- there is a broad variety of them that want to get into that honey pot to enrich themselves. And I am not sure that we have put up the barriers, the necessary barriers, to keep the hungry bears out of the pot and to make sure that pot is just for those people that have been in accidents are made whole.

"I have long taken the position that if we don't really fix auto insurance, that we should just repeal it. I am afraid that this may be a short-term fix, maybe it will appeal to the voters, perhaps we put a Band-Aid on the wound where a tourniquet is required, Mr. Speaker. I certainly hope, for the benefit of the people of the state, that I am wrong.

"Thank you."

Representative Ward then rose in support of the bill with reservations, stating:

"Mr. Speaker, we did the right thing, you did the right thing, Representative Menor did the right thing -- we didn't give up at midnight on Friday. I commend your leadership, and I see the media is trying to make a hero out of you as the one with the wherewithal in this session. Mr. Speaker, I hope it is true on this and other measures. But we didn't give up, we've been studying this measure for three years and we're finally saying: well, let's do something about it. We've got the bill before us. I have two concerns with the bill, however.

"What are the cost savings? Like, with anything that our government does through its bid process, or through what we do as a Legislature with the judicial and the executive as the counterbalance, when we get only one bid and put it on our payroll, I tend to think that: How can we know that these are exact numbers? I know on the final hour, we got something from State Farm that said, maybe it's only a 13 percent savings for basic coverage. The bill mandates 20 percent as a minimum.

"Mr. Speaker, I would always like to get a little bit more from the private sector and the public sector sees essentially what we have here and because of the time element, we didn't really do that, but that's a trade-off when leadership comes in and says, let's get the job done, because as the Chair of the Committee said, this has got to be a consumer-driven, cost savings bill, and as he noted, when you upset both the insurance industries and the trial lawyers, you've probably got a good bill.

"I polled some of my colleagues and we've got a lot of stuff from the insurance industries but my office and others have not received anything from the trial lawyers. So that's saying something indirectly about the bill. It shows the state of the art of lobbying on something that may be particularly on one side rather than the other.

"My second concern is this: Mr. Speaker, we are doing with this bill what we have done with all of our other insurance bills. We are lacking objective measures in really laying out the format for some legislation. What I am referring to is the loosey-goosey data we get on this issue. We don't require the insurance companies or the trial lawyers, or the medical profession to really itemize where all these costs are. And like in so many other pieces of legislation, it's kind of a loosey-goosey testimony, it's anecdotal, it's not sound data so, Mr. Speaker, I would hope we would have the Insurance Commissioner really give us the data, saying: This is exactly what we're saving, we're not giving a half a loaf of bread, or as my colleague said, a half a pound of hamburger. Here is the savings because of reduced deductions, here's the savings because of the lack of all these other measures and we can come in, hopefully, in a couple of years with quantifiable data from what the Chair said, and we can measure it, and we can say: Here is what needs to be changed. It is not through the power of lobbying but actual data, Mr. Speaker.

"So I commend again your leadership and the Chair and all of us for sticking to it after three years of equivocation on this, Mr. Speaker, but we have to be vigilant to even make it better.

"Thank you, Mr. Speaker."

Representative McDermott then rose in support of the bill with reservations, stating:

"Mr. Speaker, I appreciate the Chair's hard work on this measure, and we must do something. However, I believe that saying that we will save twenty or thirty-five percent on this is an empty promise to the people of Hawaii. I talked to an insurance company representative and it just doesn't pencil out.

"I am not a lawyer, Mr. Speaker, but I wish we would have passed a measure that would have gone after the ambulance chasers and the frivolous lawsuits with some more teeth than this one has.

"However, I am also for reform and we must change our current system, and I would like to cite my colleague, Representative Whalen. He signed the committee report BTN, which means 'better than nothing,' and that's the way I feel about this.

"Thank you."

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

"Mr. Speaker, this bill is a result of several years of debate regarding the reform of our automobile insurance system. The current system is one of the most costly in the nation, and one-third of the car owners and drivers do not carry insurance -- they simply cannot afford the premiums which, in many cases, are as much as their monthly rent.

"The House has worked very hard for reform -- especially our Chair of Consumer Protection, Representative Ron Menor. He has listened to all sides of the debate, tested various ideas, and made decisions based on fairness, affordability and practicality.

"Although this bill is a compromise, it incorporates some important principles which should guide us in our endeavors to assist Hawaii consumers:

- (1) Complete and comprehensive coverage is not always the best answer, or even feasible for all people.

- (2) Benefits must bear a direct relationship to contributions.
- (3) Government must set a minimum standard to protect the public interest.

"This bill satisfies those requirements. It will enable the average driver to choose the coverage he can afford, and ensures personal injury protection which is in the public interest.

"Mr. Speaker, as time goes by, we may have to explore some more fundamental changes as well, including a 24-hour system of health insurance and some way to eliminate the problem of uninsured drivers.

"Again, I would like to congratulate Representative Menor, and urge my colleagues to vote in favor of this bill.

"Thank you."

Representative Whalen then rose in support with reservations, stating:

"Mr. Speaker, I think we need to clarify something. Chairman Menor worked as hard as he could to bring out as good a bill as he could in auto insurance reform. A few years back, we passed out what pretty much amounted to a pure no-fault bill. The Governor vetoed it for various philosophical reasons and certain ones in the House didn't have the willpower to override the veto.

"Chair Menor now went to a tort-based system to try and solve our problems hopefully, so that the consumer wins out in the end. Either way, Mr. Speaker, we continue to have a hybrid of the two systems, and that is our problem. And that is my reservation here as well.

"Chair Menor tried to move towards a tort system, and it surprised me that he had some pretty good tort reform measures on the table we offered to the Senate which was refused. I think that, coupled with the original bill, would have been a serious step in the right direction, but as it is we now have what is again a mix between the two systems.

"My reservations are that we would be back again in a few years because we were neither hot nor cold, et cetera, and we continue to compromise and mix the two, and that is our problem.

"Thank you, Mr. Speaker."

Representative Marumoto then rose in support of the bill with reservations, stating:

"I am voting for this measure but I do have some doubts in my mind. I was open-minded on this entire subject. I really am hoping that this measure will bring down the cost of premiums. All the letters I have received in the past 24 hours, however, have been from the insurance industry in opposition to this measure.

"I would just like to bring out one point that the National Association of Independent Insurers sent to us. They said: 'House Bill 100, CD 1, falls far short of the automobile insurance reform that Hawaii consumers need. The major reason why Hawaii auto insurance premiums are the second highest in the nation is the cost of Hawaii's bodily injury claims. Hawaii's average payout for a bodily injury claim is the highest in the United States. Hawaii's average claim for an auto accident injury is more than \$12,000 greater than the state with the second highest average.

"The existing \$14,000 threshold for filing a lawsuit is unsatisfactory, but it at least keeps many suits for non-serious injuries out of the courts. This bill, H.B. 100, CD 1, would weaken the already weak threshold. Under the bill, even more non-serious injury claims would qualify for both no-fault recovery and lawsuit damages. The bill would cause claim pay-outs in Hawaii to be even more out of line with the payments made in every other state.

"That is a serious concern of mine, Mr. Speaker, and I am just concerned that we can anticipate perhaps more bodily injury claims and more lawsuits, and it is difficult to predict exactly how the covered loss deductible concept will work, but it could be that the claims may be padded to offset the effectiveness of the deductible.

"Thank you for allowing me to express this reservation."

Representative Moses then rose in support of the bill with reservations, stating:

"This bill does provide some very needed reforms, but perhaps not enough. Some people say it is better to take any action than no action at all. In some cases, that may be true. I only hope that, for the sake of the people of Hawaii, that the choices we make today will benefit them. I believe we're on the right track, but again I state that perhaps we are not going far enough.

"Thank you, Mr. Speaker."

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

"I just wanted to commend Chairs Menor, Tom and Say, and the House leadership for really the masterful job displayed in producing this bill for us to vote on this morning. To be sure, anytime you have such a major piece of legislation, it's inevitable that someone will find fault in your work.

"I believe, however, that this is a fair and balanced measure that will generate real savings. As the result of your work, the real winners will be the consumers of the state.

"Thank you."

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

"I do want to state, although I'm a lawyer, I don't do this kind of legal work. I really focus on land use issues, and I do not have experience in dealing with tort litigation.

"Mr. Speaker, the problem of uninsured drivers is directly tied to price. A number of the uninsured drivers -- I would estimate at least over half of those uninsured drivers, or maybe 5/6ths of the uninsured drivers -- would carry insurance if they could afford it.

"I believe the bill is designed in a way that it is going to bring the premiums down. One of the reasons I know that is because of the squeals of anguish from the insurance industry that have flooded our faxes, saying they see their profits going out the window. This means that the premiums will be brought down, that it will be in favor of the consumer. More of those consumers, who now drive uninsured, will be able to afford automobile insurance policies. For the few that decide they are not going to do that even though the rates have been brought

down, I appreciate Chairman Menor's commitment to look at that again in the next session.

"There are ways that we can deal with that, Mr. Speaker, whether it's by a very limited pay-at-the-pump, or by having the computer technology, which is in existence, where we can track those uninsured drivers for a very nominal price to put that software together. There are ways to do that. But I think, at this point, we can take solace in knowing that the insurance companies are unhappy. That should make the consumers happier. I have not heard any claims of delight from the trial lawyers. I think that they're just sitting there, thinking they're going to have to deal with this. So as the cartoon in the paper so aptly showed, neither of those parties are happy, and I think the consumers are going to be the ones that are going to have more money in their pockets.

"I'm very much in support -- on page 11 of the bill -- of the strong insurance fraud provisions. That's excellent. And not only does the bill have insurance fraud provisions, it ties to it the bodies, the support staff, that are going to be able to conduct those investigations. This is excellent; it's a very strong message that we will not put up with fraud. We will absolutely not put up with fraud, and to the extent that fraud has been a contributor to the high insurance premiums, we will be able to stamp it out.

"There's also another very good provision that was asked for by a number of people who are retired. They said: Why do we have to pay for wage loss benefits when we no longer are working? You now no longer will have to do that, and that's going to help those people have lower premiums.

"The bill has been very well thought out. It will probably need to be readdressed in the future session. I believe that we have the expertise sitting right here within our body to do that. I do say that the bill should pass today, and I urge everyone to support it.

"Thank you."

Representative Meyer then rose in support of the bill with strong reservations, stating:

"First of all, I would like to say I appreciate the hard work of the Chairman of CPC and all his conferees. I served for two years on that committee and I am very well acquainted with all the problems and the various issues that you are trying to balance and still come out with a bill that will provide real savings.

"I am skeptical of the 25- to 35 percent reduction in premiums that the bill proports to provide. While this bill has addressed some of the major cost drivers, it actually has increased the potential of allowing more accidents to enter the tort system because of lowering the threshold -- from \$13,900 to \$5,000.

"The savings this bill provides are due to a reduction in the mandated minimum coverage. As my colleague from Puna stated earlier, anyone would expect to pay less for half as much of a product that they are purchasing.

"I am concerned about the wage loss coverage benefit not being included. There are many people that have been paying for insurance for twenty years was included and there is truly a potential that they will not ask for that optional coverage, not realizing that it's not included and could find themselves in a very bad bind if they are involved in a serious accident.

"As to the letter from the State Actuary, the Chairman of CPC referred to it -- a letter dated April 28 -- I don't

have a copy of that. Our caucus was provided a letter dated April 29th, which is of a very general nature, has no detail, none of the figures are penciled out. I am somewhat skeptical of the work that was done there, as again my colleague from Puna stated earlier, the figures that the Actuary came up with on our original H.B. 100 which was not as generous as this bill, were very minimal, and I am somewhat perplexed now that we have raised the medical coverage from \$3,000 to \$10,000, that we are somehow coming up with more savings.

"But as many others on this floor have stated: we need some kind of reform and this will, no doubt, create lower premiums for the bare bones policy which hopefully will get more of the uninsured drivers to sign up when you want something, oftentimes you have to just take little steps towards the goal and for that reason, I will be voting yes but with reservations.

"Thank you."

Representative Halford rose in support of the bill with reservations, stating:

"First of all, I am impressed with the House and with the Chairman. I think what this body did and what the Committee did was excellent to bring to the table.

"If I could, beyond this, use the words of Representative Marumoto as my own," and the Chair "so ordered." (By reference only)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 100, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Herkes voting no, and Representative Okamura being excused.

The Chair directed the Clerk to note that H.B. No. 100 had passed Final Reading at 11:16 o'clock a.m.

At 11:17 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:23 o'clock a.m.

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 237 through 242) were announced by the Clerk and the following action taken:

H.R. No. 237, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO EXPEND SUCH SUMS TO COMPLETE THE WORK OF THE NINETEENTH LEGISLATURE, REGULAR SESSION OF 1997, INCLUDING THE CARRYING OUT OF ANY OFFICIAL LEGISLATIVE BUSINESS IN THE INTERIM BETWEEN THE 1997 AND 1998 SESSIONS," was jointly offered by Representatives Souki, P. Oshiro, M. Oshiro and Ward.

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, H.R. No. 237 was adopted, with Representatives Nakasone, Okamura and Yonamine being excused.

H.R. No. 238, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 61ST DAY," was



jointly offered by Representatives Souki, P. Oshiro, M. Oshiro and Ward.

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, H.R. No. 238 was adopted, with Representatives Nakasone, Okamura and Yonamine being excused.

H.R. No. 239, 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 1997," was jointly offered by Representatives Souki, P. Oshiro, M. Oshiro and Ward.

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, H.R. No. 239 was adopted, with Representatives Nakasone, Okamura and Yonamine being excused.

H.R. No. 240, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO DESIGNATE WHICH OF THE EMPLOYEES AND OFFICERS OF THE HOUSE BE GIVEN ADDITIONAL EMPLOYMENT TO MEET THE WORK AFTER THE SESSION AND IS FURTHER AUTHORIZED TO DETERMINE THE PERIOD OF EMPLOYMENT," was jointly offered by Representatives Souki, P. Oshiro, M. Oshiro and Ward.

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, H.R. No. 240 was adopted, with Representatives Nakasone, Okamura and Yonamine being excused.

H.R. No. 241, entitled: "HOUSE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1997 AND THE CONVENING OF THE REGULAR SESSION OF 1998," was offered by Representative Souki.

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, H.R. No. 241 was adopted, with Representatives Nakasone, Okamura and Yonamine being excused.

H.R. No. 242, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Souki and P. Oshiro.

On motion by Representative M. Oshiro, seconded by Representative Ward and carried, H.R. No. 242 was adopted, with Representatives Nakasone, Okamura and Yonamine being excused.

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. No. 810 and 815) were received by the Clerk and were placed on file:

Sen. Com. No. 810, informing the House that the Senate has adopted the following Senate Concurrent Resolutions on April 29, 1997:

S.C.R. No. 171, SD 1, HD 1, CD 1  
S.C.R. No. 182, SD 1, HD 1, CD 1  
S.C.R. No. 270, SD 1, HD 1, CD 1

Sen. Com. No. 811, informing the House that H.B. No. 100, HD 1, SD 1, CD 1, entitled: "RELATING TO

MOTOR VEHICLE INSURANCE," passed Final Reading in the Senate on May 1, 1997.

Sen. Com. No. 812, returning House Bill No. 1585, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," which passed Third Reading in the Senate on April 29, 1997.

Sen. Com. No. 813, returning House Concurrent Resolution No. 251, HD 1, which was adopted by the Senate on April 29, 1997.

Sen. Com. No. 814, returning House Concurrent Resolution No. 286, HD 1, which was adopted by the Senate on April 29, 1997.

Sen. Com. No. 815, returning House Concurrent Resolution No. 210 which was adopted by the Senate on April 29, 1997.

#### ANNOUNCEMENTS

Representative Kawanakoa rose and stated:

"As we close this session, Mr. Speaker, I would like to wish you, my colleagues, the House Clerk, the House Sergeant-at-Arms, and all of our staff, for the warm and sunny May Day. And I would encourage each of us to take this day, this Lei Day in Hawaii, take a little time out to relax, to rest, and hopefully, to be grateful for the simple things in life -- perhaps a child's laugh, flowers blossoming, Keakua's embrace.

"Mr. Speaker, members -- Happy May Day!"

Representative Kanoho then rose and stated:

"Mr. Speaker and members, yesterday during our recess day, what took place virtually unbeknownst to the world, an event of major significance. This event was absolutely necessary because after sixty days of legislative activity, after a certain athletic contest was held, after much debates on the floor of the House and Senate and debates across the conference table, it was still unresolved as to which house was the best. The event was a contest of great skill called the House/Senate Grand Slam of Golf. Out of the maximum possible sixteen points, Mr. Speaker, the winning team amassed twelve points. Mr. Speaker, I am very proud to announce that your team -- the House team -- whopped them, and whopped them real good, in winning eight of the head-to-head matches. We really did do that."

The Chair remarked:

"Thank you very much. There seems to be consistent movement in the House over the Senate."

Representative Arakaki was permitted a late introduction and he introduced Mr. James Baldwin, President of the Food Bank, and Ms. Pua Soares, Development Manager of the Food Bank.

Representative Arakaki continued, saying:

"Even though we came out on the short end of that one, Mr. Speaker, they are here to present to you a plaque that I want you to accept for all of us here to thank us for our efforts in the Foodbank Food Drive collections. And I would like to thank Representative Goodenow and Representative Pendleton also for their support and the Sergeant-at-Arms for collecting all of the food items. The Foodbank Food Drive was successful in collecting 251,000 pounds islandwide during the drive.



And for those who were not able to make a contribution and for those who would like to do more, this is just to remind you that hunger doesn't just occur during the Food Drive. In fact, the items that they have collected will be diminished very soon so the drive goes on throughout the year, and I encourage all of you to participate.

The second announcement is: your Keiki Caucus will be selling newspapers on Kid's Day, Tuesday, May 20th, at the corner of Punchbowl and Beretania. This is for all members who want to participate for the benefit of Parents and Children Together."

Representative Ward then rose and stated:

"On behalf of the Republican side of the House, we wish you and the Majority a successful and productive interim session, and we look forward to meeting you here next year -- a great marketplace of ideas."

The Chair thanked Representative Ward.

At 11:30 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:37 o'clock a.m.

Upon reconvening at 11:37 o'clock a.m., the Chair stated:

"The Chair just wants to thank all the members, the leadership on both sides of the aisle, the Chairs for doing a real great job. I can honestly say, for the most part, it was a bipartisan effort and we appreciate the Minority. In the beginning, they tried to mess around with the dates and the pins and, of course, the Democrats are going to do it anyway. But members, I believe we have our job. We met the goals that we set: We met the 'high-three', same-sex marriage, auto insurance reform -- it is my understanding that it was a very close vote on the other side -- but we made it, and a good crime package. We balanced our budget with a shortfall of over \$400 million without raising any substantial taxes, so I believe you can go home for the recess and feel good within yourself that all of you, collectively, contributed to a very good session.

"Thank you again, very much, for allowing me to be here and to lead you.

"Thank you very much."

#### ADJOURNMENT

Representative M. Oshiro moved that the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, adjourn Sine Die, seconded by Representative Thielen and carried. (Representatives Jones, Nakasone, Okamura, Pendleton and Yonamine were excused.)

At 11:40 o'clock a.m., the Speaker rapped his gavel and declared the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, adjourned Sine Die.

**GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE**

Gov. Msg. No. 201 transmitting copies of the following: Report to the Nineteenth Legislature, State of Hawaii, 1997, on the Activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and Use of the Environmental Response Revolving Fund (ERRF).

Gov. Msg. No. 202 informing the House that on May 2, 1997, he signed the following bills into law:

House Bill No. 1613 as Act 96, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL";

House Bill No. 1646 as Act 97, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR AN AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION";

House Bill No. 1719 as Act 98, entitled: "MAKING EMERGENCY APPROPRIATION FOR THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT AND FOR THE BLIND SHOP REVOLVING AND HANDICRAFT FUND"; and

House Bill No. 1840 as Act 99, entitled: "RELATING TO AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEM CORPORATION".

Gov. Msg. No. 203 transmitting copies of the following: Report to the Nineteenth Legislature, State of Hawaii, 1997, on SLH 1996, Act 287, Section 33, Requesting a Report from the Director of Health Detailing the Status of the Hawaii Ohana Project and the Progress of the Grant in Establishing a Community-Based Care Model for the Provision of Mental Health Services.

Gov. Msg. No. 204 informing the House that on May 7, 1997, he signed the following bill into law:

House Bill No. 1581 as Act 100, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR AGRICULTURAL RESOURCE MANAGEMENT".

Gov. Msg. No. 205 transmitting copies of the 1996 Annual Report prepared by the Convention Center Authority, pursuant to Section 352D-6(11), Hawaii Revised Statutes and Section 4 of Act 151, SLH 1991.

Gov. Msg. No. 206 transmitting copies of the 1996 Annual Report to the Governor on State Department of Defense, Hawaii National Guard, prepared by the Public Affairs Office, State of Hawaii, Department of Defense, pursuant to Section 373F-6, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 207 transmitting copies of the Hawaiian Islands Hazard Mitigation Report prepared by the U.S. Department of Energy, Office of Emergency Management for the State of Hawaii.

Gov. Msg. No. 208 transmitting copies of the report to the Nineteenth Legislature, State of Hawaii, on House Concurrent Resolution 206, HD 2, prepared by the Hawaii Housing Authority, State of Hawaii, Department of Human Services.

Gov. Msg. No. 209 informing the House that on June 2, 1997, he signed the following bills into law:

Senate Bill No. 377 as Act 101, entitled: "RELATING TO IMPAIRED DRIVERS";

House Bill No. 116 as Act 102, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR";

Senate Bill No. 991 as Act 103, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 20 as Act 104, entitled: "RELATING TO MOTOR VEHICLE DRIVER LICENSING";

Senate Bill No. 870 as Act 105, entitled: "RELATING TO PICKUP TRUCKS".

Gov. Msg. No. 210 informing the House that on June 4, 1997, he signed the following bill into law:

House Bill No. 417 as Act 106, entitled: "RELATING TO THE STATEWIDE TRAIL AND ACCESS PROGRAM".

Gov. Msg. No. 211 informing the House that on June 5, 1997, he signed the following bills into law:

Senate Bill No. 1951 as Act 107, entitled: "RELATING TO TAXATION";

Senate Bill No. 208 as Act 108, entitled: "RELATING TO TAXATION".

Gov. Msg. No. 212 transmitting copies of the Department of Transportation's Annual Report for the fiscal year ending June 30, 1996.

Gov. Msg. No. 213 informing the House that on June 5, 1997, he signed the following bills into law:

House Bill No. 1771 as Act 109, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1774 as Act 110, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1775 as Act 111, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1776 as Act 112, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1777 as Act 113, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1778 as Act 114, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1781 as Act 115, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS";

House Bill No. 1792 as Act 116, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS".

Gov. Msg. No. 214 informing the House that on June 9, 1997, he signed the following bill into law:

House Bill No. 1575 as Act 118, entitled: "RELATING TO MILK".

Gov. Msg. No. 215 informing the House that on June 11, 1997, he signed the following bill into law:

House Bill No. 1105 as Act 117, entitled: "RELATING TO DENTAL HEALTH".

Gov. Msg. No. 216 informing the House that on June 16, 1997, he signed the following bills into law:

House Bill No. 1 as Act 119, entitled: "RELATING TO MOTOR CARRIER SAFETY LAW";

House Bill No. 2 as Act 120, entitled: "RELATING TO MOTOR CARRIERS";

House Bill No. 65 as Act 121, entitled: "RELATING TO PAWNBROKERS";

House Bill No. 214 as Act 122, entitled: "RELATING TO KEAHOE AIRPORT";

House Bill No. 248 as Act 123, entitled: "RELATING TO HIGHER EDUCATION";

House Bill No. 258 as Act 124, entitled: "RELATING TO THE CONVENTION CENTER";

House Bill No. 264 as Act 125, entitled: "RELATING TO SPECIAL REVENUE BONDS FOR THE WILCOX SYSTEM";

House Bill No. 293 as Act 126, entitled: "RELATING TO PUPIL TRANSPORTATION";

House Bill No. 351 as Act 127, entitled: "RELATING TO ECONOMIC DEVELOPMENT";

House Bill No. 480 as Act 128, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 581 as Act 129, entitled: "RELATING TO TORT LIABILITY";

House Bill No. 582 as Act 130, entitled: "RELATING TO COMBAT";

House Bill No. 636 as Act 131, entitled: "RELATING TO REAL PROPERTY";

House Bill No. 777 as Act 132, entitled: "RELATING TO PLANNED COMMUNITY ASSOCIATIONS";

House Bill No. 780 as Act 133, entitled: "RELATING TO CONDOMINIUMS";

House Bill No. 787 as Act 134, entitled: "RELATING TO DEPOSITS OF PUBLIC FUNDS";

House Bill No. 793 as Act 135, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 816 as Act 136, entitled: "RELATING TO EMPLOYEES' RETIREMENT SYSTEMS";

House Bill No. 872 as Act 137, entitled: "RELATING TO THE EAST-WEST CENTER";

House Bill No. 912 as Act 138, entitled: "RELATING TO SERVICE OF PROCESS";

House Bill No. 931 as Act 139, entitled: "MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT";

House Bill No. 939 as Act 140, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES";

House Bill No. 1012 as Act 141, entitled: "RELATING TO SCHOOL DISCIPLINE";

House Bill No. 1023 as Act 142, entitled: "RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE";

House Bill No. 1036 as Act 143, entitled: "RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS";

House Bill No. 1132 as Act 144, entitled: "RELATING TO THE RECODIFICATION OF THE EDUCATION STATUTES";

House Bill No. 1188 as Act 145, entitled: "RELATING TO A SYMPOSIUM ON CRIME IN HAWAII";

House Bill No. 1243 as Act 146, entitled: "RELATING TO ENVIRONMENTAL PROTECTION";

House Bill No. 1247 as Act 147, entitled: "RELATING TO ENVIRONMENTAL PROTECTION";

House Bill No. 1250 as Act 148, entitled: "RELATING TO ENVIRONMENTAL RESPONSE";

House Bill No. 1300 as Act 149, entitled: "RELATING TO CRIME";

House Bill No. 1309 as Act 150, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 1367 as Act 151, entitled: "RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY";

House Bill No. 1381 as Act 152, entitled: "RELATING TO TAX APPEAL COURT FEES";

House Bill No. 1385 as Act 153, entitled: "RELATING TO MOTOR VEHICLE";

House Bill No. 1388 as Act 154, entitled: "RELATING TO TRAFFIC INFRACTIONS";

House Bill No. 1390 as Act 155, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 1395 as Act 156, entitled: "RELATING TO STATEWIDE TRAFFIC CODE";

House Bill No. 1410 as Act 157, entitled: "RELATING TO ELECTION RECORDS AND USES THEREOF";

House Bill No. 1450 as Act 158, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

House Bill No. 1485 as Act 159, entitled: "RELATING TO AQUACULTURE LOANS."

House Bill No. 1547 as Act 160, entitled: "RELATING TO SMALL BOAT HARBORS";

House Bill No. 1573 as Act 161, entitled: "RELATING TO AGRICULTURAL LOANS";

House Bill No. 1574 as Act 162, entitled: "RELATING TO AGRICULTURAL LOANS";

House Bill No. 1576 as Act 163, entitled: "RELATING TO MEASUREMENT STANDARDS";

House Bill No. 1582 as Act 164, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 1585 as Act 165, entitled: "RELATING TO CRIMINAL HISTORY RECORD INFORMATION";

House Bill No. 1587 as Act 166, entitled: "RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION";

House Bill No. 1593 as Act 167, entitled: "RELATING TO PUBLIC CONTRACTS";

House Bill No. 1610 as Act 168, entitled: "RELATING TO INDEMNIFICATION OF UNITED STATES";

House Bill No. 1615 as Act 169, entitled: "RELATING TO VACATION ALLOWANCES";

House Bill No. 1617 as Act 170, entitled: "RELATING TO SUGGESTION AWARDS";

House Bill No. 1619 as Act 171, entitled: "RELATING TO THE CREATION OF TRUSTS FOR THE DEFERRED";

House Bill No. 1620 as Act 172, entitled: "RELATING TO EMPLOYMENT SECURITY LAW";

House Bill No. 1631 as Act 173, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES";

House Bill No. 1634 as Act 174, entitled: "RELATING TO THE HAWAII PAROLING AUTHORITY";

House Bill No. 1638 as Act 175, entitled: "RELATING TO CORRECTIONAL INDUSTRIES";

House Bill No. 1642 as Act 176, entitled: "RELATING TO ELECTRONIC FILING OF TAX RETURNS";

House Bill No. 1643 as Act 177, entitled: "RELATING TO PAYMENTS TO THE STATE BY ELECTRONIC FUNDS TRANSFER";

House Bill No. 1645 as Act 178, entitled: "RELATING TO CONFORMING TAX PROVISIONS TO THE UNIFORM LIMITED LIABILITY COMPANY ACTS";

House Bill No. 1648 as Act 179, entitled: "RELATING TO REMITTANCES TO THE DEPARTMENT OF TAXATION";

House Bill No. 1654 as Act 180, entitled: "RELATING TO SUPERVISION OF ACCOUNTS";

House Bill No. 1655 as Act 181, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 1656 as Act 182, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 1657 as Act 183, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 1658 as Act 184, entitled: "RELATING TO DRIVERS EDUCATION PROGRAMS";

House Bill No. 1659 as Act 185, entitled: "RELATING TO RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII";

House Bill No. 1660 as Act 186, entitled: "RELATING TO PROCUREMENT";

House Bill No. 1662 as Act 187, entitled: "RELATING TO THE STATE AQUARIUM";

House Bill No. 1687 as Act 188, entitled: "RELATING TO ELECTRONIC FUNDS TRANSFERS";

House Bill No. 1688 as Act 189, entitled: "RELATING TO KING KAMEHAMEHA CELEBRATION COMMISSION";

House Bill No. 1689 as Act 190, entitled: "RELATING TO THE EXPENDITURE OF STATE FUNDS";

House Bill No. 1690 as Act 191, entitled: "RELATING TO REVENUE MAXIMIZATION";

House Bill No. 1695 as Act 192, entitled: "RELATING TO ENERGY PERFORMANCE CONTRACTING FOR PUBLIC FACILITIES";

House Bill No. 1696 as Act 193, entitled: "RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY";

House Bill No. 1706 as Act 194, entitled: "RELATING TO THE EMPLOYMENT AND TRAINING FUND";

House Bill No. 1709 as Act 195, entitled: "RELATING TO THE HAWAII TEACHER STANDARDS BOARD";

House Bill No. 1712 as Act 196, entitled: "RELATING TO HAWAIIAN HOMES COMMISSION ACTS 1920, AS AMENDED";

House Bill No. 1713 as Act 197, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACE, 1920, AS AMENDED";

House Bill No. 1715 as Act 198, entitled: "RELATING TO FRAUDULENT USE OF CREDIT CARDS";

House Bill No. 1716 as Act 199, entitled: "RELATING TO THE DISPOSITION OF UNCLAIMED FINANCIAL ASSISTANCE BENEFITS";

House Bill No. 1721 as Act 200, entitled: "RELATING TO ELIGIBILITY FOR PAYMENT PROGRAMS";

House Bill No. 1724 as Act 201, entitled: "RELATING TO MEDICAL ASSISTANCE";

House Bill No. 1731 as Act 202, entitled: "RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM";

House Bill No. 1732 as Act 203, entitled: "RELATING TO RECORDATION";

House Bill No. 1745 as Act 204, entitled: "RELATING TO BOATING ENFORCEMENT";

House Bill No. 1746 as Act 205, entitled: "RELATING TO DUTIES OF THE KAHŌ'OLAWĒ ISLAND RESERVE COMMISSION";

House Bill No. 1752 as Act 206, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1753 as Act 207, entitled: "RELATING TO HAWAIIAN HISTORIC PRESERVATION SPECIAL FUND";

House Bill No. 1757 as Act 208, entitled: "RELATING TO CONCESSIONS ON PUBLIC PROPERTY";

House Bill No. 1768 as Act 209, entitled: "RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS";

House Bill No. 1796 as Act 210, entitled: "RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION";

House Bill No. 1810 as Act 211, entitled: "RELATING TO THE EMPLOYEE RETIREMENT SYSTEM";

House Bill No. 1812 as Act 212, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 1814 as Act 213, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 1818 as Act 214, entitled: "RELATING TO PRESCRIPTION DRUGS";

House Bill No. 1819 as Act 215, entitled: "RELATING TO PRESCRIPTION DRUGS";

House Bill No. 1829 as Act 216, entitled: "RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH";

House Bill No. 1831 as Act 217, entitled: "RELATING TO THE DEPARTMENT OF HEALTH";

House Bill No. 1836 as Act 218, entitled: "RELATING TO DRINKING WATER";

House Bill No. 1838 as Act 219, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 1842 as Act 220, entitled: "RELATING TO THE COMMUNITY RESIDENTIAL TREATMENT SYSTEM";

House Bill No. 1843 as Act 221, entitled: "RELATING TO WATER POLLUTION CONTROL";

House Bill No. 1854 as Act 222, entitled: "RELATING TO THE HAWAII HURRICANE RELIEF FUND BONDS";

House Bill No. 1855 as Act 223, entitled: "RELATING TO THE COMPLIANCE RESOLUTION FUND";

House Bill No. 1858 as Act 224, entitled: "RELATING TO THE LIMITED LIABILITY COMPANIES";

House Bill No. 1863 as Act 225, entitled: "RELATING TO CONSUMER AND BUSINESS EDUCATION";

House Bill No. 1864 as Act 226, entitled: "RELATING TO ACUPUNCTURE PRACTITIONERS";

House Bill No. 1878 as Act 227, entitled: "RELATING TO PUBLIC ACCOUNTANCY".

Gov. Msg. No. 217 informing the House that on June 17, 1997, he signed the following bill into law:

House Bill No. 1664 as Act 228, entitled: "RELATING TO THE WESTERN GOVERNORS UNIVERSITY".

Gov. Msg. No. 218 informing the House that on June 17, 1997, he signed the following bills into law:

House Bill No. 1893 as Act 229, entitled: "RELATING TO PHYSICAL THERAPY BOARD APPOINTMENTS";

House Bill No. 1894 as Act 230, entitled: "RELATING TO THE MEMBERSHIP OF THE ELEVATOR MECHANICS LICENSING BOARD";

House Bill No. 1895 as Act 231, entitled: "RELATING TO APPOINTMENT OF ADVISORY COMMITTEES FOR REGULATORY PROGRAMS";

House Bill No. 1896 as Act 232, entitled: "RELATING TO THE DEPOSIT OF PROFESSIONAL AND VOCATIONAL LICENSE FEES";

House Bill No. 1899 as Act 233, entitled: "RELATING TO THE INSURANCE CODE";

House Bill No. 1900 as Act 234, entitled: "RELATING TO INSURANCE LICENSING";

House Bill No. 1902 as Act 235, entitled: "RELATING TO NURSING HOME ADMINISTRATORS";

House Bill No. 1904 as Act 236, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 1965 as Act 237, entitled: "RELATING TO HARMFUL AQUATIC LIFE";

House Bill No. 2016 as Act 238, entitled: "RELATING TO THE ESTABLISHMENT OF THE UNIVERSITY OF HAWAII-HILO THEATER REVOLVING FUND";

House Bill No. 2019 as Act 239, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 2060 as Act 240, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

House Bill No. 2110 as Act 241, entitled: "RELATING TO PUBLIC UTILITY EXEMPTIONS FROM REAL PROPERTY TAXES";

House Bill No. 2238 as Act 242, entitled: "RELATING TO STATE PARKS";

House Bill No. 2305 as Act 243, entitled: "RELATING TO FORGERY";

House Bill No. 2308 as Act 244, entitled: "RELATING TO PROBATE";

Senate Bill No. 5 as Act 245, entitled: "RELATING TO MOTORSPORTS INSURANCE";

Senate Bill No. 130 as Act 246, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 138 as Act 247, entitled: "RELATING TO INSURANCE REIMBURSEMENTS OF MENTAL HEALTH AND SUBSTANCE ABUSE BENEFITS FOR ADVANCED PRACTICE REGISTERED NURSES";

Senate Bill No. 141 as Act 248, entitled: "RELATING TO LEASE-PURCHASE AGREEMENTS";

Senate Bill No. 152 as Act 249, entitled: "RELATING TO TIME SHARING";

Senate Bill No. 161 as Act 250, entitled: "RELATING TO CHILD CARE FACILITIES".

Gov. Msg. No. 219 returning House Bill Nos. 728, 1640, 1869 and 2234 without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1997

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 728

Honorable Members  
Nineteenth 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. 728, entitled, 'A Bill for an Act Relating to the Conveyance Tax.'

The purpose of the House Bill No. 728 is to amend the conveyance tax law to exempt those transfers of real property in which the conveyance merely reflects a change in the form of ownership of the property without changing its beneficial ownership. These transfers include those that: (1) convey real property from an individual transferor to a corporation, limited liability company, or partnership that is wholly owned by that individual transferor; by the individual transferor and the transferor's spouse; or by the individual transferor, the transferor's spouse, and the transferor's children; and (2) convey real property from a limited liability company to an individual transferee who is the sole member of the limited liability company.

House Bill No. 728, however, contains a serious tax loophole that allows taxpayers, otherwise subject to the conveyance tax, to circumvent the tax by using a limited liability company as a vehicle to transfer real property to a third party. For example, an individual could transfer real property to a limited liability company, then sell the interest in the limited liability company to a third party. Because the sale of the interest in the limited liability company is not considered a transfer of real property, the conveyance tax would not apply. The Third party, as the new owner and sole member of the limited liability company, could then convey the real property to himself or herself. This transfer would be exempt under House Bill No. 728. Therefore, House Bill No. 728 allows a taxpayer to use a limited liability company as a vehicle to transfer real property to a third party and improperly avoid the imposition of the conveyance tax.

For the foregoing reasons, I am returning House Bill No. 728 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 728, entitled, 'A Bill for an Act Relating to the Conveyance Tax,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 728 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 728 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1997

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1640

Honorable Members  
Nineteenth 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. 1640, entitled, 'A Bill for an Act relating to General Excise Tax.'

The purpose of House Bill No. 1640 is to provide relief to certain businesses economically dislocated because of downsizing and to taxpayers adversely affected by natural disaster in counties with populations less than one hundred thousand or counties with and unemployment rate of ten percent or higher.

This bill, however, will result in reduced revenue collections, will defer needed excise tax payments, will ambiguously define 'economic dislocation' and 'industrial downsizing' to potentially cover a broad array of businesses, resulting in reduced state revenue collection, and may require additional appropriations for staff to implement.

For the foregoing reasons, I am returning House Bill No. 1640 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1640, entitled, 'A Bill for an Act relating to General Excise Tax,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1640 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1640 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1997

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1869

Honorable Members  
Nineteenth 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. 1869, entitled, 'A Bill for an Act Relating to Motor Vehicle Insurance.'

The purpose of House Bill No. 1869 is to amend section 431:10C-115.5, Hawaii Revised Statutes, concerning the No-fault Administration Revolving fund, to allow the Insurance Commissioner to hire personnel to meet the requirements of the section without regard to the civil service and compensation laws, chapters 76 and 77, Hawaii Revised Statutes.

However, a similar amendment of section 431:10C-115.5 to authorize additional personnel is also made in House Bill No. 100, entitled, 'A bill for an Act Relating to Motor Vehicle Insurance,' which also passed during the regular session of 1997. Since I intend to approve House Bill No. 100, there is no necessity to also approve this bill.

For the foregoing reasons, I am returning House Bill No. 1869 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1869, entitled, 'A Bill for an Act Relating to Motor Vehicle Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1869 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1869 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1997

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2234

Honorable Members  
Nineteenth 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. 2234, entitled, 'A Bill for an Act Relating to the University of Hawaii.'

The purposes of House Bill No. 2234 are (1) to prohibit the Governor and the Director of Finance from reducing any budget request or allotment to the University of Hawaii below amounts appropriated by the Legislature, unless the University requests a reduction, and (2) to defer the implementation of the University of Hawaii 'budget formula' set forth in section 304-7.5, Hawaii Revised Statutes, from fiscal year 1997-1998 to fiscal year 1999-2000.

This bill seriously compromises the Governor's fiduciary responsibility to control the rate of expenditures of general funds relative to general fund revenues. Under this bill adjustments cannot be made to the University's budget and allocation regardless of the financial condition of the State. If reductions must be made, the University would be totally protected from reductions while other state departments would suffer larger reductions.

For the foregoing reasons, I am returning House Bill No. 2234 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 2234, entitled, 'A Bill for an Act Relating to the University of Hawaii,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2234 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 2234 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 220 transmitting Senate Bill Nos. 426, 843, 1032 and 1082 without his approval and with his statement of objections relating to the measures, as follows:

**"EXECUTIVE CHAMBERS  
HONOLULU**

June 16, 1997

**STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 426**

Honorable Members  
Nineteenth 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. 426, entitled, 'A Bill for an Act Relating to Culture.'

The purposes of Senate Bill No. 426 are: (1) to establish a 'culture and the arts revolving fund' which shall be administered by the State Foundation on Culture and the Arts, which shall receive revenues generated from the sale of goods and services, and which shall have expenditures limited to \$50,000 annually; and (2) to require the Department of Land and Natural Resources to consult with the Kahuna Nui of the Mo'okini Heiau on all physical alterations and cultural matters relating to the historical sites within the Kohala Historical Sites State Monument.

While this bill provides increased support for cultural and commemorative events, it is not necessary. The State foundation on Culture and the Arts already administers a trust fund and a works of art special fund. Moreover, the 'culture and the arts revolving fund' established by this bill does not comply with the Legislative Auditor's criteria for special funds (i.e., a clear link between the source of the fund and its intended beneficiaries and the ability to be self-sustaining). Finally, since the Department of

Land and Natural Resources already consults with the kahuna nui of the Mo'okini Heiau on projects impacting the Kohala Historical Sites State Monument, it is unnecessary to include such a requirement in a statute.

For the foregoing reasons, I am returning Senate Bill No. 426 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 426, entitled, 'A Bill for an Act Relating to Culture,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 426 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 426 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

**"EXECUTIVE CHAMBERS  
HONOLULU**

June 16, 1997

**STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 843**

Honorable Members  
Nineteenth 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. 843, entitled, 'A Bill for an Act Relating to Small Business Taxation.'

The purpose of Senate Bill No. 843 is to provide a state income tax credit limited to \$4,000 to qualified small businesses. The credit would equal the amount of the guaranty fee paid to the United States Small Business Administration (SBA).

The state small business tax credit would only go into effect after Congress enacts a similar federal tax credit, also based on the SBA guaranty fee. According to the

local SBA office, Congress is not considering such a credit; therefore, this bill will not take effect within the near future and may never take effect.

If this bill does eventually take effect, it unfairly benefits a small group of businesses that have already benefited from access to loan funds. Moreover, the administrative costs to implement this bill would outweigh the potential benefits and there appears to be no need to provide a state tax credit to support a federal program.

For the foregoing reasons, I am returning Senate Bill No. 843 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 843, entitled, 'A Bill for an Act Relating to Small Business Taxation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 843 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 843 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1997

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1032

Honorable Members  
Nineteenth 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. 1032, entitled, 'A Bill for an Act Relating to Marriage and Family Therapists.'

The purpose of Senate Bill No. 1032 is to regulate the profession of marriage and family therapists by specifying

the education, experience, and examination requirements for licensure.

However, State regulation of marriage and family therapists is no warranted because: (1) there is limited evidence of actual abuse or harm by, and no recorded consumer complaints against, marriage and family therapists in the State; (2) the licensing fees that marriage and family therapists are required to pay are substantially greater than the average fees for the other professions; and (3) most marriage and family therapists in the State are members of the American Association for Marriage and Family Therapy and this association investigates allegations and imposes disciplinary sanctions against its members who violate a code of ethics.

Thus, the benefits of licensing marriage and family therapists are questionable and the imposition of new licensing requirements is contrary to the State's overall efforts to streamline government.

For the foregoing reasons, I am returning Senate Bill No. 1032 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1032, entitled, 'A Bill for an Act Relating to Marriage and Family Therapists,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1032 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1032 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1997

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1082

Honorable Members  
Nineteenth 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. 1082, entitled, 'A Bill for an Act Relating to the Environment.'

The purpose of Senate Bill No. 1082 is to require the Department of Health to evaluate the costs and fee structures of that department's water quality programs, develop a proposal to supplement revenues for those programs by fees and other means, and submit recommendations to the Legislature.

While the Legislature's concern for adequate funding of state water quality programs is commendable, the bill is unnecessary. The Department of Health must already evaluate its costs and revenues and propose improvements as part of the budget review process used in preparing the executive budget that is submitted for legislative consideration. The department also did a specific costs and fees evaluation for environmental programs several years ago and will update it as needed to meet the intent of the bill. Furthermore, a legislative resolution would have been an ample expression of concern and more in keeping with past practice.

For the foregoing reasons, I am returning Senate Bill No. 1082 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1082, entitled, 'A Bill for an Act Relating to the Environment,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1082 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1082 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 221 informing the House that on June 19, 1997, he signed the following bills into law:

House Bill No. 100 as Act 251, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

Senate Bill No. 538 as Act 252, entitled: "RELATING TO PUBLIC LIBRARIES".

Gov. Msg. No. 222 informing the House that on June 20, 1997, he signed the following bill into law:

House Bill No. 1641 as Act 253, entitled: "RELATING TO THE COLLECTION OF TAXES".

Gov. Msg. No. 223 returning House Bill No. 1804, without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 19, 1997

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1804

Honorable Members  
Nineteenth 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. 1804, entitled, 'A Bill for an Act Relating to Repairs and Maintenance.'

The purpose of House Bill No. 1804 is to assure that adequate funds are available to maintain and repair state facilities by creating a repair and maintenance special fund into which shall be transferred one percent of all state general obligation bond fund appropriations for capital improvements designated as the construction cost element.

Although the purpose of this bill clearly has merit, this bill requires that twenty-five percent of the amount transferred into the fund be used for repair and maintenance for the Judiciary. The designation of twenty-five percent of the amounts transferred into the fund to be used for the Judiciary is inappropriate, because the Judiciary represents only one and one-half percent of state facilities and capital improvement construction appropriations.

For the foregoing reasons, I am returning House Bill No. 1804 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1804, entitled, 'A Bill for an Act Relating to Repairs and Maintenance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1804 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1804 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 19th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 224 returning House Bill No. 1393, without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 1997

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1393

Honorable Members  
Nineteenth 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. 1393, entitled, 'A Bill for an Act Relating to Salaries in the Judiciary.'

The purpose of House Bill No. 1393 is to increase the salaries of Supreme Court justices and of Intermediate Appellate Court, Circuit Court, and District Court judges.

While I recognize that the justices and judges have not had a pay raise in the last seven years, in times of budgetary constraints, I must be circumspect with the funds available. Simply increasing salaries without concomitant adjustments to the pension entitlements does nothing but perpetuate the 'High Three' pension for which this Legislature was criticized. When the Legislature finally took remedial action to address the 'High Three' problem, it did not alter the Judiciary's right to three and a half percent or its right to retire without consideration of an age limit.

Increasing salaries across the board without adjusting retirement benefits will not result in keeping our qualified judges on the bench. Indeed, it will only provide them with a greater incentive to leave.

A more balanced incentive measure is the appropriate response to encourage public service as opposed to simply raising salaries across the board.

For the foregoing reasons, I am returning House Bill No. 1393 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1393, entitled, 'A Bill for an Act Relating to Salaries in the Judiciary,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1393 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1393 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 20th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 225 transmitting Senate Bill Nos. 817, 1385, and 1874 without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 19, 1997

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 817

Honorable Members  
Nineteenth 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. 817, entitled, 'A Bill for an Act Relating to Education.'

Senate Bill No. 817 requires the Board of Education to establish guidelines to foster volunteer relationships between public school students and service providers.

This bill is unclear and ambiguous with regard to the definition of service providers and the volunteer relationships that would be developed between students and service providers in the volunteer service program. Moreover, since section 302A-1101, Hawaii Revised Statutes, already authorizes the Board of Education to establish policies and guidelines for educational programs, this bill is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 817 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 817, entitled, 'A Bill for an Act Relating to Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 817 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 817 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 19th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 19, 1997

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1385

Honorable Members  
Nineteenth 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. 1385, entitled, 'A Bill for an Act Relating to State War Memorials and Veterans' Cemeteries.'

The purpose of Senate Bill No. 1385 is to amend section 363-3, Hawaii Revised Statutes, to require the Office of Veterans Services to inspect state war memorials and veterans' cemeteries and report all repair and maintenance problems every three years instead of on an annual basis.

Section 14 of Article III of the Hawaii Constitution provides that '[e]ach law shall embrace but one subject, which shall be expressed in its title.' The title of Senate Bill No. 1385, however, appears to contain two subjects, 'war memorials' and 'veterans' cemeteries.' Consequently, this bill may be subject to question because of its title.

That question may be avoided and the same purpose achieved by the enactment of House Bill No. 1707, entitled 'A Bill for an Act Relating to the Office of Veterans' Services.' House Bill No. 1707 has the same purpose and was also passed by the Legislature. Since I intend to approve House Bill No. 1707, the enactment of this bill is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 1385 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1385, entitled, 'A Bill for an Act Relating to State War Memorials and Veterans' Cemeteries,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1385 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1385 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 19th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 19, 1997

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 1874

Honorable Members  
Nineteenth 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. 1874, entitled, 'A Bill for an Act Relating to Welfare to Work Transition Assistance.'

The purpose of this bill is to facilitate the transition of public assistance recipients from welfare to work. However, this bill duplicates efforts already being pursued by the State.

Throughout the past year, the State has been actively involved in efforts to bring the State into compliance with the federal Personal Responsibility and Work Opportunity Act of 1996, which replaced the Aid to Families with Dependent Children entitlement program with a transitional aid program called the Temporary Assistance for Needy Families (TANF) program. The federal act



requires recipients who are able to work to secure employment as soon as possible, and states must meet strict work participation requirements in order to qualify for federal funds.

This bill mandates the Department of Human Services (DHS) to eliminate obstacles to work and promote new job opportunities for public assistance recipients. The Department of Labor and Industrial Relations (DLIR) and the Department of Business, Economic Development, and Tourism (DBEDT) must assist DHS in creating job opportunities for recipients. However, this bill is unnecessary. The mandates are already being aptly addressed by the DHS. For example, DHS is ready to implement by July 1, 1997, child care payment restructuring to accommodate persons attending work transition programs, and has secured work initiative programs with nonprofit agencies. The DHS has also already organized an Interagency Task force on Welfare to Work, comprised of a multidisciplinary group from the federal and state departments and agencies as well as the Legal Aid Society of Hawaii. DLIR and DBEDT have actively participated in this task force. I have every confidence in the DHS to continue with efforts in addition to those listed to assist the transition for public assistance recipients.

For the foregoing reasons, I am returning Senate Bill No. 1874 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1874, entitled, 'A Bill for an Act Relating to Welfare to Work Transition Assistance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1874 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1874 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 19th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 226 transmitting Senate Bill No. 1018 without his approval and with his statement of objections relating to the measure, as follows:

#### "EXECUTIVE CHAMBERS

HONOLULU

June 20, 1997

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1018

Honorable Members  
Nineteenth 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. 1018, entitled, 'A Bill for an Act Relating to Tax.'

The purpose of Senate Bill No. 1018 is to extend the period for claiming the energy conservation income tax credit provided for the installation of solar energy systems, wind energy systems, heat pump systems, and ice storage systems for an additional ten years, from January 1, 1999, to January 1, 2009.

For over twenty years, the State has been subsidizing the energy conservation industry by providing income tax credits for the installation of various energy saving systems. The purpose of this tax credit was to provide tax relief for the then fledgling alternative energy conservation industry.

The state tax credit was patterned after the federal tax credit which Congress repealed in 1986.

The alternative energy conservation industry is now a mature industry. Extending the tax credit another ten years amounts to a thirty year subsidy borne by Hawaii's taxpayers.

The revenue loss caused by this bill will be between \$1,000,000 to \$3,000,000 annually, a loss the State can ill afford.

The existing tax credit does not expire until December, 1998. There is ample time to consider alternative ways to promote the use of alternate energy systems.

If the Legislature is serious about promoting alternative energy uses by the public, it must enact policies which will mandate alternative energy use under appropriate conditions. My administration will work with the industry and the Legislature to develop more effective strategies to promote the installation of energy saving systems.

For the foregoing reasons, I am returning Senate Bill No. 1018 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
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. 1018, entitled, 'A Bill for an Act Relating to Tax,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1018 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 1018 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 20th day of June, 1997.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 227 informing the House that on June 21, 1997, he signed the following bills into law:

House Bill No. 233 as Act 254, entitled: "RELATING TO HUNTING";

House Bill No. 1086 as Act 255, entitled: "RELATING TO AGRICULTURAL WORK OPPORTUNITIES";

House Bill No. 1370 as Act 256, entitled: "RELATING TO PUBLIC FOREST RESERVES";

House Bill No. 1451 as Act 257, entitled: "RELATING TO THE PETROLEUM INDUSTRY";

House Bill No. 1572 as Act 258, entitled: "RELATING TO AGRICULTURAL LOANS";

House Bill No. 1591 as Act 259, entitled: "RELATING TO THE HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN";

House Bill No. 1837 as Act 260, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 2202 as Act 261, entitled: "RELATING TO CAPTIVE INSURANCE COMPANIES";

Senate Bill No. 37 as Act 262, entitled: "RELATING TO ENTERPRISE ZONES";

Senate Bill No. 226 as Act 263, entitled: "RELATING TO ARCHITECTS";

Senate Bill No. 242 as Act 264, entitled: "RELATING TO LOBBYISTS";

Senate Bill No. 251 as Act 265, entitled: "RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION";

Senate Bill No. 262 as Act 266, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 373 as Act 267, entitled: "RELATING TO THE ENVIRONMENT";

Senate Bill No. 375 as Act 268, entitled: "RELATING TO SOLID WASTE MANAGEMENT";

Senate Bill No. 382 as Act 269, entitled: "RELATING TO MOTOR VEHICLE DRIVER LICENSING";

Senate Bill No. 623 as Act 270, entitled: "RELATING TO STATE FUNDS";

Senate Bill No. 633 as Act 271, entitled: "RELATING TO BED AND BREAKFAST OPERATIONS";

Senate Bill No. 647 as Act 272, entitled: "RELATING TO TORT LIABILITY";

Senate Bill No. 656 as Act 273, entitled: "RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS";

Senate Bill No. 717 as Act 274, entitled: "RELATING TO PARENT EDUCATION FOR SEPARATING PARTIES";

Senate Bill No. 718 as Act 275, entitled: "RELATING TO PRE-SENTENCE DIAGNOSIS AND REPORT";

Senate Bill No. 727 as Act 276, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 818 as Act 277, entitled: "RELATING TO TRADEMARK COUNTERFEITING";

Senate Bill No. 823 as Act 278, entitled: "RELATING TO FIREARMS";

Senate Bill No. 835 as Act 279, entitled: "RELATING TO PHYSICIANS";

Senate Bill No. 846 as Act 280, entitled: "RELATING TO CONTROLLED SUBSTANCES";

Senate Bill No. 938 as Act 281, entitled: "RELATING TO NONRESIDENT INCOME TAX";

Senate Bill No. 952 as Act 282, entitled: "RELATING TO CONSUMER PROTECTION";

Senate Bill No. 969 as Act 283, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

Senate Bill No. 986 as Act 284, entitled: "RELATING TO NONCONSENSUAL COMMON LAW LIENS";

Senate Bill No. 989 as Act 285, entitled: "RELATING TO TORTS";

Senate Bill No. 1016 as Act 286, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 1064 as Act 287, entitled: "RELATING TO BALLOT ACCESS FOR POLITICAL PARTIES";

Senate Bill No. 1069 as Act 288, entitled: "RELATING TO CANDIDATE NOMINATION PAPERS";

Senate Bill No. 1114 as Act 289, entitled: "RELATING TO REAL ESTATE BROKERS AND SALESPERSONS";

Senate Bill No. 1160 as Act 290, entitled: "RELATING TO ELECTRIC VEHICLES";

Senate Bill No. 1191 as Act 291, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1264 as Act 292, entitled: "RELATING TO THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM";

Senate Bill No. 1266 as Act 293, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";

Senate Bill No. 1267 as Act 294, entitled:  
"RELATING TO CHILD SUPPORT  
ENFORCEMENT";

Senate Bill No. 1268 as Act 295, entitled:  
"RELATING TO THE UNIFORM INTERSTATE  
FAMILY SUPPORT ACT";

Senate Bill No. 1286 as Act 296, entitled:  
"RELATING TO RETAIL TOBACCO SALES TO  
MINORS";

Senate Bill No. 1316 as Act 297, entitled:  
"RELATING TO CONFORMITY TO THE INTERNAL  
REVENUE CODE";

Senate Bill No. 1428 as Act 298, entitled:  
"RELATING TO FILM PERMITTING";

Senate Bill No. 1464 as Act 299, entitled:  
"RELATING TO THE HOUSING FINANCE AND  
DEVELOPMENT CORPORATION";

Senate Bill No. 1506 as Act 300, entitled:  
"RELATING TO THE HAWAII EMPLOYERS'  
MUTUAL INSURANCE COMPANY";

Senate Bill No. 1522 as Act 301, entitled:  
"RELATING TO DISPENSING OPTICIANS";

Senate Bill No. 1553 as Act 302, entitled:  
"RELATING TO HEALTH RESOURCES";

Senate Bill No. 1554 as Act 303, entitled:  
"RELATING TO PUBLIC HOUSING";

Senate Bill No. 1560 as Act 304, entitled:  
"RELATING TO ELECTRONIC PRESCRIPTIONS";

Senate Bill No. 1571 as Act 305, entitled:  
"RELATING TO VITAL STATISTICS";

Senate Bill No. 1588 as Act 306, entitled:  
"RELATING TO MENTAL HEALTH";

Senate Bill No. 1599 as Act 307, entitled:  
"RELATING TO A COMMERCIAL MARINE  
DEALER LICENSE";

Senate Bill No. 1619 as Act 308, entitled:  
"RELATING TO PARKING FOR DISABLED  
PERSONS";

Senate Bill No. 1621 as Act 309, entitled:  
"RELATING TO HIGH OCCUPANCY VEHICLE  
LANES";

Senate Bill No. 1624 as Act 310, entitled:  
"RELATING TO THE HAWAII STATE PUBLIC  
LIBRARY SYSTEM";

Senate Bill No. 1632 as Act 311, entitled:  
"RELATING TO HOUSING";

Senate Bill No. 1714 as Act 312, entitled:  
"RELATING TO THE MOTOR VEHICLE INDUSTRY  
LICENSING";

Senate Bill No. 1766 as Act 313, entitled:  
"RELATING TO PUBLIC SAFETY AND INTERNAL  
SECURITY";

Senate Bill No. 1881 as Act 314, entitled:  
"RELATING TO PLANNING".

Gov. Msg. No. 228 informing the House that on June 29, 1997, he signed the following bill into law:

Senate Bill No. 1683 as Act 315, entitled:  
"RELATING TO A HAWAIIAN LANGUAGE  
COLLEGE".

Gov. Msg. No. 229 informing the House that on June 30, 1996, he signed the following bills into law:

House Bill No. 108 as Act 316, entitled: "RELATING TO CRIME";

House Bill No. 107 as Act 317, entitled: "RELATING TO JUVENILES";

House Bill No. 106 as Act 318, entitled: "RELATING TO YOUTHFUL OFFENDERS";

Senate Bill No. 1277 as Act 319, entitled:  
"RELATING TO DANGEROUS DRUGS";

House Bill No. 112 as Act 320, entitled: "RELATING TO CRIME";

House Bill No. 623 as Act 321, entitled: "RELATING TO DOMESTIC VIOLENCE";

House Bill No. 1510 as Act 322, entitled: "RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS";

Senate Bill No. 293 as Act 323, entitled: "RELATING TO THE PENAL CODE";

House Bill No. 1984 as Act 324, entitled: "RELATING TO DRUG ABUSE";

House Bill No. 1539 as Act 325, entitled: "RELATING TO YOUTH CORRECTIONAL FACILITIES";

Senate Bill No. 1943 as Act 326, entitled:  
"RELATING TO MOTOR VEHICLES";

Senate Bill No. 257 as Act 327, entitled: "RELATING TO EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 350 as Act 328, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 2207 as Act 329, entitled: "RELATING TO THE PUBLIC LAND TRUST";

Senate Bill No. 1197 as Act 330, entitled:  
"RELATING TO DRIVERS' LICENSES".

Gov. Msg. No. 230 informing the House that on July 2, 1997, he signed the following bills into law:

Senate Bill No. 927 as Act 331, entitled: "RELATING TO TAXATION";

House Bill No. 631 as Act 332, entitled: "RELATING TO HEALTH CARE DECISIONS";

House Bill No. 167 as Act 333, entitled: "RELATING TO TRAUMATIC BRAIN INJURY";

Senate Bill No. 1794 as Act 334, entitled:  
"RELATING TO SANITATION PERMITS";

Senate Bill No. 135 as Act 335, entitled: "RELATING TO OPTOMETRY";

House Bill No. 1841 as Act 336, entitled: "RELATING TO HEALTH PLANNING";

Senate Bill No. 165 as Act 337, entitled: "RELATING TO DONATION OF PHARMACEUTICAL AND HEALTH CARE SUPPLIES";

House Bill No. 120 as Act 338, entitled: "RELATING TO ELDERLY CARE";

House Bill No. 147 as Act 339, entitled: "RELATING TO LONG-TERM CARE";

House Bill No. 1463 as Act 340, entitled: "RELATING TO ADULT RESIDENTIAL CARE HOMES";

Senate Bill No. 1879 as Act 341, entitled: "RELATING TO ADULT RESIDENTIAL CARE HOMES";

House Bill No. 1006 as Act 342, entitled: "RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS";

House Bill No. 2032 as Act 343, entitled: "RELATING TO SCHOOL-TO-WORK";

House Bill No. 133 as Act 344, entitled: "RELATING TO TECHNICAL AND VOCATIONAL TRAINING".

Gov. Msg. No. 231 informing the House that on July 3, 1997, he signed the following bills into law:

House Bill No. 2214 as Act 345, entitled: "RELATING TO COFFEE CERTIFICATION";

House Bill No. 1625 as Act 346, entitled: "RELATING TO CONSOLIDATING EMPLOYMENT AND TRAINING ADVISORY BODIES INTO A WORKFORCE DEVELOPMENT COUNCIL";

House Bill No. 1675 as Act 347, entitled: "RELATING TO HOISTING MACHINE OPERATORS";

House Bill No. 103 as Act 348, entitled: "RELATING TO BUSINESS";

House Bill No. 1287 as Act 349, entitled: "RELATING TO PROCUREMENT CODE";

House Bill No. 143 as Act 350, entitled: "RELATING TO HOUSING";

House Bill No. 141 as Act 351, entitled: "RELATING TO VOLUNTEER SERVICE".

Gov. Msg. No. 232 informing the House that on July 3, 1996, he signed the following bills into law:

House Bill No. 1686 as Act 352, entitled: "RELATING TO PROCUREMENT";

Senate Bill No. 147 as Act 353, entitled: "RELATING TO TAXATION";

Senate Bill No. 252 as Act 354, entitled: "RELATING TO GENERAL ASSISTANCE";

Senate Bill No. 1421 as Act 355, entitled: "RELATING TO PAYROLL PERIODS";

House Bill No. 113 as Act 356, entitled: "RELATING TO CONTROLLED SUBSTANCES";

House Bill No. 472 as Act 357, entitled: "RELATING TO STATE BONDS";

House Bill No. 1216 as Act 358, entitled: "RELATING TO CAPTIVE INSURANCE COMPANIES";

House Bill No. 1701 as Act 359, entitled: "RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION";

House Bill No. 1707 as Act 360, entitled: "RELATING TO THE OFFICE OF VETERANS' SERVICES";

Senate Bill No. 26 as Act 361, entitled: "RELATING TO PARENT AND GUARDIAN RESPONSIBILITY FOR MINOR";

Senate Bill No. 58 as Act 362, entitled: "RELATING TO KINDERGARTENS";

Senate Bill No. 305 as Act 363, entitled: "RELATING TO CHILD ABUSE";

Senate Bill No. 512 as Act 364, entitled: "RELATING TO PROFESSIONS AND VOCATIONS";

Senate Bill No. 653 as Act 365, entitled: "RELATING TO EMPLOYMENT PRACTICES";

Senate Bill No. 1279 as Act 366, entitled: "RELATING TO SEXUAL ASSAULT";

Senate Bill No. 1487 as Act 367, entitled: "RELATING TO MUTUAL BENEFIT SOCIETIES";

Senate Bill No. 1535 as Act 368, entitled: "RELATING TO THE INSURANCE CODE";

Senate Bill No. 1589 as Act 369, entitled: "RELATING TO CHILD DEATH REVIEW";

Senate Bill No. 1618 as Act 370, entitled: "RELATING TO THE TRANSPORTATION IMPROVEMENT SPECIAL FUND";

Senate Bill No. 1628 as Act 371, entitled: "RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION";

Senate Bill No. 1901 as Act 372, entitled: "RELATING TO TIME SHARE";

Senate Bill No. 1919 as Act 373, entitled: "RELATING TO THE LEGISLATURE".

Gov. Msg. No. 233 informing the House that on July 7, 1997, he signed the following bills into law:

House Bill No. 139 as Act 374, entitled: "RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 140 as Act 375, entitled: "RELATING TO ELECTIONS";

House Bill No. 1104 as Act 376, entitled: "RELATING TO HAWAIIAN AFFAIRS";

Senate Bill No. 1581 as Act 377, entitled: "RELATING TO THE ENVIRONMENT";

House Bill No. 122 as Act 378, entitled: "RELATING TO EARLY INTERVENTION".

Gov. Msg. No. 234 informing the House that on July 7, 1997, he signed the following bills into law:

House Bill No. 111 as Act 379, entitled: "RELATING TO SEXUAL ASSAULT";

House Bill No. 1292 as Act 380, entitled: "RELATING TO THE ENVIRONMENT";

Senate Bill No. 175 as Act 381, entitled: "RELATING TO THE ENVIRONMENT".

Gov. Msg. No. 235 informing the House that on July 8, 1997, he signed the following bill into law:

House Bill No. 1857 as Act 382, entitled: "RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS".

Gov. Msg. No. 236 informing the House that after considerable study and reflection, he decided to permit the following measure to become law on July 9, 1997, without his signature, pursuant to Section 16 of Article III of the State Constitution:

House Bill No. 118 as Act 383, entitled: "RELATING TO UNMARRIED COUPLES".

Gov. Msg. No. 237 transmitting copies of "Hawaii's Older Adults, 1997 Legislative Report," prepared by the Executive Office on Aging.

Gov. Msg. No. 238 transmitting copies of "Hawaii's Economic Action Program," a report prepared by the Department of Business, Economic Development, and Tourism.

Gov. Msg. No. 239 transmitting copies of a report prepared by the Department of Business, Economic Development, and Tourism 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.

Section 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.

The separate reports have been consolidated into a single presentation and cover the calendar year ending December 31, 1996.

**MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE**

Misc. Com. No. 2 from Ronald T. Rowan, General Counsel, Director of Legal Affairs of the United States Olympic Committee, acknowledging receipt of House Concurrent Resolution No. 239, HD 1, regarding recognition and designation of surfing and outrigger canoe racing as Olympic sports.

Misc. Com. No. 3 from James A. Dorskind, Special Assistant to the President, Director of Correspondence and Presidential Messages, acknowledging receipt of a resolution.

Misc. Com. No. 4 from Juan Antonio Samaranch, International Olympic Committee, acknowledging receipt of H.R. No. 239, HD 1.

Misc. Com. No. 5 from Minerva Jean A. Falcon, Consul General of the Philippines, acknowledging receipt of H.C.R. No. 174, urging Hawaii's congressional delegation to propose and support legislation and the President of the United States to issue an Executive Order to assist Amerasian children of the United States servicemembers in the Philippines.

Misc. Com. No. 6 from Naoya Iju, Secretary to the Governor of Okinawa, Okinawa Prefectural Government, acknowledging receipt of H.C.R. No. 128, HD 1.

Misc. Com. No. 7 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. No. 252, HD 1, SD 1, which supports the recruitment of the "America's Smithsonian" exhibition to Hawaii.

Misc. Com. No. 8 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. No. 119, HD 1, SD 1, which urges the Hawaii State Legislature to support Senator John McCain's legislation providing for the management of the airspace over units of the National Park System.

Misc. Com. No. 9 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. No. 48, HD 1, regarding the reunification of families of Filipino veterans who have immigrated to the U.S. without regard to limits, or quotas, or sponsorship requirements.

Misc. Com. No. 10 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. No. 174, requesting Hawaii's Federal Congressional Delegation to propose and support legislation assisting Amerasian children of the United States servicemembers in the Philippines.

Misc. Com. No. 11 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. No. 286, HD 1, requesting the Department of Transportation to give priority to the Mauka Highway as an alternative highway to Farrington Highway on the Leeward Coast.

Misc. Com. No. 12 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. No. 107, HD 1, regarding the funding and homeporting of the new CVN-77 Naval Carrier.

Misc. Com. No. 13 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.R. No. 40, requesting the U.S. Department of Justice Federal Bureau of Prisons to expedite the construction of a 650 bed Federal Detention Center on Oahu.

Misc. Com. No. 14 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.C.R. No. 231, urging the President of the United States to nominate and the Senate to confirm at least one qualified resident from the State of Hawaii to serve as an active judge for the Ninth Circuit Court of Appeals.

Misc. Com. No. 15 from the Honorable Patsy T. Mink, United States Representative, acknowledging receipt of H.R. No. 203, HD 1, "Requesting the Department of Transportation to Give Priority to the Mauka Highway as an Alternate Highway to Farrington Highway on the Leeward Coast."

Misc. Com. No. 16 from Donald Tsouhnikas, Meteorologist for the NBC News Today and Sunrise Shows, acknowledging receipt of H.R. No. 58, "Requesting the Major Television Networks to Include Weather Maps and Forecasts for Hawaii When Broadcasting Nationally Syndicated Programs that Include National Weather Reports."

Misc. Com. No. 17 from Harvey W. Smith, President of Kapi'olani HealthHawaii, acknowledging receipt of H.C.R. No. 250, HD 1, "Requesting the Auditor to Evaluate the Big Island Pilot Project on Mental Health Services."

Misc. Com. No. 18 from Kathleen M. Hawk, Director, U.S. Department of Justice, Federal Bureau of Prisons, acknowledging receipt of H.R. No. 40, "REQUESTING THE U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS TO EXPEDITE THE CONSTRUCTION OF A SIX HUNDRED AND FIFTY BED FEDERAL DETENTION CENTER ON OAHU."

Misc. Com. No. 19 from Hillary Rodham Clinton, acknowledging receipt of H.C.R. No. 59, "REQUESTING THE PRESIDENT OF THE UNITED STATES TO CONVENE A WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH IN 1998, WITH THE THEME 'IT TAKES A VILLAGE TO RAISE A CHILD.'"