

SIXTIETH DAY

Tuesday, May 4, 1999

The House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 10:22 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mrs. Naomi Takai, mother of Representative K. Mark Takai, after which the Roll was called showing all members present with the exception of Representatives Herkes, Meyer, Okamura and Yoshinaga, who were excused.

On motion by Representative Yonamine, seconded by Representative Pendleton and carried, reading of the Journals of the House of Representatives of the Forty-Eighth through Fifty-Seventh Days was dispensed with, and the Journals of the Forty-Eighth through Fifty-Seventh Days were subsequently approved. (Representatives Herkes, Meyer, Okamura and Yoshinaga were excused.)

INTRODUCTIONS

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

Representative Pendleton, on behalf of Representative Thielen and himself, introduced 33 fifth grade students from Le Jardin Academy. They were accompanied by their teachers, Ms. Marsha Huber and Ms. Amy Ooka.

Representative Case, together with Representative Marumoto, recognized the "true VIPs that are here with us today. . . the loyal staff," and requested that all employees of the House be named in the Journal, and the Chair "so ordered."

The employees of the House of Representatives are as follows: Mrs. Christine Sabino, Mr. Moses Lum Hoy, Ms. Norma Chang, Mr. Jacob Manegdeg, Mr. John Yonemura, Mr. Ted Mina, Ms. Kay Yatomi (**Representative Abinsay**); Mr. Roderick Isa, Ms. Irene Takizawa, Ms. Roylene Cachuela, Ms. Bernadette Young (**Representative Ahu Isa**); Ms. Linda Delaney, Mr. Phillip McInnis, Ms. Alice Nakama, Ms. Emerita Alegado, Ms. Marie Grace Federizo (**Representative Arakaki**); Ms. Sharon Gibo, Ms. Eileen McLaughlin, Mr. Glenn Agunat, Mr. Paul Young (**Representative Auwae**); Mr. John Morita, Mrs. Victoria Carvalho-Yuen, Mrs. Ruth Academia Baker, Mr. Prudencio Rex Pilar (**Representative Cachola**); Mrs. Margaret Lui, Mr. Frank Streed, Ms. Kimberly McDonald, Mr. John Cole (**Representative Case**); Mrs. Harriet Kam, Ms. Trisha Nakamura, Ms. Lisa Watada, Ms. Aisha Takumi (**Representative Ikeda Catalani**); Ms. Sharon Miranda, Ms. Shirley Toth, Ms. Helene Wong, Ms. Shellie Park (**Representative Chang**); Ms. Jennifer Lim, Ms. Melissa Metz, Ms. Kela Suehiro (**Representative Fox**); Mrs. Conception Herolaga, Mr. Edgar Marcus, Mr. Douglas White, Ms. Quennie Rose Valenzuela (**Representative Garcia**); Ms. Jazelle Hines, Mr. Robert Morris, Ms. Barbara Anderson (**Representative Goodenow**); Mr. Daniel Bilderback, Ms. Susan Morgan, Ms. Sheila Smith, Mr. Oakely Lipp (**Representative Halford**); Ms. Sonia Shigehara, Mr. Andrew Arceo, Ms. Kristi Imai (**Representative Hamakawa**); Ms. Diane Dunphy, Mrs. Jo-Anna Herkes, Ms. Allison Fong (**Representative Herkes**); Ms. Joann Yosemite, Mr. Arthur Mann, Ms. Allison Yanagi, Mrs. June Toguchi-Tassill, Ms. Jennifer Yamane (**Representative Hiraki**); Ms. Lisa Oishi, Ms. Cheryl Koide, Mr. Michael Yoshino, Ms. Cheryl Katekaru (**Representative Ito**); Mrs. Vicki Ann Paresa, Mr. Jonathan Naeole, Mr. William Laronal, Mr. Jarrett Wa'a (**Representative Kahikina**); Ms. Kathy Kaohu, Mr. Rudy Bilan, Ms. Blossom Feiteira, Ms. Liane Ikeda (**Representative Kaho'ohalahala**); Ms. Carol Kanoho, Mr. Raymone Adams, Ms. Janet Long (**Representative Kanoho**); Mr. Kippen Chu, Ms. Brandi Lau, Ms. Lois Higa, Ms. Melody Miyamoto (**Representative Kawakami**); Ms. Tracy Kubota,

Mr. Michael Littman, Mr. Dean Watase, Ms. Jennifer Wharton (**Representative Lee**); Ms. Roberta Weatherford, Mr. Marc Uda, Mr. Harold Zweber, Ms. Linda Kan (**Representative Leong**); Mr. Blayne Higa, Ms. Colleen Takenouchi, Ms. Cheryl Tina Yamamoto, Mr. Brandon Liebman (**Representative Luke**); Ms. Bryna Akana, Ms. Joan Shinn, Ms. Joan Stebbins, Mr. Aaron Goldzimer, Mr. Jeremy Low (**Representative Marumoto**); Mr. Chris White, Ms. Eva Bonilla, Ms. Sesalio Tevaga, Ms. Dorothy Tauanuu, Ms. Prudence Blom, Mr. Bretton White (**Representative McDermott**); Mr. Norren Kato, Ms. Elizabeth Smithe, Mr. Robert Kato, Mr. Lloyd Nakahara, Ms. Mary Ueki, Michele Yanazaki (**Representative Menor**); Ms. Erin Karnes, Mr. William Whisenant, Ms. Lou Jane Lee, Ms. Linda Butts, Ms. Kammy Kalili, Ms. Jennifer Kajiyama, Ms. Nicole Kajiyama (**Representative Meyer**); Mrs. Stephanie Kim, Ms. Linda Tavares, Ms. Carol Kawasaki, Mr. Gerald Morihara (**Representative Morihara**); Mr. Baron Gushiken, Ms. Hedy Hager, Ms. Elizabeth Higa, Ms. Delphi Locey (**Representative Morita**); Mr. Gene Ward, Ms. Sandra Ballard, Mr. John Atchison, Mr. Jason Jones (**Representative Moses**); Ms. Ann Takaki, Mr. Eric Nouchi, Ms. Wendy Correa, Mr. Bradford Ing (**Representative Nakasone**); Ms. Judy Gold, Mrs. Rose Yasuhara, Mr. Eric Matsunaga (**Representative Okamura**); Mr. Glen Takahashi, Ms. Stacy Suzuki, Mr. Donald Koelper, Ms. Denisse Ogata, Mr. Ryan Inouye (**Representative M. Oshiro**); Ms. Barbara Bradbury, Ms. Wendy Taira, Ms. Ann Naomi Balansag, Mr. James Miura, Ms. Lori Kaizawa, Mr. Adam Borrello, Mr. Jeffrey Masatsugu (**Representative P. Oshiro**); Ms. Susan Nixon, Ms. Kymberly Pine, Mr. David McKay, Ms. Sasha Ross, Ms. Natali Kaufman (**Representative Pendleton**); Mr. Michael Marques, Mr. Lyle Yanagawa, Ms. Diane Foster, Mr. Roosevelt Freeman (**Representative Rath**); Mr. Brian Takeshita, Mr. Michael Koehne, Ms. Lisa Ishikawa (**Representative Saiki**); Ms. Aileen Stewart, Ms. Betty Becker, Ms. Malia Manol, Ms. Ethel Chang, Ms. Angeli Medina (**Representative Santiago**); Mr. Mark Oto, Ms. Gail Kakuda, Ms. Christina Dargitz, Mr. Mark Segami, Mr. Arthur Koga (**Representative Say**); Ms. Lacey Hilliard, Ms. Carrie Gorospe, Mr. Ryan Hagiwara, Ms. Karin Gill (**Representative Schatz**); Ms. Floriene Hamasaki, Mr. Dennis Aloiau, Ms. Peggy Collier, Mr. Leslie Takenaka (**Representative Souki**); Ms. Linda Asato-Kaichi, Ms. Katherine Harter, Ms. Caroline Blakeley, Mr. Kyle Greenwood, Mr. Brian Yonezaki, Mr. Darren Tateishi (**Representative Stegmaier**); Ms. Aileen Kitaoka-Yee, Ms. Jodi Chang, Ms. Ellen Ikeda, Mr. Davin Suzuki (**Representative Suzuki**); Mr. Stuart Saito, Mr. Nolan Nakamura, Ms. Jany Sumimoto, Ms. Carrie Azama, Ms. Kimberly Lau (**Representative Takai**); Ms. Yemiko Lum, Mr. Kevin Kuroda, Mr. Brian Furuto, Mr. Brian Hallett, Mr. Nandana Kalupahana, Mr. Robin Yahiku, Mr. Jodi Hamasaki (**Representative Takamine**); Ms. Joyce Akamine, Ms. Annie Macapagal (**Finance Committee Researchers**); Ms. Jacqueline Dacay, Mr. Ryan Hironaka, Mr. Shinn Woo Kim, Mr. Asa Wakabayashi, Ms. LeeAnn Yamashiro, Mr. Brent Yoshikami (**Finance Committee Budget Analysts**); Ms. Kathleen Lindsey, Ms. Carolyn Chong, Ms. Genna Yamauchi, Ms. Terrilyn Toma, Ms. Ai Yamane (**Finance Committee Secretary and Clerical**); Ms. Nancy Leung, Mr. Nathan Takeuchi, Ms. Irene Cadelina, Ms. Susan Sheely, Ms. Mary Grace Busto (**Representative Takumi**); Ms. Michele Hardin, Mr. Charles Gary, Ms. Desiree Poteet, Mr. Ti-Jen Wang (**Representative Thielen**); Ms. Martha Davis, Ms. Heidi Ho, Ms. Bridget Urbanski (**Representative Whalen**); Ms. Myrtle Yamane, Ms. Sallye Barona, Mr. Arthur Mori, Ms. Tracey Okubo (**Representative Yamane**); Mr. Edward Wake, Mr. Thomas Baca, Ms. Mon Lam, Mr. George Mead (**Representative Yonamine**); Mr. David Young, Ms. Eleanor Liu, Ms. Tammy Tengan, Mr. Brian Fuchigami (**Representative Yoshinaga**); Ms. Patricia Mau-Shimizu, Ms. Cheryl Leong, Ms. Adele Kuraoka, Mrs. Janine Kurosawa, Ms. Lyndall Kawakami, Ms. Gail Iseri, Mr. Craig Nakahara, Ms. Kelly Overstreet, Ms. Josette Akamine, Mr. David Kam, Ms. Denise Liu, Mrs. Elsie Matsuo, Ms. Carmela Ho, Mr. Neal Shigemura, Mr. Roger Tyau, Jr., Mrs. Yvonne Rezentes, Mrs.

Loretta Apa, Ms. Sharon Darapiza, Mrs. Regina Espinoza, Ms. Minerva Remegio, Ms. Jill Takamatsu, Mrs. Dianna Valdez, Ms. Karelyn DeKaye, Mrs. Myra English Gibbs, Mr. Michael Kibanoff, Mrs. Momi Lee, Ms. Alena Medeiros, Mrs. Celeste Naeole, Ms. Brooke Wilson, Mr. Curtis Yoshida (**House Chief Clerk's Office**); Ms. Dorothy Horie, Mr. Virgil Jhoo, Ms. Jean Kinoshita, Mrs. Yoshi Kiyabu, Mr. King Quinn, Ms. Sandra Kuewa, Ms. Rochelle Ladao, Mr. Kenji Odo, Mr. Har Ping Pang, Mr. Joseph Rapoza, Ms. Eleanor Rinney, Ms. Samantha Roxburgh, Mr. Norman Tajiri, Ms. Cheryl Yoshimura, Ms. Janice Eldredge, Mrs. Amy Say, Ms. Kay DeMello, Mr. Lorrin Kaalehaki, Jr., Mr. Douglas Kuahulu, Ms. Joyce Nishioka, Mr. Cennis Pilien, Ms. Amanda Porter, Ms. Shirley May Sing, Ms. Peggy Spencer, Ms. Saralee Sugioka (**House Print Shop**); Mrs. Linda Oamilda, Mr. John Moriyama, Mr. James Funaki, Mr. Michael Chambrella, Ms. Donna Ikegami, Ms. Mary James, Ms. Carolyn Plett, Ms. Denisse Gee, Mr. John Kawamoto, Mrs. Alison Kim, Mr. Wesley Lum, Mrs. Sharilyn Ho, Ms. Joyce Nakagawa, Ms. Doreen Belen, Ms. Iris Brown, Mrs. Lehua Saturnio, Mrs. Pamela McCreddie, Ms. Jolene Nakamatsu, Mr. Levon Suga, Mr. Christopher Gee, Ms. Karen McLeod, Ms. Jill Tsuchitori, Ms. Betsy Johnson, Mr. Richard Dvonch (**House Majority Staff Office**); Ms. Jill Frierson, Mr. Michael Ong, Mr. Douglas Chun, Mr. Mark Justman, Ms. Candace Crouch-Kelsey, Ms. Gaye Miyasaki, Mr. Timothy Buckley, Ms. Tracy Tanaka, Ms. Wendy Miyashiro, Mr. Brian Durham, Mr. James Hall, Ms. Andrea Low (**House Minority Staff Office**); Mr. Kevin Ebata, Mr. Frank Arakaki, Mrs. Barbara Leong, Mrs. Rowena Low, Mrs. Dannette Yoshimura, Mrs. Isabelle Texeira, Mr. Vernon Souki, Mrs. Paulette Abe, Mr. Glenn Okamura, Mr. Franklin Anno, Mr. Harry Kahoano, Mr. Ryan Kaneshiro, Mr. Steven Louie, Mr. Thomas Morita, Mr. Richard Nagamine, Mr. Blaine Nakamura, Mr. Toshimi Ogawa, Ms. Nellie Piena, Mr. Thomas Shimabukuro, Mr. Jack Suwa, Mr. Richard Tamashiro, Mr. George Teramoto, Ms. Kahoinanai Tupua, Mr. Noboru Yonamine, Mr. Lyle Leonard, Mr. Leonard Low, Mr. Roy Takamura, Mrs. Elizabeth Puha, Mrs. Gertrude Cantere, Mr. Ernest Ching, Mrs. Betty Lopes, Mrs. Eliza Miguel, Mrs. Lieselotte Waipa (**House Sergeant-at-Arms**).

Representative Kahikina introduced a group of student government leaders from Nanakuli Elementary School. They were accompanied by their teachers, Ms. Dawn Kadota, Ms. Ivana Delos Santos and Ms. Kerry Shiraki.

Representative Kahikina then introduced a group of student government leaders from Nanaikapono Elementary School. They were accompanied by their teachers, Ms. Sonja Peralta and Mr. Mark Miyaguchi, and Ms. Jeanette Nekota from the Liliuokalani Trust. With this group of students was his son, Kanoë Kahikina, who rose to be recognized.

Representative Case introduced his brother, Brad, and his sister-in-law, Lee, from Washington, D.C., who are here to have their son, Bradford Case, baptized.

Representative Garcia introduced Mrs. Connie Herolaga, his Office Manager, who will soon be retiring.

Representative Santiago introduced Mrs. Betty Becker and her husband, Mr. Jim Becker.

ORDER OF THE DAY

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Conf. Com. Rep. No. 140 and H.B. No. 100, HD 1, SD 1, CD 1:

Representative Takamine 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 Kawakami.

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

"Mr. Speaker, if anyone is intimately familiar with the effort that it takes to put together the State budget, it is you. And I have learned in these past four months that it takes a tremendous collective effort to reach this point. Therefore, I would like to begin by expressing my appreciation, first, to the Vice Chair of the Committee, Representative Bertha Kawakami, and her experience and patience helped guide the Committee's work, and she also kept me on track.

"Certainly, I want to thank each member of the Committee for it was your dedication and the hours and hours that you were willing to spend to ensure that the many challenges before the Committee were dealt with in a fair and appropriate manner, and that every issue was given the time it deserved.

"And I would like to thank the staff of the Finance Committee. Mr. Speaker, as you know, it is an extraordinary group, and it is an extraordinary group that performed extraordinarily, especially under the circumstances of this legislative session. Mr. Speaker, they came through again. Many of them are in the gallery, and if I can ask my colleagues if you would help me acknowledge their efforts for ensuring that House Bill 100 is before us today. Staff members, would you please rise to be recognized? Thank you very much.

"And the effort could not have been completed without the constant assistance of our other legislative and legal support staff.

"Mr. Speaker, I would like to also acknowledge and thank the co-chairs of the Ways and Means Committee -- Senators Fukunaga and Levin -- for the critical role that they played, because the Conference Draft before us is a combination of the best of what the House and the Senate had to offer.

"Finally, Mr. Speaker, I would like to express my sincere appreciation to the Leadership of both the Senate and House, and especially to you, Mr. Speaker, for the essential role that you played to achieve House Bill 100, HD 1, SD 1, CD 1.

"Mr. Speaker, in developing the State budget, we followed two fundamental guidelines. The first was that the budget would be a fiscally responsible and sound document. The second was like any other Hawaii family -- we would live within our means. House Bill 100, HD 1, SD 1, CD 1, accomplishes both of these fundamental goals.

"The State budget before you appropriates general funds of \$3.107 billion in fiscal year 2000, and \$3.124 billion in fiscal year 2001. It reduces the Governor's budget request by \$63 million in fiscal year 2000, and by \$96 million in fiscal year 2001. The general fund appropriation is increased by \$117 million in fiscal year 2000, and by \$134 million in fiscal year 2001. Of these amounts, Mr. Speaker, \$105 million in each year is for collective bargaining previously approved by the Legislature in 1997.

"Mr. Speaker, this budget is about improving public education, and education is made priority number one. The people of Hawaii have expressed their concern about our school system. We have been told that a strong public school system is essential to develop an educated work force which will in turn attract new businesses and business investments. But most important, most important, Mr. Speaker, improving our education system is about being true to ourselves and to our values. It is about putting our children first and about investing

in our collective future. Therefore, Mr. Speaker, Conference Draft 1 includes first, our effort to begin dealing more effectively with the class size issue.

"Mr. Speaker, every child does count, and we have included funding and 167 additional positions to account for special education students in the classrooms. This will be a beginning point for dealing with improved student/teacher ratios and smaller class sizes. Measurements of improvement are essential and tools for assisting student progress is an integral part of ensuring the success of every child in school. Therefore, Mr. Speaker, we have provided \$1.5 million to begin the Hawaii Content and Performance Standards System. This will provide the public school system with the critical tool to more effectively provide a sound and meaningful educational experience to each and every child.

"And, Mr. Speaker, we have included in the budget over \$168 million for the construction of new facilities for the public school system. This includes over \$50 million for the opening of the new Kapolei High School. And we have also provided in the operating budget for the opening of the new Kapolei, Kealahou, Kekaulike and Keaau High Schools, as well as Kauai Intermediate and Kapolei Middle Schools. And, yes, Mr. Speaker, we have provided funding for and dealt with the Felix issue. While recognizing that it is important to address the concerns of those students who have special needs, we must ensure that there is accountability. . .

At this point, Representative Hamakawa rose and yielded his time to Representative Takamine.

Representative Takamine thanked the Chair and continued, stating:

"Therefore, we have created a new program -- a new program I.D. -- and transferred all Felix resources within the Department of Education to EDN 150. This will allow us to better track expenditures and more capably monitor services to be provided at the school level. This funding will include \$159 million in fiscal year 2000, and \$172 million in fiscal year 2001. Moreover, we will also be supplementing the State's ability to monitor and address cost concerns regarding the size of the Felix class as well as the nature and scope of the services that are provided. By providing for greater accountability, we will be ensuring the most effective use of the limited dollars that are available.

"Mr. Speaker, I do not intend to spend time covering each and every item that will address great needs throughout the State of Hawaii, but I want to let you know that in conference, I believe that we did our very best and it is included in House Bill 100, HD 1, SD 1, CD 1, before you. With these comments, I ask my colleagues to support the State budget.

"Thank you very much, Mr. Speaker."

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

"Mr. Speaker and colleagues, two months ago we debated this measure at the First Crossover, and I remember stating how painfully difficult it would be to balance this budget. Who would have guessed at that time that it would be equally painful to reach the point where we are at today? An American writer once wrote and said: 'I have yet to see any problem, however complicated, which, when you looked at it in the right way, did not become still a more complicated problem.' And that, Mr. Speaker and colleagues, is exactly how complex the budget process is.

"We have before us a measure that directs significant additional resources for our public education system as indicated by Chair Takamine. Yet in order to move forward on this issue, your Finance Committee had to deal with the Felix consent decree. With an authorized position count approaching

900 and some \$80 million in additional funding for the first year of the biennium, we created this new program to consolidate and identify all the resources targeting this group of students. Due to ongoing concerns regarding the DOE's implementation of this decree, we are providing funds for both a consultant and a legal attorney's support for mental health to improve accountability, something that we can latch on to and find the reasons for cost implications and services.

"However, your Committee realizes that educating our youngsters requires a more comprehensive approach. As Samuel Johnson so eloquently stated: 'Learning is like bread in a besieged town: every man gets a little, but no man gets a full meal.' Well, Mr. Speaker and colleagues, our children must not starve for knowledge and attention. That is why we are changing the class size ratio formula to include special education students, resulting in the authorization of over 160 teaching positions and an additional \$4.7 million. In addition, we have also provided funds to revise and implement the Hawaii Content and Performance Standards to measure achievement and again accountability.

"Mr. Speaker, two months ago I also touched upon the need to strike a balance between economic development and social programs. First of all, let's look at the big picture. State government, in spite of its size, is not the only player in the central role in our economy, and nor should it be. Our stagnant economy becomes more complicated when we realize the sheer number of factors which affect. Tourists come here based on their own economic well-being, not ours. Industries may and some do bypass us because our location and perception that we are primarily a resort destination.

"And how about tax cuts? How much good do they do if people don't spend it? And if they do spend it, all that money, some of it may leave the State because the purchases were made at a national mega store. And let us not forget the persistent perception that Hawaii's best and brightest leave our shores because they don't believe they have a future here.

"Mr. Speaker and colleagues, by virtue of our geographic limitations, our economy will naturally center on those sectors which can adapt and flourish in an island environment. Our budget is meant to foster these sectors. But our economy will only become as strong as we believe it can be. Nothing will change as long as the collective consciousness of this State thinks that change is a function reserved exclusively for government.

"We all remember the proverb that 'you should not bite the hand that feeds you.' But an American psychiatrist said that maybe you should, if it prevents you from feeding yourself. In striking that balance between economic development and social initiatives, self-sufficiency becomes a shared goal.

"In conclusion, Mr. Speaker, I would like to say to you and my colleagues that this bill continues on the path of restructuring. And although some may think that our pace is too slow, there are equal numbers who believe that we are proceeding too fast. And once again, Mr. Speaker, this balance becomes the operative word. We have a balanced budget.

"I thank Chairman Takamine for doing an excellent job in his first session as head of the Finance Committee, and it has been my pleasure working with this Chair. I also wish to thank the Finance Committee members for their support and hard work. And I send my deep gratitude to all the people behind the scenes -- our Finance staffers and budget analysts up there in the gallery who worked long hours, the clerical, the research staff, and also the HMSO staff, LRB, and all the members from different Finance members' offices who lent their time to assist in collating the enormous amount of testimony we received in such a short period of time. Last but not least, thank you, Mr. Speaker and the Leadership team for your strong support. We could not have achieved so much without your fine efforts and

strong support. To all of you, I convey my heartfelt ALOHA and MAHALO.

"Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I am very pleased and proud to be a member of the Finance Committee. I was delighted to serve under your able leadership and also under the leadership of Chair Takamine and Vice Chair Kawakami. They worked diligently and hard to craft this budget, and I would echo their remarks about the valuable services and staff of the Finance Committee. The House really has the best crew, and thank you all of you.

"But, Mr. Speaker, this Finance Committee, and indeed the Majority, works within the perimeters of a budget that I find basically flawed. The basic facts about the budget, Mr. Speaker, are that over the current year, the operating budget will increase four percent in fiscal year 2000 and five percent in fiscal year 2001. That's up to \$226 million in the next fiscal year and \$284 million in fiscal year 2001. The general funds budget is up 4.2 percent in the next fiscal year and 4.8 percent in the following year. Positions are up 787 positions in the next year, 693 general fund positions. The total increase in the following and the out-fiscal year will be 939 with 150 new positions in that year. So the basic fact, Mr. Speaker, is that while the private sector sees jobs shrink, government continues to grow; while the rest of the economy runs flat, government continues to grow.

"We raised taxes \$11 million in this current budget by jacking up the rate on rent-a-cars. And remember, one out of every four people who takes a rental car in Hawaii is a local resident. That \$11 million conveniently offsets the \$13 million estimated first-year savings of the pyramiding reduction that we hope to get through Senate action today. So we see an offset in tax increases and reductions.

"We pay for the pay raise not by appropriate budget cuts, but by raiding the ERS. We are going to take \$195 million out of the Employees' Retirement System to pay for pay increases for current government workers. This kind of raid is something that we solemnly promised not to do two years ago -- just two years ago. How short our memories are!

"Mr. Speaker, Hawaii is indeed a special place. The United States of America is going through the greatest decade of growth in the entire history of the country. In the first quarter of this year, growth was up 4.5 percent at an annual rate. This is in the ninth year of growth. Absolutely unbelievable prosperity reigns over the United States of America, but not in Hawaii. Indeed a special place!

"Mr. Speaker, I was born and raised in Hawaii. When I grew up here, we considered Hawaii a so-called suburb of Los Angeles. During the Ariyoshi administration, when the Mainland economy went down, our economy dropped six months later. We were directly affected by what happened on the Mainland. And when the Mainland economy recovered, our economy recovered six months later. It was just an axiom that we were about six months behind California. Mr. Speaker, California recovered in 1994 -- we are still waiting for that recovery to come to Hawaii. In that period of time, if we had grown at the rate of the rest of the United States, we would have \$2.2 billion more in our general fund. That's \$2.2 billion to spend on schools, to help the University of Hawaii, to take care of the prison problem, to help with rental housing, to buy land and to protect our environment. That's money that all of us in Hawaii have lost and we are poorer for it.

"The Republicans tried to explain to the Majority that tax cuts create growth, that in fifteen out of fifteen examples that we found in the 90s on the Mainland that worked. And when the Majority told us, yeah, but you didn't look at the bad years

1989 to 1991, we went back and checked those years. We found out that in nine out of nine cases, when government raised taxes they saw less revenue. When government reduced taxes, they saw more revenue. As long as we fail to change the relationship between the money taken to support government and the money left to the rest of the people for themselves, as long as government stays too big, prosperity will continue to elude Hawaii. And our families will continue to break up as children and elders who would rather stay here move to a prosperous Mainland that they can afford better than Hawaii.

"Republicans offered you another way. We offered you meaningful tax cuts on food and medical services, tax cuts that will be spent a hundred percent in Hawaii. We showed how these cuts would boost jobs by putting money into circulation here. We also showed how to pay for these job-creating tax cuts through attrition and through selected vertical cuts. And we offered a path to prosperity based on true education reform through strong support to the University of Hawaii. . .

At this point, Representative Whalen rose and yielded his time to Representative Fox.

Representative Fox thanked the Chair and continued, stating:

"Mr. Speaker, you and your colleagues voted down our various recommendations or chose to disregard them. Hawaii has an alternative model. We can learn from our prosperous sister states on the Mainland. They have chosen meaningful tax cuts to spur prosperity -- meaningful tax cuts in a single year. We choose to stay behind.

"Mr. Speaker, Hawaii is indeed a special place.

"Thank you, Mr. Speaker."

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

"I am honored to serve on the Finance Committee in this House, and my thanks to the Chair, the Vice Chair and the staff of the Finance Committee. They have done an excellent job.

"This is a balanced budget, as it must be. I was absolutely ecstatic when I saw \$50 million in the budget for Kapolei High School. I was also thrilled to see \$1.4 million for the Kapolei Sports Complex and other measures that addressed the funding of the Kapolei Middle School. From the point of view of my district, this commitment to education and sports in our new Second City is a profound one and a grand accomplishment of this session that we can all be proud of.

"We began the work of fixing education. However, when the 1999 session began, the public was absolutely elated that this would be the session that we would finally fix the economy. We said we had heard the voice of the people of Hawaii in the 1998 election. We even changed Speakership to make sure we heard the voice correctly.

"But what, Mr. New Speaker, do we have before us today? Did we stimulate the economy? Did we give hope to the people of Hawaii that our economy is going to turn around? Did we give hope to our young people not to go to the Mainland? Did we encourage or give incentives to our dying business community? Better hand on for a little while longer, or hire new employees.

"Sadly, Mr. Speaker, we haven't lowered the pyramiding of the general excise tax one iota. And we have done nothing to deal with the health of our economy. In fact, we perpetuate big government spending with a five percent increase over last year's budget. And I have to say, Mr. Speaker, it started out much higher with the Senate version, and I think our Finance Committee did a fine job of bringing it down to the small increase that we do have, but it is still an increase.

"The people in this chamber swear we have a plan to turn around the economy and the political will to help small business. The most honest assessment I have heard of this plan is that we plan to wait until the Japanese economy turns around, and that will fix our economy. This is our year nine of that plan, going on ten, and the people of Hawaii have been very patient with us.

"So, in regards to our early session promise to the public to fix the economy, Mr. Speaker, this budget is more like a broken promise or a broken trust than the budget we promised the people of Hawaii. It's not just the budget, it's the other measures to go along with it.

"The fact of the matter is, Mr. Speaker, this session will not be known for fixing the economy but for 'fixing' Margery Bronster. Today is actually the close of the 'Bronster Session,' and we will show that we didn't take care of the economy. Mr. Speaker, we could have done better and we must do better than this in the future.

"Thank you, Mr. Speaker."

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

"Much of what I was going to say, as far as the numbers of the budget -- the addition of the 939 new positions, the increase over current spending of 4.3 percent the first year and 4.8 percent the second year, were well covered by the Representative from Waikiki. You know, as we look over these many numbers in this budget and the billions and billions of dollars all divided up into millions and hundreds of thousands, this strikes me not so much as a budget as it does a burden.

"We heard from the good Representative from Hamakua about how we have provided this and we have provided that, and I submit to you, Mr. Speaker, we have provided nothing. Every cent in this budget comes out of our working peoples' pockets, out of their paychecks. It's money that we can, through the action of government, take. We can't afford this budget, Mr. Speaker. We can't afford the growth in government that pushes our people down. The burden is much, much too heavy.

"We keep hearing about initiatives to kick-start the economy, to get things going. And I submit that this is not a budget, this is a break. You know, the economy is like a car that's in park and it throttles all the way to the floor. It wants to run, it wants to go forward, but government has its foot on the brake. We don't really have to do anything. We just have to take our foot off the brake and the economy will move forward. Think about it.

"Every business person out there, they don't want to do less business, they want to see their business grow, they want more customers, they want to expand. They want to make more profit, they want to hire more people, they want to have more employees. Every person who works for somebody else, who's a wage earner, when they go to work they want to work a full 40-hour week. They'd like to have the advantage of overtime. They'd like to work for a company that is so secure and doing so well that they can expect raises and promotions, that they can know they can meet their bills time after time, make a mortgage, buy a home with confidence, get that new car. We don't have to do anything to make the economy move forward, we just have to take our foot off the brake, and this is the brake. And it's breaking the backs of the people who pay the taxes. That's why the economy is down. We are spending more, we are growing government.

"And I will tell you very honestly, Mr. Speaker, as I look through this, the balancing act -- the balancing act is by raiding the ERS. And this budget doesn't legitimately balance, not the way you and I balance our checkbooks. It doesn't balance because there isn't the money to pay the bills that we have

made for our people. So we have provided nothing, Mr. Speaker, to our people. Not us in this House. They are providing the money for government, and the burden is too heavy.

"Thank you, Mr. Speaker."

Representative Pendleton then rose and asked the Clerk to register an aye with reservations for him and also incorporate the remarks of the Representative of Waikiki as his own, and the Chair "so ordered." (By reference only)

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

"This is the first time I am going to vote 'yes' on a budget, Mr. Speaker, and I do so for two reasons. Part of it is the maturation process, and the other part is I've actually tried to do my job better this year and went to the schools and the principals and talked to them. And the Every Teacher Counts issue is really a tremendously important thing that we're putting forward. One of my sons is a special education kid so I really understand that, and I have a teacher that lives right across the street from me, and they really drive that home. I didn't realize how important that was.

"And also, Mr. Speaker, as the great Democrat Speaker Tip O'Neil said: 'All politics is local.' And, Mr. Speaker, I want to thank the Legislature for listening to the community, the students, the parents of the Radford community, and putting money in this budget to address the most serious health concerns, particularly the restrooms. They really are in a dilapidated condition and this is a good start, and I want to thank you for that.

"This budget does have some good things in it, so I'm going to support it without reservations. If I could do it myself, certainly I'd craft something different, as other members of the body would do, but lower education should be our number one priority, and I think this budget reflects that, so I am going to support it."

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

"Mr. Speaker, one thing I would like us to remember during the interim and next year is that the environment is our money machine. I have a graph which I am sorry can't go into the Journal. But when you take a look at it, the environment is our money machine. People come to Hawaii because of our environment.

"That infinitesimal sliver which you may or may not be able to see is all that is allocated to the environment. And I hope we will keep that in mind. "Thank you."

Representative Meyer then rose in support of the bill with some reservations, stating:

"On Friday night, I think we all remember the kind of Chinese 'fire drill' we went through on the third floor when the Committee report came around for the Finance Committee members to sign. Of course, I had to sign with reservations because I had not a clue as to what was in the budget. And personally, I was very disappointed that the pyramiding bill had failed and the other tax bill which would have given a tax credit to hotels that would renovate, which would spur the economy. That also had failed. But in having more time to review the budget, I am pleased for many of the provisions that were included. The funding for Kahuku Hospital which was very important to my constituents was more generous than originally funded in the House budget, and as I said, I am very appreciative of that.

"But I am concerned. I feel that this was an opportunity missed. When we had the crossover and we received the

Senate's budget, it was irresponsible. I mean over 3,000 positions cut. This is like really going too far. The figures had not been put down clearly. It was just kind of a positioning. We are for cuts, we know that government is too big, but cutting all these positions. We don't know if they're vacant or not but government is too big, but they didn't have the figures to add up. In the end, our more measured approach was accepted and some will say the House won. Well, I think the House did win, the House had done a much more credible job, but the taxpayers have lost in many ways here. Eight years of this recession and we still will not address the fact that our government is too large. We have far too many government workers for the economy that we have, the population -- we can't support it. We had years of wonderful economic growth that far exceeded anything on the Mainland. And I mean you could do just about anything and you could pay for it, because the next year we'd have more money coming in.

"We, in this body, have seen shrinking revenues and every year government expenses rising. We had an opportunity this year to cut positions not like the Senate, but something far more measured, something in the neighborhood of 800 or 900 vacant positions which would have matched the increase that we were really forced to do because of the courts and the Felix decree.

"In looking at the budget and the financial summary, had we not raided the pension fund, at the end of this biennium we would only have \$17 million left, not enough to maintain our bond rating, not even the minimum \$15 million which would make our economy look marginal but okay. But if we had not raided the ERS and still had the Senate go along with passing the depyramiding which apparently is going to happen which I am happy for, we would be in worse shape.

"We have gone ahead and funded the pay raises which the Governor negotiated. This body did not negotiate those raises. We didn't have the money to fund those raises, and we still could have delayed or done nothing or simply denied, but we haven't done that. We don't have the will to do that. I don't know what it's going to take in Hawaii. We are all in this waiting game trying to protect the status quo. If by some miracle things should turn around, we will be alright. But if they don't, we're going to be in the same boat as California where people will receive vouchers instead of paychecks.

"So I truly hope things do get better, but I feel that we have not done all that we could, and for that reason I will be voting with reservations.

"Thank you, Mr. Speaker."

Representative Halford then rose in opposition to the bill, stating:

"I would like to speak in opposition to this bill and also insert comments in the Journal, so I'll be brief (the Chair 'so ordered.')

"I'd like to begin by complimenting the budget office's staff for putting together this budget. They worked hard, long, eight days a week I think and, sometimes more than 24 hours a day. I think that everyone knows or understands that it was this half of the Legislature that held it all together. So I want to express my appreciation to the budget staff for mechanically putting out this document.

"Mr. Speaker, I want to speak against the budget as a philosophical document.

"Mr. Speaker, this budget is the most important bill of this Legislature. Aside from spending our tax money for specific purposes, many of which are good, this document is the expression of the philosophy of our State government. It is the premier document of our State policy. Unfortunately, this budget continues the long-standing direction of our State policy. Immediately following the hotly contested 1998

elections, it was observed that nothing has changed. This budget document is certain confirmation that nothing has changed. This budget authorizes record spending for operating State government. Overall operating expenditures of \$6 billion is up four percent. General fund appropriations of \$3.1 billion is also up four percent -- more spending than ever before.

"Not long ago, in 1995, was my first session in this Legislature. In that session, our State government refused to take corrective action regarding State spending. We raised taxes and spent at new higher levels that year. That year began with Hawaii being the third highest taxed state in the Nation per capita, state and local taxes combined. We ended that session with Hawaii being number one -- the highest taxed state in the Nation. This year's budget ensures that we remain first. This year, operating expenses are up four percent, outstripping growth in population, outstripping growth in gross state product, outstripping performance in the private sector, outstripping inflation, and outstripping any other significant measure that could be proposed.

"Mr. Speaker, for brevity, I will insert further remarks in the Journal, and I will again, as I did in 1995, vote no on this budget.

"Thank you, Mr. Speaker."

Representative Halford's additional remarks are as follows:

"Is it acceptable for Hawaii's state government to expand its spending to record levels with borrowed money? This proposed budget for July 1999 to June 2001, does just that.

"It is common knowledge that our state government has, since 1986, spent at record levels each year and has been deficit spending each time. In the first eight years since 1986, our increased spending was supported by eroding our State's surplus. In 1995, with our surpluses gone, the deficit spending was covered by raising taxes -- Hawaii now collects and spends more state and local taxes per capita than any other state in the Nation. Today's proposed budget again increases operating expenditures. This increase is funded with borrowed money to make the budget 'balance.'

"The State is borrowing \$198 million from the Employees' Retirement System which is already underfunded. The State is borrowing \$22 million from the Department of Transportation Special Fund, replacing that amount with a tax increase on car rentals. Additionally, the State is reducing the counties' share of the TAT by \$40 million, pressuring the counties to raise property taxes.

"The last election was full of promises of surpluses and reduced State spending. But the election is past, and this proposed budget again increases State operating spending, this time by 4 percent. This growth in government outstrips growth in our population, our gross state product, our private sector, inflation, and any other significant measure that could be proposed.

"This budget will further damage our economy and hurt our people. If this budget passes, I recommend that the Governor veto the proposed budget and have us rewrite it in a special session. The cost of a special session is \$30,000, and can repair over \$200,000,000 in borrowing. The interest on the borrowing is over \$10,000,000 a year. If we truly care about Hawaii today and our children's future, we should rewrite this budget."

Representative Stegmaier then rose and asked that his remarks, in support of the bill with reservations, be entered into the Journal, and the Chair "so ordered."

Representative Stegmaier's remarks are as follows:

"My one major reservation about this budget bill is that we did not seize the opportunity that we had with the honoring of

the collective bargaining agreements, to do some significant restructuring of state government. We could have consolidated and streamlined departments and agencies so as to make government more cost-effective and with the savings from those horizontal and vertical reductions, we could have paid for the collective bargaining increases.

"This is what I hoped would be done. Unfortunately, we once again delayed the inevitable."

Representative Kahikina then rose in support of the bill, stating:

"I want to thank you, and thank the Chair and Vice Chair of Finance and members, and of course the staff.

"Mr. Speaker, I am so proud I was privileged to be part of the great debate. You know, even in my own home I try to balance my budget with my wife and my kids, and you know I guess all of us are going through the same thing too.

"We realize what we share in all these thoughts and these philosophies of cutting taxes. But you know, every time when we discuss about cutting taxes we have to realize that that's less money that we can appropriate. And so, for me, I have been trying to wrestle with this inside my heart, because you know we got people out there suffering. And you know a lot of these increases are addressing the Felix/Waihee case which we had no alternative but to fund because of a court decree.

"And, yes, I agree with all the words that have been shared that we need to do more, but I am very proud that what we've done is the best that we can do, given the resources, and so I stand proudly in support of this measure.

"Thank you, Mr. Speaker."

Representative Takamine, in rebuttal, stated:

"I guess in this ongoing debate, we've heard the term 'status quo' used, we've heard that nothing has changed. I would like to point out to my colleagues that I think there could be nothing further from the truth. It was a tough session, there's no question about it. From day one we knew what we faced. We knew that because last year we had restructured in significant ways by providing for the personal income tax cuts that we did. We felt that that was a major step to addressing the concerns existing in the economy. We heard we need to cut taxes, cut taxes. We did, to the tune of \$759 million over four years. We're seeing the effects of that. We see the impact in less revenues. Yet we know the demands out there are to provide for the many, many justifiable needs.

"How do we do this?

"Our responsibility is to balance. We have no further options. That's why my dispute with any reference to the status quo, or nothing has changed, is the fact that we've changed. It's a paradigm shift.

"The Vice Chair has described the kind of process we work through. It was from day one that the Governor's budget was taken apart, piece by piece, bit by bit, every place that there was room for a cut, that cut was made responsibly -- responsibly, Mr. Speaker, so that we could provide for initiatives. It was very tough once the stage was set to provide for new initiatives, but what does new initiatives mean? It means if we don't provide funding for 179 positions, class size and teacher-student ratio remain status quo. If we don't provide for the Hawaii Content and Performance Standards, it means the DOE does not have the necessary tool to measure progress for each and every child.

"Investing in our future means we have to provide resources. We felt that the best way to do it was to carefully, in a detailed and analytical way, go through where savings could be found to

take that and then do our best to provide for investing in our future -- our collective future, Mr. Speaker. I believe that's what we did and the product is in Conference Draft 1.

"Thank you, Mr. Speaker."

Representative Souki then rose in support of the bill with a few concerns, stating:

"And this concern, it disturbs me because I sat in the chair where the Finance Chair and I sat over there, and you both have done an excellent job considering the resources that we have. And I want to thank you, Mr. Speaker, thank the Chair, Vice Chair and the Finance members, and all the members of the House and, of course, the staff.

"My concern is, we seem to be heading in a direction where the consideration is not in services to the people, is not in providing better schools and better health systems, and even more jails. We seem to be only concerned about cutting taxes and not balancing it with either a cut in the budget or an increase in the tax. Now I prefer any increase in taxes, and I'm not ashamed to say this. There's nothing bad about it.

"It was mentioned here that most states that have decreased taxes have achieved prosperity. I choose to differ with you. The state of California increased taxes twice, so did New Jersey. Only as they begin to rise, prosperity rises and they cut, and that's the way it should be. I'm not saying that we should do that, but I say we should have the will -- the political will -- on both sides of the chamber to do the right thing and not to emphasize that we need to cut more and at the same time say that we need better schools, that we need to raise the ratio of the school expenditure per student from 51 and move it up to number five or number one. We're not proud of that.

"You know, this is not a reality we're going to cut taxes some more. Last year, we cut \$759 million for the next four years. We are going to be cutting the pyramiding. That's about \$150 million for the next six years. We're talking about reduction in revenue of \$909 million within the next six years.

"Now, members, when are the tough decisions to come? It's going to be right around the corner. We're just deferring the inevitable. Hopefully, during this interim we can have a bipartisan committee look at this problem and find some resolution.

"We all know that the ERS is very necessary and it's one time only. And, in fact, the language in the ERS says: 'Thou shall not do it again.' So that resolution is not for us in the future. The resolution for us is to have the political will to do the right thing, and the right thing is service to the people so that the poor can be served, so that our children can be educated, so that the health systems in the counties can have their dollars.

"My understanding is that with the pay raise, they're going to be taking the money from the special funds. What that will do is it will reduce the hospital operating funds by those dollars. And let me tell you, if you're from the Neighbor Islands, that State hospital is very important. Another consideration. By not funding this... I've been told to face the Speaker. Of course, I'm very sorry. Sometimes you've got to eat your own words. Mr. Speaker, my apologies. You certainly are very attractive-looking up there. I lost my place... what was I saying? Okay.

"I had a letter from the AIDS Foundation. They needed \$212,000 more so they could have a matching fund of \$2,400,000. Now I understand there wasn't enough dollars and we couldn't fund them. But now, my good friends and colleagues, think about it. By not providing this \$212,000, does it mean that some people out there with AIDS or HIV are going to die because of that? Because they don't have the medicine -- this new 'cocktail' medicine -- that go with it? Now this is the kind of thing that we need to look at not only

the cutting of the budget, but in providing the best possible service for the people of the State of Hawaii, and that is what we are here for.

"Thank you, Mr. Speaker."

Representative Santiago then rose and stated:

"Mr. Speaker, I've waited nine years to do this. Could I ask that the words and the remarks of my learned colleague from Maui be entered in the Journal as my own. . . up to the part where he calls you attractive and all that," and the Chair "so ordered." (By reference only)

"Mr. Speaker, I rise in support of the measure and just offer a few remarks.

"I, too, feel very compelled to thank the Finance Chair, Vice Chair, and the members for the hard work that went into it. It's just amazing what is done. There are some concerns and there'll always be concerns. I think that one of the things that I've learned is that whenever you have an extreme position that continues to be pounded away at over the years, it becomes something that is a measuring tool, as I like to think of it. And I think this year what we have done is set into place the motion that the changes that we started over the years, we're going to feel for the next few years. It's going to get more difficult as the Representative from Maui just pointed out. It's going to get more and more difficult as the tax breaks we have talked about and instilled come to bear. And he mentioned some health programs that are being cut. As the Health Chair, I am fully aware of that and fully concerned about it.

"There are other things in the budget, though, that I'm really, really proud of, and I think that as I looked back and I began to review, I said to myself, you know, when I become critical of certain individuals who take an extreme position, I need to look in the mirror and I need to ask myself: am I taking an extreme position when I advocate just for one position, whether it be for health or human services or some others? It is difficult for me to acknowledge, but I do have to admit that when I'm fighting for health, human services and other programs, it's hard not to take an extreme position and hope that the balance somehow happens. And I think that's what I see occurring.

"I'm not totally overwhelmed with joy about some of the cuts that have been mentioned. I think, though, that we're going to have to make some tough choices in the very near future if we cannot continue to do things that are going to be looked upon positively although they're not talked about a lot like the tax cuts, et cetera. And with that, Mr. Speaker, I rise in support with no reservations. Thank you."

Representative Fox, in rebuttal, stated:

"I spent most of my life as a Democrat and it would thrill me and please me greatly if we could just all come together in agreement on what it takes to help this economy move forward. My feeling, and I am prepared at any moment to be persuaded that the philosophy I hold is wrong, my feeling is that to get the economy moving, we need a big tax cut. One that dramatically tells everybody in Hawaii who does business, and everybody that has any connection with the economy, and anybody else outside Hawaii that Hawaii has changed, that it is approaching business differently.

"I really fear that the way the Majority Party is doing tax cuts is going to be a self-fulfilling prophesy. Yes, the tax cuts are big when run over a long term. But they start out at such a manini level that they don't produce any real change in the economy. The big tax cut that the Finance Chair referred to in the income tax is less than \$16 million in the current fiscal year. It is not enough to get anybody excited. Nobody here has really seen much difference in their paychecks, and it's not making a difference in the way people look at the economy.

"Now with the pyramiding, we are starting into the same philosophy. It's just a tiny little cut of \$13 million instead of a big dramatic cut. So we're going to get the worst of both worlds. We're going to have these cuts that continue to hurt us year after year, but because we don't really have the faith that a big tax cut will stimulate the economy and create a big boost in revenue, we don't do what's right, which is a big tax cut up front. We back load our tax cuts instead of front loading them. And I think it is something I would be prepared to seriously address with anybody. Tax cutting is the right idea, but the biggest benefit you get is from a big cut up front.

"Thank you, Mr. Speaker."

Representative Rath, in rebuttal, stated:

"Mr. Speaker, I can't think of any city, nation, state, country that's ever taxed their way out of a recession, and I disagree with the Speaker Emeritus that you can't tax your way out of a recession. You know, he talked about serving the poor. I think our job should be to see that the poor are employed so they are no longer poor, not to maintain them as a class.

"I agree wholeheartedly with many of the points that the Representative from Waikiki made. You know, every place where they have had a bad economy, not only our country but even in New Zealand where they have crashed broad-based taxes, in every single case, it shows that actually they have collected more revenue. But we keep talking about revenue and taxes. I think that what we have to look at is the burden we're placing our people under. Life is not as good as it could be. It's not as good as it should be, and it's not because they're lazier, they don't want to work. Everybody wants to work, everybody wants to do better. What our people need is more take-home pay. They need to keep more of their own money, more of what they earn instead of putting it through the revolving door of government where we take it from them and give it back in some kind of service.

"We've got to have a smaller government if we're going to have a good economy. We've been in a recession for nine long years now. And the Representative from Waikiki is right. The tax cuts are way too small, way too manini, to have any dramatic impact. So it's like a million little razor cuts, and we are bleeding to death.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 100, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," 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. No. 100 had passed Final Reading at 11:30 o'clock a.m.

At 11:31 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:43 o'clock a.m., the Clerk made the following announcement:

"Mr. Speaker, I have been informed by a representative of the President of the Senate that the Conference Committee Report for House Bill No. 100, HD 1, SD 1, CD 1, was adopted, and said House Bill No. 100, HD 1, SD 1, CD 1, relating to the State Budget passed Final Reading in the Senate at 10:25 a.m.

"In addition, I have been informed by the Assistant Clerk of the House that at 11:37 a.m. on this day, House Bill No. 100, HD 1, SD 1, CD 1, has been duly transmitted by the Legislature to the Governor, pursuant to Article VII, Section 9 of the Hawaii State Constitution."

Conf. Com. Rep. No. 141 and H.B. No. 1450, HD 1, SD 2, CD 1:

Representative Takamine moved that the report of the Committee be adopted and H.B. No. 1450, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Kawakami.

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

"I just have one brief comment. You'll understand, Mr. Speaker, as do all of us, that this bill provides for the funding for our Judicial Branch, and I think that's needed. But I would be remiss if I didn't point out this bill also funds the new Kapolei Courthouse and Juvenile Detention Center.

"So I am very grateful to my colleagues on the Finance Committee for this, and for all of you on the floor that you will give your positive support to this bill today.

"Thank you, Mr. Speaker."

At 11:44 o'clock a.m., Representative Herkes asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:45 o'clock a.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1450, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Goodenow, Kahikina, Menor, Morihara, Okamura, Souki and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. No. 1450 had passed Final Reading at 11:46 o'clock a.m.

Conf. Com. Rep. No. 142 and H.B. No. 700, HD 1, SD 2, CD 1:

On motion by Representative Takamine, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 700, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Final Reading by a vote of 43 ayes, with Representatives Cachola, Goodenow, Kahikina, Menor, Morihara, Okamura, Souki and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. No. 700 had passed Final Reading at 11:47 o'clock a.m.

Conf. Com. Rep. No. 51 and H.B. No. 1178, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1178, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 52 and H.B. No. 1296, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1296, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEHOE BAY," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 53 and H.B. No. 1020, HD 2, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1020, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Marumoto voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 54 and H.B. No. 1142, HD 3, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1142, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Halford and Rath voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 55 and H.B. No. 1548, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1548, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER REUSE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 56 and H.B. No. 1177, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1177, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 57 and H.B. No. 1181, HD 1, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1181, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 58 and H.B. No. 1086, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1086, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Ito rose and requested that his remarks, in support of the measure, be inserted into the Journal, and the Chair "so ordered."

Representative Ito's remarks are as follows:

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

"Through your leadership and guidance, Mr. Speaker, I am pleased to present to the members H.B. 1086, SD 1, CD 1, for approval.

"The purpose of H.B. 1086, SD 1, CD 1, is to amend the requirement that fifty percent of each school day be devoted to

oral expression, written composition, and the spelling of the English language.

"Statutorily requiring that not less than fifty percent of the study and instruction in each school day be devoted to oral expression, the written composition, and the spelling of the English language hampers the DOE's ability to provide a varied instructional program that helps students achieve the Hawaii Content and Performance Standards. There are times when meeting the fifty percent requirement of each instructional day is not feasible or practical. For example, student learning experiences can be enhanced and expanded by field trips to the Bishop Museum, performances at the Honolulu Symphony, the Academy of Arts, and other places within our community.

"Mr. Speaker, this measure will not delete the requirement that schools teach English altogether. Rather, this amendment allows the DOE and the BOE the freedom and flexibility to establish a strong learning environment and implement the Hawaii Content and Performance Standards. This ensures that the basics will continue to be taught.

"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. 1086, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 59 and H.B. No. 1028, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1028, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 60 and H.B. No. 1711, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1711, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

Representative Catalani's remarks are as follows:

"I am in support of this measure regarding Kaneohe Bay piers. This measure is a culmination of discussions between the affected community, the Department of Land and Natural Resources and legislators. All parties worked hard and listened to each other's concerns regarding the payments of the pier rentals.

"This measure provides that any unpermitted pier in Kaneohe Bay would be considered a non-conforming use in the conservation district. The DLNR will seek and provide the necessary approvals and permits for the pier owners. This is a tremendous benefit to the pier owners who choose to take advantage of the DLNR's offer. Further, this measure eliminates the requirement that lessees open their piers to the public.

"Most importantly, this measure expunges all penalties for past pier-related violations when this bill is signed into law. Further, this measure establishes a lease moratorium on the piers in order to provide time for the pier owners and DLNR to find an equitable solution for future lease rents."

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

Representative Ito's remarks are as follows:

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

"Through your leadership and guidance, Mr. Speaker, I am pleased to present before you House Bill 1711, HD 2, SD 1, CD 1, for approval.

"Mr. Speaker, the purpose of this measure is to resolve longstanding problems associated with private residential noncommercial piers in Kaneohe Bay. This pier issue is very confusing and it seems that the regulation system of piers is extremely flawed and this has resulted in many complaints from my constituents.

"Mr. Speaker, first of all I would like to give you a little background about this issue. Many piers in the Kaneohe area were built prior to October 1, 1964, the effective date of the first regulatory measures concerning piers. Other piers built after this date were built in compliance with the regulations at the time of construction. These two groups of piers were built to comply with different regulatory measures and are not regulated by the same regulations.

"And yet, another group of piers exist. These piers are illegal and were built without complying with any permitting requirements at any period in time. It seems that the official records to keep track of these illegal piers have been lost and there is no way to identify nonconforming and illegal piers. Because of this fact, many pier owners are confused as to what laws and regulations apply to them and want some sort of regulation.

"Mr. Speaker, another issue is that only approximately 1/10th of pier owners on State submerged lands are paying rent to the State. This also, is mainly due to the lack of regulation and I have found out that many pier owners on State submerged lands do not mind paying a reasonable fee to the State for use of these lands. Mr. Speaker, the Auditor has found that the cost to account for monthly rent for piers has exceeded the revenues realized by the State. Mr. Speaker, we have a situation in which all parties involved will be positively affected by this measure.

"Mr. Speaker, this measure resolves many of the problems that have plagued Kaneohe Bay pier owners for years. It successfully addresses the needs of pier owners as well as the State, which has an interest in regulating submerged lands and protecting the ecosystems that survive there. I feel that this measure has really developed over the legislative session and it really is a measure to be proud of. Mr. Speaker, I strongly support this measure and urge others to also support House Bill 1711, HD 2, SD 1, CD 1.

"Thank you, Mr. Speaker."

Representative Meyer then rose and asked the Chair if she could be excused from voting on this measure, saying:

"I do own a pier on Kaneohe Bay and I feel that I'm personally involved in that bill."

The Chair excused Representative Meyer from voting on 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. 1711, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," passed Final Reading by a vote of 48 ayes, with Representatives Meyer, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 61 and H.B. No. 4, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 4, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE ROADBLOCK PROGRAMS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 62 and H.B. No. 500, HD 3, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 500, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 63 and H.B. No. 806, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 806, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"My only opposition, Mr. Speaker, is that the land negotiations to exchange private lands for public lands, in light of what we have in this session tried to pass in terms of the ceded lands inventory, and it is simply for that reason that I would move with caution to take a look at the inventory of the ceded lands before we begin to parcel out these public lands for other uses and ownership.

"Thank you, Mr. Speaker."

Representative Morita then rose in opposition to the bill, stating:

"Mr. Speaker, last night I struggled with this bill, trying to decide whether to go with reservations or to vote no, and I choose to vote no because our fiduciary responsibility is being relinquished. I believe what we're doing here is unprecedented.

"Presently, there is a prescribed method for the Department of Land and Natural Resources to negotiate for a land exchange in Chapter 171-50. After an exchange is negotiated by the Department and approved by the Board, a resolution is submitted to the Legislature for review of action. This resolution discloses the following information: the location and area of the parcels of land to be exchanged; the value of the lands to be conveyed by the State and the private party; the name or names of the appraiser or appraisers; the date of the appraisal which is not more than six months prior to the date of the final approval of the exchange by the Board. This disapproval by the Legislature takes two-thirds vote of one house or a majority of votes in both houses. To garner such legislative disapproval, one would think that such a pending exchange would have to be very egregious.

"This bill constitutes a pre-authorization without knowing what parcel of public lands will be exchanged for and at what value. Basically, this body is relinquishing its fiduciary responsibility and its oversight powers, and I don't feel comfortable with that.

"My no vote should not be viewed as a lack of support for the Hawaii International Motor Speedway project. The merits and economic contributions of that project should speak for itself. In hindsight, perhaps it would be more appropriate for

this body to show its support of that project through a resolution.

"Again, pre-authorization relinquishes our fiduciary responsibility in this matter.

"Thank you, Mr. Speaker."

Representative Takumi then rose to register a no vote, saying:

"All I ask is that the remarks of the previous speaker be entered into the Journal as if my own," and the Chair "so ordered."

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

"Mr. Speaker, I did not intend to speak today but since there were remarks made in opposition to this bill, that I think I should glorify some of those statements. The reason why I said I support it is because I expect this body to vote unanimously and to think that this should be a slam-dunk to support it, and the reason for that are as follows: If we are going to allow Hawaii International Motor Speedway to do this project, that will translate to employing 300 full-time and 1,000 part-time employees, basically for locals getting these jobs. The projected total annual revenue over five years is estimated to be \$77 million.

"If you look at the bill, Mr. Speaker, the repeal date is June 30, 2000. The land to be exchanged that the Hawaii International Motor Speedway wants is already identified, and that is TMK 7-2-5-8. However, it was the DLNR who needs a lot more flexibility. What they told us was: 'Let's not identify the private land that we need so that we want to have that land that we really need for our purpose.' Because of that, Mr. Speaker, we came up with this bill.

"Going back to the repeal date of June 30, 2000, there are several steps to be taken to identify those lands. First, it is for both parties to identify the land. It takes maybe several months to do that. Then you come up with the EIS as required. EIS takes maybe about six months or more. Then you have the LUC requirements for zoning which is another six months.

"The question to ask is: Why do we need this bill if it is going beyond the one year? That is to give the developer at least a start to try and firm out financing so that it will be surely a matter of time before this developer will come back to the Legislature to ask for a land exchange, and then that is the time we will really undergo the use of requirements that is required under this law.

"Mr. Speaker, having said that the economic impact is great for this State of Hawaii, we should at least give DLNR the flexibility to exercise in the selection of this land. If you look at page 4 of this bill, on line 3, it says: 'The authority granted to the Department of Land and Natural Resources to negotiate and enter into a land exchange agreement under this Act shall be repealed on June 30, 2000.' The question now is: Who has control on all this -- on the time table? It's the DLNR, it's the State who is asking for flexibility. If they need that, we should give it to them. And it is for this reason, Mr. Speaker, that we should pass this bill out. Thank you."

Representative Chang then rose in support of the bill and asked that the remarks of the previous speaker be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Chang further stated:

"Mr. Speaker and members, in the past two months I have been exposed to auto racing that I've never been exposed to before. I attended the Daytona 500 in Florida, and several

weeks ago the Long Beach Grand Prix. The amount of fervor that goes with auto racing is something that we all need to experience.

"In November of this year, we will have the Hawaii Super Prix here in Hawaii. This bill and the developers who are putting this track together in Kona will add substantial economic development to the State of Hawaii, and I urge my members to support it."

Representative Kanoho then rose in strong support of the bill and asked that the remarks of the previous two speakers be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Kanoho further stated:

"Additionally, Mr. Speaker, it must be realized that the lands that we are talking about are waste lands of lava fields -- hundreds of acres in an area of thousands of acres of very little value to be converted into a raceway development which would bring forth great economic benefits to the State of Hawaii. And additionally, being exchanged for lands that would have considerable value or could be put to benefit and to use by the people of the State of Hawaii.

"I also have much confidence -- great confidence -- that the Department of Land and Natural Resources will proceed with this exchange in due diligence and to the benefit of the State of Hawaii as well. Thank you."

Representative Schatz then rose in opposition to the measure, stating:

"I don't dispute that auto racing may be an economic benefit to the State. I don't dispute that this would probably be a good location for the Hawaii International Motor Speedway. I don't dispute the merit of the project itself.

"What I have a problem with is that this probably shouldn't be the policy direction of our Legislature. Do we want to set a precedent whereby we pre-approve a land exchange of unspecified location and size? That's my problem with the measure."

Representative Saiki then rose in opposition to the measure, stating:

"For the same reasons as the Representative from Makiki, but I would like to add that we really should be very careful as the Legislature starts to relinquish legitimate regulatory authority for acknowledging one of the reasons that DLNR testified at our Finance Committee hearing, that it does not know what lands will be exchanged in this transaction. It also does not know the identity of the real parties in interest -- that is, the true owner of this land. The DLNR also testified that it has never pre-authorized a land exchange like this. I think that this is a bad precedent."

Representative Kanoho, in rebuttal, stated:

"I agree that policies need to be established and adhered to because that's what policies are for. But at the same time, policy bodies must take the initiative when it becomes necessary, where the advantages and disadvantages and given the time constraints and the opportunities that is presented before us, and make those difficult decisions which will result in positive gains.

"Thank you, Mr. Speaker."

Representative Takai then rose and asked the Clerk to register an aye with reservations for him, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 806, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," passed Final Reading by a vote of 37 ayes to 12 noes, with Representatives Arakaki, Catalani, Hamakawa, Hiraki, Kahikina, Kaho'ohalahala, Lee, Luke, Morita, Saiki, Schatz and Takumi voting no, and Representatives Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 1178, 1296, 1020, 1142, 1548, 1177, 1181, 1086, 1028, 1711, 4, 500 and 806 had passed Final Reading at 12:03 o'clock p.m.

Conf. Com. Rep. No. 64 and H.B. No. 1522, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1522, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Rath voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 65 and H.B. No. 602, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 602, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF A TRAILER," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 66 and H.B. No. 719, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 719, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Auwae rose to speak in support of the bill with reservations, stating:

"Mr. Speaker, I rise to speak in support with reservations only because we have found that a fee increase from one dollar to three dollars on each certificate of registration for motor vehicles should be established to pay for highways beautification and disposal of abandoned vehicles.

"However, Mr. Speaker, I rise in support of this measure with some reservations because I feel an increase of two dollars for each certificate of registration for all motor vehicles other than U-Drive motor vehicles imposes an additional and excessive fee for our taxpayers. Although two dollars may seem insignificant to most of us, I feel it is just another way to nickle and dime our residents.

"I understand the need to beautify our highways and dispose of abandoned vehicles, but I think we can still accomplish this with only a one dollar increase in this fee rather than two dollars, so I vote today with reservations.

"Thank you, Mr. Speaker."

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

"I believe the fee is only increased by one dollar in the final version. Thank you."

The Chair then thanked Representative Goodenow for the clarification.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 719, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED MOTOR VEHICLES," passed Final Reading by a vote of 45 ayes to 4 noes, with Representatives Halford, McDermott, Rath and Whalen voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 67 and H.B. No. 221, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 221, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak in support of the bill with reservations, stating:

"Mr. Speaker, this is an authorization here that gives the Hawaii Tourism Authority the ability to move forward and begin what we call the strategic tourism marketing plan. And the only reservation that I have in this bill is that while that's an unnecessary part of the work of the Hawaii Tourism Authority, there is a section in here that I am cautioned with that says that 'the Board may withhold from public inspection and copying any consultant's report and internal analysis related to the formulation of a strategic tourism marketing plan.'

"Further, it says that they may at some point in time, with two-thirds of their Board, decide that to continue withholding this information, and I can agree that it's necessary for them to plan, and the only caution I have is that in those plans there may be areas of concern that the communities may have because they may, in fact, be impacted by those strategic marketing plans themselves. But having no information given to the public or the community is where I am cautioned, and for a period of eighteen months that this may be withheld from the public view and for an extension of another eighteen months at the pleasure of this body is where I think I am a little concerned with. Otherwise, I think they are given the autonomy that they need, but I would be cautioned if they make decisions that are going to impact communities without communities having any information at all.

"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. 221, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 68 and H.B. No. 827, HD 3, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 827, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 69 and H.B. No. 1277, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1277, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Cachola rose to speak in support of the bill with reservations, stating:

"This bill will allow the City and County of Honolulu to improve its wastewater treatment system, in compliance with federal court order and the Clean Water Act, and for this reason, Mr. Speaker, I stand in support of this bill.

"Unfortunately, this bill will also provide the U.S. Filter Corporation, the largest wastewater treatment company in the world -- a 900-pound gorilla -- with the right to sell and distribute up to twelve million gallons a day of publicly-owned wastewater without oversight by the State. They will sell the water to the City and County of Honolulu and private businesses. The bill provides for the review by the City after five years. But the focus of the review will be the economic issues of pricing and its impact on the public. And the PUC would be more appropriate as the lead agency to review.

"For the record, the Consumer Advocate opposes the Conference Draft of House Bill 1277, and as an alternative has suggested PUC review as an alternative.

"I also have the following concerns about this bill. I am speaking in support with reservations not to scuttle this bill, Mr. Speaker, but just to let the members and future Legislatures know that somebody is speaking in here right now so that in the records and in the Journal, when they look at it later on if there is a need to review, that there is somebody speaking with some concerns. And my concerns are the following:

"First, under this exemption, the sale and distribution of water will not be subject to regulation by the PUC. Regulation of wastewater treatment is necessary to ensure that this service to the public is done in a reasonable, dependable and safe manner.

"Second, the bid by U.S. Filter responds to the City's request for proposals for construction of the sewage treatment plant was not contingent on exemption from the PUC regulation at all.

"Third, according to U.S. Filter Corporation, financial institutions will not finance their construction of a treatment plant in Hawaii unless U.S. Filter is exempt from scrutiny by the PUC. But the Consumer Advocate does not believe that the evidence supports U.S. Filter's claim, U.S. Filter being the largest of its kind in the world.

"You know, Mr. Speaker, although U.S. Filter may interpret House Bill 1277 as a guarantee of exemption for the duration of this twenty-year contract with the City, I want to affirm and state that no such guarantee exists. The Legislature, particularly the future Legislature, should strongly consider restoring PUC's oversight in the near future if such a need arises. Eliminating PUC oversight will drastically affect environmental protection and the price and availability of water, and for these reasons I have strong reservations about this bill.

"Thank you, Mr. Speaker."

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

"I appreciate the comments of the previous Representative. However, it must be pointed out that those wastewater treatment facilities which are exempted from PUC jurisdiction applies only to facilities that enter into contracts with the City or the State, at least the City, and only under conditions that the water is being treated -- the City municipal wastewater. And given the kind of controls in the contractual agreements then between the wastewater treatment facility and the governing body -- the City and County of Honolulu in this particular case -- I do not see any problems in this day when we are attempting to reduce the amount of regulation. I think this is a very appropriate step.

"Thank you, Mr. Speaker."

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

"I wanted to point out several things. Yes, the Consumer Advocate's concerns did warrant some attention, and I believe that we addressed those concerns in this measure.

"I also want to point out that what we are concerned about is between two and four million gallons of water per day that will be available for sale to commercial entities by this facility. The bulk of the water is being repurchased by the City and County of Honolulu -- about 60 percent of that water. Between 20 and 30 percent of highly processed specialized water is being made available to refiners in that area, and then the balance which runs between two and four million gallons a day is pretty much unregulated.

"We tried to protect the commercial entities that may be purchasing the water by saying that the sale of this water is voluntary and the price of the water shall be reasonable and fair. And by using that language, if the price of the water is not reasonable and fair, that there is a mechanism to come back to the Legislature for review.

"The Conference Committee recognized the need to establish policy and a regulatory framework that supports the advantages of wastewater reuse. There is a big disconnect between the City and County, Department of Health, Board of Water Supply, PUC, Commission on Water Resource Management with regard to wastewater reuse, and the Committee found that the advantages of this bill were in the public interest, especially in promoting wastewater reuse on the Ewa plains.

"Thank you, Mr. Speaker."

Representative Cachola, in rebuttal, stated:

"Again, my intention of speaking is just to let future Legislatures to look into the matter when the need arises.

"The thing that really bothers me, Mr. Speaker, is the way things are presented. And when they come up with the exemption of the PUC, we might be the first state in the union that will be giving this kind of exemption to a 900-pound gorilla. It has never been articulated in any hearing at all that other states, and they have been all over the United States, that any state is giving them PUC exemption. We might be the first one. And that is the reason why I said, if Hawaii said that all the other states already have U.S. Filter doing these things in other states and this is the first time that we have it here, and now they are asking for PUC exemption, that, to me, is more or less like a 'red flag' that we should look into.

"And again, I support this measure and I'm not trying to scuttle 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 H.B. No. 1277, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER TREATMENT FACILITIES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 70 and H.B. No. 138, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 138, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL GOODS," passed Final Reading by a vote

of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 71 and H.B. No. 562, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 562, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 72 and H.B. No. 945, HD 1, SD 1, CD 1:

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

Conf. Com. Rep. No. 73 and H.B. No. 1628, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1628, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 74 and H.B. No. 1637, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1637, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Catalani rose in opposition to the bill and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Catalani's remarks are as follows:

"I speak in opposition to this measure because I believe we need to ensure the health and safety of our public school children. My major objection about this measure is that it will be 'too easy' to get a tour bus in lieu of using a school bus for school-related events. I don't believe any school should be allowed to hire a tour bus just for convenience.

"I note that the Department of Education has granted many exemptions to schools to allow the use of tour buses for school-related events. So, I don't understand why we need this law. I believe the DOE has provisions to grant exemptions, so those schools who advocate for this measure should seek this DOE exemption.

"In addition, tour buses do not meet the same federally mandated conditions or requirements, as do school buses. If we allow tour buses to meet this federal standard, I would have no objection to permit our children to ride on tour buses for school-related events.

"Lastly, I don't want this measure to be false hope to schools that advocate the use of tour buses. The DOE stated in a public hearing that the cost of using tour buses would be more than using school buses. The DOE did not want schools to use the cost of paying for school buses to cut into their already tight budget, then ask DOE to provide more money for the schools."

Representative Hiraki then rose in support of the bill and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Hiraki's remarks are as follows:

"Mr. Speaker, this measure allows the use of tour buses to transport middle, intermediate, and high school groups to and from school-related activities or events. It also establishes a set of criteria for what is a suitable tour bus, stating that the bus must seat more than 25 passengers, have a gross vehicle weight rating of at least 26,000 pounds, and not be more than 15 years old.

"Currently, the law states that the Department of Transportation may grant exemptions for the use of vehicles other than school vehicles when they are unavailable or impractical due to economic factors. Unfortunately, certain school groups have had difficulty finding appropriate accommodations, even with this exemption clause, because many school bus companies cannot fulfill their requests. Yet, groups that require buses with a public announcement system and undercarriage storage compartments must inquire with all school bus companies before they can make arrangements with tour bus companies which have these kinds of vehicles in large supply. Such a situation creates a tremendous hardship for teachers and school activity coordinators, who have numerous responsibilities beyond that of arranging for transportation for their students.

"House Bill 1637 attempts to address the needs of groups with special transportation requests by allowing them more leeway in finding appropriate accommodations. In particular, large groups that utilize a sizeable amount of equipment, such as bands and athletic teams, can be transported more safely in tour buses that have undercarriage storage compartments and public announcement systems, allowing them to properly and safely transport equipment and passengers while supplying the passengers with an effective means of communication. Although school buses are built according to federal safety regulations, many of them do not have undercarriage storage bins or a public announcement system, and without them, may prove to be hazardous to the safety of the passengers.

"Tour buses have not been proven to be any less safer than school buses, and because these vehicles are built for adults, a provision has been inserted into the bill specifying that tour buses can be used only for older students. This bill attempts to help teachers and school administrators in carrying out their duties without compromising the safety and well-being of our children.

"I would like to thank the Chairs of the Education Committee and the Finance Committee and the Vice Chair of the Transportation Committee for their cooperation on 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. 1637, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed Final Reading by a vote of 45 ayes to 4 noes, with Representatives Catalani, Luke, Meyer and Schatz voting no, and Representatives Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 1522, 602, 719, 221, 827, 1277, 138, 562, 1628 and 1637 had passed Final Reading at 12:18 o'clock p.m.

At 12:18 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 12:19 o'clock p.m.

Conf. Com. Rep. No. 75 and H.B. No. 167, HD 3, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 167, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Hiraki rose in support of the bill and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Hiraki further stated:

"However, Mr. Speaker, just a few additional words. I just wanted to thank the Chairs of the Judiciary Committee and the Finance Committee, as well as my good Vice Chair here on the Transportation Committee for supporting the measure.

"You know, Mr. Speaker, according to the Department of Transportation statistics, automobile crash injuries is the number one cause of injury and death among 16 to 19 year olds. By raising the driving age and providing for education courses will save lives and reduce serious automobile accidents and, hopefully, ensure that all young drivers are responsible drivers.

"Thank you very much, Mr. Speaker."

Representative Hiraki's remarks are as follows:

"I would like to say a few words in favor of House Bill 167 -- Relating to Motor Vehicle Driver Licensing. The safety of Hawaii's roads, especially in terms of drivers under the age of eighteen, has become a growing concern over the years. More and more, there are stories on the news of fatal car accidents involving high school students, and with so many young lives being lost each year, steps should be taken to impress upon young drivers the importance of road safety.

"House Bill 167 attempts to address this issue by raising the minimum age at which a person can obtain a learner's permit from fifteen to fifteen and six months and raising the minimum age at which a person can obtain a driver's license from fifteen and three months to sixteen years of age. The bill also requires that people under the age of eighteen must show proof of having completed a behind-the-wheel driver training course prior to receiving their driver's license. Thus, not only will minor drivers on the road, in general, be of an older age, but the new provisions will ensure that these drivers will be educated in road safety and the proper handling of motor vehicles.

"The importance of road and motor vehicle safety cannot be impressed upon our youth too often. Statistically speaking, young drivers are over-represented in motor vehicle incidents. According to Mothers Against Drunk Driving, more than 40 percent of all 16 to 20 year old deaths in the United States result from motor vehicle crashes. In 1997, 7,885 teens were involved in highway crashes and more than 3000 of these teens sustained fatal injuries. In Hawaii, 15 to 19 year olds comprise 5.11 percent of drivers but 11.02 percent of drivers involved in highway crashes. During the five-year period from 1993 through 1997, 42 teenage drivers between the ages of 15 and 18 were involved in fatal crashes. Young drivers are all too often involved in motor vehicle incidents, but with this legislation, steps are being taken to protect the people on Hawaii's roads, and more importantly, the welfare and safety of our children.

"One aspect of this bill that greatly moved me was the fact that high-school students also were in favor of stricter licensing laws, and they supported many of the statutory changes that this bill is to bring about. A group called 'Youth in Action' supports graduated licensing, and two provisions they are most in favor of are a mandatory driver education course and an extended period in which a person must be in possession of an instruction permit before obtaining a valid driver's license. Under the present law, there is no provision that requires prospective drivers to take a mandatory drivers course, and the holding period for a permit is only ninety days long. However, 'Youth in Action' is in such support of these two measures that all the members of this group want the requirement that all prospective drivers, and not only those who are under the age of eighteen, must complete a mandatory driver education course, and they are very much in favor of extending the period in

which a person must possess a permit to up to one year. Some would think it odd that the very people whom this bill affects are the ones who are asking for stricter licensing measures, but the members of 'Youth in Action' realize that driving is a privilege that must be earned by those wanting to possess it, and the possession of such a privilege commands a great deal of responsibility and commitment from the possessor.

"Surprisingly, there are many people who would argue that it is unnecessary for the minimum driving age to be increased or that the current driver's licensing law needs to be changed. However, many states across the nation have adopted graduated licensing laws, and Mothers Against Drunk Driving, one of the strongest advocates of stricter driving laws and safer roadways, support House Bill 167. There is the added concern that people on the outer island and minors who work will be the ones most adversely affected by this bill. For example, the outer islands do not have public transportation systems that non-driving minors can depend upon, and it seems inconsistent and inconvenient that a fifteen year-old person who works and contributes to the family income is not deemed by law to be old enough to drive. House Bill 167 may seem to be more of a dilemma and a hardship for some rather than a benefit, but my ultimate goal as a legislator is to consider what is the greater good for the people of Hawaii. Right now, the issue at hand is to make the roads safer for drivers and their passengers, which is why I am in favor of this measure.

"I would like to thank the Chairs of the Judiciary and Hawaiian Affairs Committee and the Finance Committee as well as the Vice Chair of the Transportation Committee for their support on this measure."

Representative Fox then rose in support of the measure with concerns, stating:

"I find the process of serving in this House an educational one. I found the Conference Committee on this bill to be an educational process. Coming into the Conference Committee, the House had what I considered a good bill, a bill we're trying here to deal with the problem of teenage driving. They commit the highest rates of accidents in the country, and they have the highest rates of death to the accidents that they commit in the country. So it's a very serious problem that we have, trying to control bad teenage driving.

"The House bill provided that if a teenager were found involved in an accident, or committed a moving violation, that that license could be suspended or revoked. You had real 'teeth' in it. It had the backing of the Governor, it had the backing of the Department of Transportation, it had the backing of Mothers Against Drunk Driving.

"Similarly, the Senate came into Conference Committee with a tough bill. It's different. The Senate bill provided that no teenager should be allowed to drive between the hours of midnight and 4:00 a.m. unless accompanied by an adult. So that would cut down severely on teenage joyriding, often with some liquor in the car that results in serious injury and death.

"Two good bills that everybody's behind. The Governor supported again the position that the Senate had, so we had the possibility of a good tough bill, at least one or the other. I was kind of shocked to discover that both of these tough measures fell away, and we ended up with a bill that only slightly strengthens the provisions for driver education by requiring certification.

"I dearly hope that all of us next year can move toward the kind of bill that the Governor, the Department of Transportation and MADD support, and a meaningful bill to deal with the problem of bad teenage driving.

"Thank you, Mr. Speaker."

Representative Kaho'ohalahala then rose in support of the bill with reservations, stating:

"Mr. Speaker, I just want to point out that I've had communications and letters from students from the islands of Lanai, Maui and Molokai who have been equal in support or nonsupport for this particular measure.

"But what I would like to point out here in my area of reservation is that while we are going to raise the age for a permit from 15 years and 6 months and raise the minimum age requirements to 16 years for licensing, I call your attention to a section in the measure here -- Section 2(b) -- which states that: 'The examiner of drivers shall require proof from every applicant under the age of 18 that the applicant has completed a driver education program and a behind-the-wheel driver training course certified by the Director of Transportation.'

"In this regard, what I want to call to the attention of this House is that on the island of Lanai and on the island of Molokai and in the community of Hana, there are no driver education courses. So I would like to state that if the intent of this was to find a safer place to have automobiles, you'll probably going to succeed with the islands of Lanai and Molokai.

"I want to call your attention that here is an example of how laws are being created but are not necessarily applicable all the way across the board, so I want to vote with reservations here and call to the attention of the Director of Transportation that something must be done now to accommodate those students on the islands of Lanai, Molokai and in Hana, so that they can fulfill a law that requires them to take a driver's test and a course before they can be licensed.

"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. 167, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 76 and H.B. No. 32, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 32, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Yamane rose in support of the bill with reservations, stating:

"Although this is a privately-funded research and the perceived advantages of industrial hemp have been addressed by many of us through the articles we received, and I must commend the author on this, I have some concerns with regard to agriculture, and I mentioned it before.

"My concern on this is that we are spending a lot of time on industrial hemp, a crop that is currently illegal. And my concern is we have so many legal crops, maybe we should be concerned about getting privately-funded research for the legal crops.

"Thank you, Mr. Speaker."

Representative Stegmaier then rose in opposition to the bill, stating:

"Mr. Speaker, this Conference Draft is just a whimper of its former self yet. What it no longer says is insignificant as what it continues to say. It no longer talks of hemp being the 'miracle crop' that will be planted wherever sugar and pineapple had been growing. No longer does it talk about UH-

Hilo doing the research, although because all parties in Hawaii have been reluctant to do it, no one else is identified either. It no longer requires the Department of Public Safety or any other agency to monitor the research activity because this would have required an expenditure of public funds that would have been unacceptable to the public. It no longer appropriates \$100,000 in public funds to do the research. Now, a rather mysterious California company. . . have you ever met any of them that manufactures hemp shampoo. . . we are told is ready to fork over \$200,000-plus for the cost.

"Mr. Speaker, this bill can be objected to on three levels: First, on the basis of economic reality; second, on the basis of social and political priority; and third, on the basis of the bill's legislative flaws.

"First, let me talk about economic reality. A variety of sources that I have consulted have all concluded that industrial hemp provides very little economic promise for Hawaii. We've known this ever since the Agri-business Development Corporation reported this to us in January of 1997. One legislator has said that the ADC study was the work of one biased person but I think that is a very unfair characterization of this study. Among those who were participating members of the Technical Review Committee and the ADC Resource Committee for this report were Dr. Noel Kefford, the highly respected retired Dean of the UH College of Tropical Agriculture, and other highly respected people such as our own Keith Fukumoto from the Legislative Reference Bureau, Millie Kim, the former Director of the House Majority Research Office, and Dr. Leroy Laney, Chief Economist at First Hawaiian Bank.

"Dr. Laney's addendum to the study concurs with the finding that industrial hemp does not have economic potential in Hawaii. He cites the fact that successful cultivation of hemp has been limited to temperate climates and to low cost areas. It has two ways in which Hawaii is put at a distinct economic disadvantage. Dr. Laney also refers to statistics compiled in the Comparative Crop Economic Table in which gross revenue per acre per year of hemp cultivation is at \$282 to \$650. The next highest crop on the list is sugar at \$2,500 per acre per year. Dr. Laney concludes that 'given sugar's recent track record and projected future, these numbers are not encouraging for hemp.'

"Over the past couple of years, tons of information that we have been receiving gives the impression that hemp is literally taking over the world. Yet, dry statistics from the Food and Agriculture Organization of the United Nations, the FAO, indicate a contrary trend. For instance, for hemp fiber, land throughout the world in production fell from a high of 545,000 hectares in 1964 to 67,000 hectares in 1998. And as for hemp seed oil, world production went from 2,871 metric tons in 1996 to 1,538 metric tons in 1998.

"Mr. Speaker, if large scale cultivation of hemp is unlikely, then what about research alone? Couldn't we do hemp research similar to the corn research that we do in Hawaii? The answer is that we might, but that certain factors mitigate against this happening. Although they are no longer specifically mentioned in the bill, UH-Hilo researchers are still considered most likely to do the research. Yet, their State farm at Paneawa is located in a very wet place and the soil there is not considered typical, let alone representative of the diverse soils of the Big Island. Thus, for UH-Hilo people to do seed variety trials on hemp would be difficult at best.

"Mr. Speaker, one agronomist at UH-Hilo said that he felt that there may be a chance for Hawaiian hemp to be a novelty crop, such as the tuxedo worn by Woody Harrelson at the Oscar's recently, in which he was attempting to make a statement about the marijuana plant generally. Yet, the thinking of all those that I talked to was that except in some very narrow niche or novelty areas, hemp would not stand a chance against other fiber crops in other cultivation areas around the world.

"Much has been made of the legislative activity in North Dakota, Virginia, Kentucky, et cetera, in which hemp is being treated more kindly these days. But the fact is that there are huge differences in terms of topography, land area and climate that make hemp much more feasible as a crop in those states than in our own. And the notion they have in Hawaii that it could be grown for purposes of ethanol production is considered ridiculous by those scientists who are knowledgeable. A couple of them told me that it would be better off growing sugar for ethanol than growing hemp.

"Perhaps most poignant was the criticism of this bill leveled by people who are out there in the field and have been working hard for years to develop diversified agriculture on the Big Island using legal crops. They can't understand the fuss about an illegal crop with little economic potential, which is getting more attention and more support than many that they are working on with much greater success.

"Mr. Speaker, my second area of objection is that it is not in keeping with the social and political priorities that we have been setting. . .

At this point, Representative Hamakawa rose and yielded his time to Representative Stegmaier.

Representative Stegmaier thanked the Chair and continued, stating:

"We know that we, especially as a tropical paradise where the choice is to go study or go to the beach, have problems raising our kids to be competitive with others from around the world. Mr. Speaker, we know that we have a drug problem and that tobacco, alcohol and marijuana are 'gateway' drugs that cause way too many of us to become addicted and to take even more dangerous drugs over time. Yet, when law enforcement agencies and prosecutor offices contact us about this bill to warn us about dire consequences, we turn our attention away from them. Very simply put, they are saying that a hemp industry in Hawaii will make law enforcement's job of enforcing our marijuana laws that much tougher than it is already. The fact is that hemp is marijuana and marijuana is hemp. The only difference is that hemp is grown close together and taller because of the interest in the stalks while high THC marijuana is grown farther apart so that the leaves will fully grow and blossom. But you can imagine what a grower of marijuana can do to make law enforcement efforts a total nightmare. Many people who advocate for the legalization of hemp would not mind if high THC marijuana was decriminalized. I suggest to anyone entertaining such notions that you imagine a society in which marijuana would be as available and as affordable to our young as tobacco is right now. Would we be better, stronger, more caring, more capable, more responsible, more healthy a society than we are right now?

"Lastly, Mr. Speaker, and perhaps most significant, we have an image to protect, especially being so remote, being so subject to different kinds of ideas about Hawaii, and it troubles me that that image is being affected by even this sort of bill. In the Cannabis News, which is a publication that is put out by the National Organization for the Reform of Marijuana Laws, there is a story about this bill. It talks about the fact that the Legislature has approved this measure, that it will be signed by the Governor this June. And it says: 'While other states have approved hemp research, Hawaii is the first to approve State-sponsored research that includes the possibility of cultivation.' Executive Director Keith Strupe, Esq., said: 'Perhaps I am getting too old and too rigid, but just as with gambling, we must protect Hawaii's people as well as Hawaii's image by keeping the hemp plant and marijuana plant illegal.'

"Mr. Speaker, I remember Bobby Benson when he was a young person, a kid growing up in Hawaii Kai. I also remember him as someone who was overcome by drugs, and

finally drugs caused his own demise. As a father, I have experienced the pressure that my kids have felt concerning drugs day in and day out, and as a brother, I watched my sister slip into schizophrenia when she was 16. We, as a family feel, that drug use, starting with marijuana by the way, Mr. Speaker, and progressing to PCP or angel dust, was the trigger for her paranoid schizophrenia.

"There are flaws with this bill and if I can appeal to the members, if the reasons that I've said so far are not strong enough, compelling enough, then let's talk about the bill itself. We would be allowing something to happen that we don't know any of the specifics about. The bill, in its final form as we are considering it today, no longer tells us who is going to do the research, who is going to fund the research, and what the research entails. . .

At this point, Representative Cachola rose and yielded his time to Representative Stegmaier.

Representative Stegmaier thanked the Chair and continued, stating:

"Mr. Speaker, part of the research includes things that we as a matter of policy would disapprove of. Let's not count on the DEA and the PSD (Public Safety Department) to stop such research. Their concerns have to do with security of the site and waste disposal, not about whether the research is appropriate or not. Furthermore, the bill does not say how this research is to be used. Earlier drafts, even Conference Drafts, mentioned that the information would be proprietary, meaning that the sole owners of the information would be the private companies alone and not the public. Now, this wording has now been removed. The bill is flawed by not mentioning what will happen to that information.

"Mr. Speaker, I have consulted with the Attorney General's Office and have been told that the use of public servants, meaning the UH-Hilo researchers for this research, needs to be for a public purpose since the bill is quiet on what will be done with the results of the research. We would be passing out a bill that may not meet the public purpose requirement. It's not too late members, to take a stand in opposition to any wavering of our commitment to keep Hawaii moving in the direction of a sober and competitive future. For all these reasons, I ask my colleagues to vote this bill down.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, for the third time I am speaking in support of this measure. It's only through education where we can find out whether a specific issue is worth supporting or not supporting. And I am standing again for the third time and with your indulgence, Mr. Speaker and colleagues, because I feel that I have to further educate each one of us, and this is the very reason why I am standing up once again.

"Mr. Speaker and colleagues, this bill and the contents of this bill alone -- as has been emphasized again and again and again throughout the whole process through public hearings, committee hearings, conference meetings, and so forth -- is to allow a privately-funded industrial hemp research to be conducted here in Hawaii, only -- only -- if the required permits from the State and federal agencies are obtained. These permits are issued only for research purposes on the agronomic potential of industrial hemp. Mr. Speaker and colleagues, I say it again -- this bill does not and will not allow the cultivation and production of industrial hemp. It is only for research and again, it is only for research.

"I believe, and I think everyone would agree, that industrial hemp could have a significant economic benefit for Hawaii. We have testimony from the Department of Business,

Economic Development and Tourism stating that passage of this bill could lead to the emergence of Hawaii as a prime seed development and research area. Mr. Speaker, I also agree that this is one instance where Hawaii can take the lead on a business opportunity and demonstrate to the rest of the U.S. and the world that we are a good place to do business.

"We have heard so much of the thousands of different uses of industrial hemp. We have also heard of the many arguments regarding this issue from different groups of individuals on the pros and cons of this bill. I have read numerous articles regarding this subject. There are many states in the union that have considered or at least has pending legislations on the issue of growing industrial hemp. Countries like Great Britain are growing and producing industrial hemp with proper regulations and control by its law enforcement. So, Mr. Speaker, can we do it? I have asked this question over and over again. Can we grow and produce industrial hemp in Hawaii? Is it economically viable? The answer is maybe, maybe not. With the plight of the agriculture industry in Hawaii as sugar and pineapple production continue to decline, I believe that this is one commodity that merits attention, at least in the area of research. Because hemp research would provide a good opportunity to determine the validity of industrial hemp if it is a viable commodity, and for this particular bill if it has agronomic potential. We cannot know the answers to all of these questions unless we allow for this research project.

"Again, this important research involves no State funds, therefore, at no cost to taxpayers, as fully and clearly stated in the bill. I believe that throughout the whole process, we tried and have indeed addressed the concerns of those who fear of the potential abuse of marijuana cultivation. Our local law enforcement have been vocal in their opposition to this bill. We have addressed their concerns by authorizing the State Department of Public Safety, Narcotics Enforcement Division, and the U.S. Drug Enforcement Agency to monitor all phases of the research. Also, we have removed the exempt from disclosure provision that will allow for public scrutiny the results of this research.

"So once again, Mr. Speaker, I would like to take this opportunity to thank Representative Jerry Chang one more time for introducing this measure, and all the other twenty members who co-signed this bill. I would like to acknowledge the work of the members of the Agriculture Committee, the Judiciary and Hawaiian Affairs, and Public Safety Committees, all our counterparts in the Senate who have been very supportive of this bill and, by the way, Mr. Speaker, I just found out that our counterpart, they just voted on this bill 14 to 10. They just passed it, one is not present so it is 14 to 10. It was 13 to 12. As well as the many people who have contributed so much, whether they were in support or opposed to this measure. Their input surely has educated me in every aspect of this issue. I really appreciate your participation in our Democratic process. And once again, I would like to acknowledge the contribution of our colleague, Representative Cynthia Thielen, who has given me insights and educated me well on this subject as well.

"Thank you all for your support, and again, I urge all of you colleagues to support House Bill 32, HD 2, SD 2, CD 1, for the passage on Final Reading.

"Thank you very much, Mr. Speaker."

Representative Thielen then rose in support of the bill and asked that the remarks of the previous speaker be entered into the Journal as her own, and the Chair "so ordered."

Representative Thielen further stated:

"Mr. Speaker, I am sorry I can't comment about Cannabis News that was brought up by the Representative from Hawaii Kai. I don't subscribe to Cannabis News, and I don't support medical marijuana.

"I do believe that the image that we're going to portray for once is going to be a pro-business and a pro-willing to try different measures, willing to try different things, and we're going to portray that throughout the Nation.

"I'm going to paraphrase something that I received by e-mail today. It was a statement: 'Watch the turtle, he only makes progress when he sticks his head out of his shell.' Well, members, we're sticking our heads out of the shell today with a very positive move, closely monitored by the law enforcement with all of the law enforcement permits to permit a small, closely scrutinized quarter acre plot of industrial hemp research. I can see the cartoons when the first seeds are planted -- with the clear signs, the machine guns, the barbed wire all focused down on these few tiny seeds that are going to be put into the ground to see how well we can develop a low THC variety for Hawaii.

"I received a letter from the U.S. Department of Justice, Drug Enforcement Administration, that was dated April 23rd and arrived just yesterday. And this is written by their OC -- they go by alphabet letters. He is the Chief of Operations for the DEA and I think he is like second in command in Washington, D.C. 'DEA is considering setting the level of THC content for Cannabis Sativa L. hemp that may be grown for industrial purposes. And the review of DEA is based on the premise that public and commercial interests may be better served if the cultivation of Cannabis Sativa L. hemp is authorized.' The move is coming. What is more important is that Hawaii is leading the Nation for once with an economic development opportunity.

"The colleague from Hawaii Kai made some comments about the economics, that there's very little economic promise. Well, I see a few environmentalists sitting up in the gallery, Mr. Speaker, and they know, as do many members in the House, that we're facing a fiber crisis. It's not going to be met by continuing to log forests, it's going to be met by finding annual crops that can be used for fiber purposes and, of course, hemp is leading the list as one of those that is best.

"In a few decades, not even a few decades, pardon me, probably within the next five years, we're going to see much more hemp-based paper because hemp will be able to be grown in more major areas than just Canada and England and France and Germany and Spain and twenty-five other industrialized nations. Once the United States starts in, we're going to do a lot to recover from our fiber crisis.

"Ironically, Monsanto was going to use the industrial hemp plant to genetically design corn to contain the long fibers of industrial hemp. It was going to take them ten years, and Monsanto now will be able to look at the hemp plant within our own country. That, I think, will have positive promise here for Hawaii.

"You also take a look about the growing market for hemp foods. I don't know about the rest of you, whether you're concerned about the nutritional benefit of certain foods that you're eating, but one of hemp's key ingredients is omega three -- essential fatty acids. It turns out that hemp oil and fish are two of the world's best sources of this nutrient. And many studies show that fish eaters and others with high fatty acid intake have lower heart disease rates and apparently less risk of developing arthritis and some other diseases. Right now we have some hemp food on the shelves in Foodland. We could do that here. We could produce those foods here. . .

At this point, Representative Pendleton rose and yielded his time to Representative Thielen.

Representative Thielen thanked the Chair and continued, stating:

"That's one of the benefits for Hawaii that I see -- economic development. And the people making those foods won't be

people on the Mainland, they'll be our local businesses. People that you know in your own districts that are maybe struggling to get by, looking for a new product, and hemp-based food could be one of those.

"Auto body parts. Does anyone in this room or in the gallery drive a BMW? If you do folks, you're driving a car with some hemp products in it. If anyone in here drives a Mercedes Benz and wants to admit it, if you do folks, you're driving a car with hemp products in it. And if any of you go to England and rent a Ford, that Ford that's produced in the United Kingdom has hemp products. And the reason those automotive companies are so eagerly jumping on the band wagon to have hemp products in their cars is to make the car lighter weight. It requires less fuel and those parts don't shatter upon collision like a fiber glass part would. Those are things that we could produce here.

"Building materials are the most exciting. We happen to be subject to hurricanes. Hemp building products are more elastic, more wind resistant, more able to withstand the stronger winds that we experience in Hawaii. We can grow some of our building products in Hawaii. Now, that's mind-boggling. But this House of Representatives has been the leader with a bill that is going to allow that mind-boggling step to become a reality. We can grow our own building products.

"Bio-energy, I don't know. DBEDT is going to look into that. I don't think we should sit here and second guess it. DBEDT will look into it, and we will see whether or not that is a feasible thing to do.

"One of the main things the speaker from Hawaii Kai said was, we don't want to send the wrong message to the youth. Well, I've heard a heck of a lot of young people say: 'we're tired of people lying to us. We know the difference between industrial hemp. You can't smoke industrial hemp and get high or get a hallucinogenic response.' Industrial hemp is not a hallucinogenic drug. They know that. They're buying the hemp backpacks, they're buying the clothes. They like them because they're more durable, more long-lasting, and then someone comes up to them and tries to say, oh, wait a minute, that's a drug. You make a statement like that to a kid and you lose all credibility. Those kids aren't going to believe you, Mr. Speaker, they're going to know you're lying to them because they're smart enough, and they know industrial hemp is not a drug.

"I think today the Chair of the Agriculture Committee, the Chair of the Judiciary Committee and the Chair of Public Safety Committee deserve a great deal of thanks. As to the members that co-sponsored this bill, and the other members that were willing to take the time to read about industrial hemp and to learn about the promise that it may hold for Hawaii, the \$200,000 is going to come in to fund the research. The research plot will be closely scrutinized. I'm sure all of us will want to take a look at it, too. But one thing, you're going to have to look fast because the hemp plant will grow to fifteen to eighteen feet in height within 75 to 90 days. We are going to have people wanting to take some of the material to be able to look at it for fish food. There's a feed mill. I guess that's being revived on the Big Island, and this is another economic opportunity.

"But today members, we're taking a very bold step, and I think all of you who vote in support are sticking your heads out of the shell. We're turtles on the move folks, and we're going to make something happen.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, you always told us throughout the session to be bold, and we all know one of Hawaii's shortcomings is its

inability to take risks. But I think today, with this measure we're making a turnaround. And thanks to the Chair of Agriculture, and the Representative from Kailua, and other people who have been supportive of this measure, that we are showing nationally that we are willing to take risks and move forward.

"I just wanted to point out that in the United States, industrial hemp met its demise because it was competing with the emerging petro-chemical industry primarily owned by the Du Pont family. And it also competed with the forest product industry primarily owned by the Hearst family. And this was in the 30s and 40s. And so what we are seeking today is for an environmentally friendly crop to replace these petro-chemical kinds of products and other earth unfriendly kinds of industrial manufactured products.

"So as your Chair of Energy and Environmental Protection, I'm especially interested in industrial hemp. As the Representative from Kailua had mentioned, we've asked DBEDT to look into industrial hemp for bio-energy, one of the things that we all know -- our dependency on imported fuel is so great that it leaves us vulnerable. And if we can produce a crop that replaces some of this imported fuel, we make great strides in protecting ourselves from being vulnerable. So with all that said, I hope my colleagues will 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. 32, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Stegmaier voting no, and Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 77 and H.B. No. 212, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 212, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Hiraki rose in support of the bill and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Hiraki's remarks are as follows:

"I would like to say a few words in favor of House Bill 212 -- Relating to Driving Under the Influence of Intoxicating Liquor. The purpose of this bill is to impose an additional, stiffer fine on any person age eighteen years or over who is convicted of driving under the influence of intoxicating liquor while having in the vehicle a passenger under the age of fifteen. This kind of legislation is necessary as recently, there have been many collisions involving drivers who operated a vehicle, with child passengers, after consuming intoxicating liquor. In several of these incidents, the child passengers have been killed or seriously injured.

"It is unconscionable for a driver who is intoxicated to assume responsibility for driving a vehicle with other passengers, especially if these passengers are minors who rely on adults for their safety and protection. Legislation that protects those who cannot protect themselves is of the utmost importance. Children, including teenagers, usually do not have a choice about whether they should or should not get into a vehicle with an adult who may be intoxicated. Hawaii's youths must be protected, and House Bill 212 addresses this issue by establishing a deterrent for drivers who knowingly endanger the lives of children.

"I would like to thank the Chair and Vice Chair of the Judiciary and Hawaiian Affairs Committee for their cooperation with 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. 212, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 78 and H.B. No. 1401, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1401, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Halford and Rath voting no, and Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 79 and H.B. No. 273, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 273, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"I would like to start by thanking the Child Protection Reform Roundtable which Senator Chun Oakland and I convened. It is a collaboration of dedicated individuals from the State and private agencies, child advocates, parents and concerned citizens which has resulted in resolving critical issues for the reform of Child Protective Services. And this bill is a direct result of the symposium which was sponsored by the Roundtable and the National Conference of State Legislatures. Also, I want to thank the Judiciary Chair -- Chair P. Oshiro -- for helping to craft the Conference Draft, and I think addressing many of the issues that were brought up on both sides.

"Mr. Speaker and colleagues, I think our floor will be haunted by the experience and images of seeing the broken and battered body of Reubyn Buentipo lying in a coma, near death, on life support in a pediatric intensive care unit at Kapiolani. I heard about the horrifying and gut-wrenching accounts of the abuses and the tortures that he had to go through. And now those who are following the courtroom accounts of the abuse of little Cedra Edwards also find the alleged torture hard to stomach. And as much horror as these high profile cases evoke in us and the community, they represent just the tip of the iceberg in terms of the number of children who are victims of abuse and neglect.

"Now, partly as a result of our work here at the Legislature, and also a public awareness campaign by the Prevent Child Abuse Hawaii, and the media focus on some of these high profile cases, there actually has been a doubling of investigations by CPS in the last three months. And according to an Advertiser article, the CPS supervisor, Johnny Papa, noted that there's been four cases of fractured babies in just a one week period.

"There's no doubt that children are at greater risk today because of substance abuse, increases in single parent household, not to mention increase in societal stresses. I think, we, as a Legislature, need to respond to protect our State's assets and our investment in Hawaii's future.

"Healing families and keeping families intact is still a desirable goal. But given the lack of resources to support and treat families, especially those involved in substance abuse, the safest route for a young child is probably going to be in out-of-

home placement. Regardless, the time has come and in fact, overdue, to see serious child abuse as a crime. We need to acknowledge as a society that being a parent or guardian does not give license or excuse to do as we please with our children. I believe, as many of you do, that our children are precious gifts and blessings that God has entrusted us to nurture and care for.

"Mr. Speaker and colleagues, no matter how tough our laws and penalties or how good our child protective systems become, we must also acknowledge that for many children it comes after the fact, and too late -- after the harm is done. There is little comfort or relief to a child to have their parent in prison while they lay in a coma. The best way to protect children is through prevention and intervention of abuse and neglect, and that's going to require community vigilance and involvement. It is often sad to hear relative, neighbor or friend of the family say that they suspected abuse and neglect but did not want to get involved or felt those problems should be left to the authorities.

"I am glad, Mr. Speaker, that we as a Legislature has helped to make our community and each other aware of how important it is to care for every child, not just our own. So again, I ask you to join me in making everyone aware that every child is a precious investment in Hawaii's future.

"Thank you, Mr. Speaker."

Representative Pendleton then rose in strong support of the measure and asked that the remarks of the previous speaker be inserted into the Journal as his own, and the Chair "so ordered." (By reference only).

Representative Pendleton further stated:

"Mr. Speaker, this measure is a good and important measure, and I am glad to be able to stand in strong support of this measure. I had the opportunity of looking at this bill, both from the perspective of being a member of the Human Services Committee as well as from the Judiciary Committee, and I find the issue a gut-wrenching one when we look at the situation where these young people have basically only the State to look out after them because their own families and parents won't look after them. In fact, their parents and families are often the perpetrators of these horrific crimes.

"I appreciated the previous speaker's remarks about the need for families to get involved. That is not enough for us as legislators to tighten up the law to make a criminal statute more stringent and to increase penalties. We have to use whatever statute we may have to encourage families of Hawaii to be actively involved, in being vigilant, being as good a parent as they can be, but looking out for those others who may be out there, not being afraid to do one's civic duty and to make a call if the circumstances require.

"I am particularly thankful for Marion Higa, the Auditor, whose report raised some serious questions about Child Protective Services and the efficacy and the competence with which some of the policies and personnel have addressed their duties. I think it gave us some pause and an opportunity to relook and revisit what we're doing there. And I know that we're doing everything we can to make sure that Child Protective Services and the Department of Human Services do everything it can to make sure that all the calls are logged and appropriate follow-up is made.

"I think this bill is one instance where the CD 1 was actually better than the House Draft. I was very happy with the House Draft, but I would like to note that in our House Draft, I believe that child abuse in the first degree relating to intentionally and knowingly causing serious bodily injury to a child of ten or less years, making that a Class A felony, was a good step in the right direction. I strongly supported that and was actually pleased to see that the CD 1 raised that age to actually 12, and it did that for the other offenses as well. It also included child abuse in the third degree. Sometimes the CD 1, where we have

to compromise with the Senate, actually results in a superior piece of legislation, so I would like to note that.

"Finally, in closing, I want to again bring up the name of Reubyn. That was a real touching moment for me. There were a number of legislators. I think we were all with the Chair of Human Services when we visited that young boy. We only hope that the added incentives from this statute can prevent something like that or cause someone to pause before doing something like that. I remember back, almost in another life, where I was a youth pastor on the Mainland, having to visit the hospital where you meet with parents and you hear the stories about the kids falling down the stairs and you wonder -- is this the whole story? You meet with women who insist that something happened, that they were just clumsy, and you wonder, especially when you meet the husband.

"We know that this is a serious problem. We have to do everything we can, and I am glad that our Legislature is doing that by at least toughening up our statutes and making major proposals in other areas to address child abuse and domestic violence. Having said that, I strongly support this legislation and ask all of my colleagues to support it as well.

"Thank you, Mr. Speaker."

Representative Kahikina then rose in support of the bill and asked that the words of the previous two speakers be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Kahikina further stated:

"Mr. Speaker, as part of the barefoot legislators that went around walking and visited the young child that was mentioned, Mr. Speaker, I would also like to express that through that experience that it really touches the heart and the concern that this bill addresses. And I really appreciate the hard work of the Chair of Human Services and Housing, especially the Chair of Judiciary and all those that worked on this measure. It's a very important measure.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 273, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 80 and H.B. No. 171, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 171, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Moses rose to speak against the bill, stating:

"Most of the authority who have analyzed this bill have concluded that this bill is a passive euthanasia bill. I call it the 'partial murder bill' because it could lead to that.

"This bill allows health care decisions to be made by a surrogate, particularly in situations of organ, life or death of a patient. If a patient slept too long, this bill could kick in and kill the patient. My point is, Mr. Speaker, that this bill starts a slide down a slippery slope against our aged and could lead to the unnecessary deaths of a number of people not prepared to make the decisions called for in this bill.

"This bill is not necessary and allows the denial of food and fluids by people who could override the wishes of relatives or families. This is the first step on the slippery slope to Dr. Kervorkian, and I don't think this Legislature should want to go there.

"For these reasons, Mr. Speaker, I am voting for life and against this bill."

Representative Leong then rose in opposition to the bill, stating:

"I am disappointed to see that this Conference Draft is worse than the original bill. The bill essentially calls for any patient, including an emancipated minor -- a child under 18 who is totally self-supporting -- to be killed by a designated surrogate by withholding medication, nutrition and hydration.

"Some of what has been said by the earlier speaker is already in here, but I just want to say that it's ludicrous to think that because of this bill anyone 18 years and older can decide if the patient, whether it be a relative or just a good friend, shall die. What's more unfortunate is this could result in a collusion by the one holding the power of attorney and just one of the witnesses to the document, who could conspire to kill someone legally to get a portion or all of the patient's estate.

"Mr. Speaker, there is something morbidly wrong with giving an agent free reign to make any decision, including ending a patient's life even if the patient is conscious. It's horrible to think that a patient can only revoke this designation in writing, while most likely being too weak to write.

"Mr. Speaker, the use of 'no neurological response' on pages 11 and 12 of the bill is something both Canada and the United States medical associations are currently grappling with -- going back to the old definition of death as no breathing, heartbeat, or pulse. That means those who are supposedly brain damaged or dead -- more frequently are not!

"Under this bill, health-care providers are to comply with an instruction of the patient, who could be delirious or unable to communicate, or with the instructions of the surrogate or agent. However, a health-care provider can still comply or not comply, in other words, do anything it wishes.

"This bill, even with many deaths, calls for the health-care provider, or institution to not be subject to civil or criminal liability or even be disciplined for unprofessional conduct. That, my colleagues, is a blanket permission to get rid of patients -- and would lead to lawsuits against the State.

"It is clear that some of the forms shall consider the personal values, to the extent known to the patient. But all this law really amounts to -- again -- is letting the agent arbitrarily do anything he or she wishes. Moreover, on these forms, people do change their minds and choose to rescind earlier decisions.

"Everyone in this chamber should have a problem with the fact that on page 35 of the bill, a person appointed under a durable power of attorney, or for all intents and purposes appointed to be the 'Grim Reaper' for a day, need only to be 18 years of age. How many of you would want to have an 18 year old making a capricious decision on whether you live or die?

"Mr. Speaker, I think I've summed up my disagreement with this bill, and I ask all the members in this chamber to join me in killing it before it could kill many of us!

"Thank you, Mr. Speaker."

Representative Rath then rose in opposition to the bill and asked that the previous speaker's comments be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Meyer then rose in opposition to the bill and asked that the remarks of the Representative from Niu Valley be inserted into the Journal as her own, and the Chair "so ordered." (By reference only)

Representative Meyer continued, stating:

"In the bill, it refers to the fact that suicide, homicide, authorized mercy killing, assisted suicide or euthanasia are not what they are referring to in the bill. And if we can say that that's not what's being addressed in this bill, somehow we are inventing a new name for this method of terminating a human life. It's that problem that I have. It's probably with my upbringing. I just believe that it is God that creates the conception of life, and it is God that takes life. And when we as humans make that decision and especially a surrogate -- somebody who is so far removed and knows possibly nothing about the individual -- for them to make the decision seems unconscionable. And the idea that withholding fluid and food is a painless way to die is totally inaccurate. People who don't have water, their mouths are dry, their tongues swell up, there are cracks -- the less fluid they have the more painful to the touch. It's a very painful way to die.

"I believe that this bill is maybe well meaning but it doesn't cover all the bases, and it doesn't give people the protection they ought to have, and we should not support it for that reason.

"Thank you, Mr. Speaker."

Representative McDermott then rose in opposition to the measure, stating:

"For reasons I've stated in prior readings, I believe in the sanctity of life. I will not support this measure. Thank you."

Representative Moses then rose and stated:

"Mr. Speaker, I just have to add one thing. I think I've told this story before, but back in the early 80s, my mother had a heart attack and the doctor came to me and said she lived a long and productive life and we should think about letting her go in peace. And I said: 'You're fired.' I fired the head of the clinic and I brought up the number two cardiologist, and I said: 'You do whatever is necessary to keep her alive.' That was about ten years ago. Today, Mr. Speaker, my mother is 94 next month. She's in California now visiting her great-great-grandchildren. I think she deserves to keep on living as long as she can.

"Thank you, Mr. Speaker."

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

"I find it somewhat interesting that in the past some of my comments on other measures have been basically applauded by those very individuals who are now so much opposed to this measure, and yet I rise with no opposition. You know, there was so much time and energy that went into trying to find some kind of... the word 'compromise' is not right. There was common ground that people could understand what we were trying to do in this measure. This is not a measure as has been referred to as euthanasia, et cetera.

"What we say in this measure is that should I decide, I decide. And it is spelled out very clearly in here that I want my wife to make decisions for me should I become incapacitated and I can no longer make those decisions for myself. And I have already shared with her -- this is what I want, et cetera. We have living wills, durable powers -- all of these things in place now.

"I am hopeful that through this debate on end of life issues, and this is another portion of that because it started with that Blue Ribbon Panel, this is one of the recommendations that we clean this up, that through this debate everyone will take seriously the whole idea of living wills and advance directives.

"We have put safeguards in this measure. And I have a letter here from the Hawaii Right to Life Group. The language that they asked to be put in this measure, and they quote I think the

Illinois law, is very similar. But there is a difference, and this is where I think we part ways. The Illinois law says whether I assign someone to be my surrogate, or if I don't and a surrogate is then appointed to look over my care after I should become incapacitated, we, in Hawaii, say there is a distinction. If I name someone to be a surrogate, that person should be able to make decisions for me. If a surrogate has to be named for someone who becomes incapacitated and cannot make decisions on their own, that person has a different set of rules that they live by when it comes to making decisions that would affect that individual. It calls for the primary physician and the secondary physician and mirrors somewhat the wording from the Illinois laws, and I'll read this: 'Primary and independent physicians certify in the patient's medical records that the provision or continuation of artificial nutrition or hydration is merely prolonging the act of dying and the patient is highly unlikely to have any neurological response in the future.'

We had at the table, when we talked about this entire thing, representatives who were a part of the Hawaii Right to Life, we had representatives from the Catholic Conference, we had all those individuals who raised concerns. We had people from the Blue Ribbon Panel and others. They were all talking throughout this whole process and those Conference Committee Chairs allowed this dialogue to continue. They came up with this language. They all supported it, and I believe at some point in time we have to acknowledge that there will be individuals who, no matter what we put in, will object. I acknowledge that and I respect them for their opinion and their beliefs. I'm not here to say that their opinions and beliefs are any less important and valid as those others who say we should have something in place to prevent, and I reflect upon one of my colleagues who talked about the horrible death when someone dies.

"You know, Mr. Speaker, we have someone in the House who is a nurse who could speak better to this. I'm a medical social worker and I worked for many years in a skilled nursing facility. I saw individuals who were kept alive by just water, nutrition and hydration for many, many years. I saw the effects of that. And I got to say to you, Mr. Speaker, that personally, if an individual chose not to have to live out their existence in that way, which was simply prolonging what was an inevitability for them, if a loved one said that person does not want -- does not want -- that tube stuck down into them through their throat and does not want that to occur, that person should have the ability and the right to say that. And that person who has been designated as the surrogate, should it be my wife or some other one -- any one of you who choose someone to say that -- should be able to say that that is not the way this person would have liked to allow his death to occur, because it is a matter of dying.

"Thank you, Mr. Speaker."

Representative Lee then rose in strong support of the bill and asked that her remarks be entered into the Journal, and the Chair "so ordered."

Representative Lee added:

"Briefly, I would just like to say that it is time for us all to recognize that individuals have the right to die with dignity, and this bill will help them to achieve that goal."

Representative Lee's remarks are as follows:

"Mr. Speaker, I would like to speak in favor of the measure.

"This bill will assist in assuring that all patients are able to carry out their treatment preferences, thereby assuring that each person is able to achieve a measure of 'death with dignity'.

"Hawaii now joins 13 other states that have merged their statutes into a combined advanced directives law that covers living wills, power of attorney, and surrogate consent in absence of an advanced directive.

"This bill contains many safeguards against abuse, and during its formulation received input from a wide variety of community members, including the clergy.

"As a person who has observed death and dying for more than 30 years in my professional work, I know that we have often not provided families and dying patients with the information they need to make end of life decisions.

"Advance directive forms should be part of a larger process known as 'advance care planning' in which a person's values and wishes are 'updated' over time.

"This bill and the ensuing discussion have provided for improved and clarified options for end of life care and decision making. The law is broadly applicable across all health care settings and is quite user friendly as well.

"I urge my colleagues to support this bill."

Representative Whalen then rose to speak in opposition to the bill, stating:

"My comments will be restricted, but the last statement -- people have the right to die with dignity -- I think that's where a lot of the opposition is coming from. And that statement coincides with the earlier statements that this bill is one step along the way to legalizing euthanasia.

"Mr. Speaker, my opposition arises for various reasons but the key that I focus on is the part of the form that's used when you decide who is going to be your agent, what powers they have. You have to affirmatively remove the power for them to kill you by taking away your food and water.

"Mr. Speaker, I understand the concerns and the feelings of some of the people here that you should allow people to end their own lives, that Kervorkian is a hero and things like that. I also understand the other side of the argument that you don't have a right to just take your life if you're not happy with it, or whatever a person feels is this thing that I can't go on with. We all use hydration and nutrition to postpone death. That's how we work. There's a difference between being artificially kept alive with machines that make you breathe and pump your blood and clean it out. And there's a whole lot of story when you don't give the basic elements of life.

"I can't possibly speak to the motivation of everyone who has worked on this bill. But certainly where many of the people who fill out these forms are not going to be very. . . well, who have not graduated from the university and a lot from high school, for them to read it and understand it and realize that you know I need to go further, I need to mark off these boxes, I need to circle this and that, and I need to specify that I don't want my surrogate agent, whoever, to not give me food and water.

"I think if we're really concerned about protection, it should have gone the other way to where the patient has to affirmatively say, I want whoever is making the decision to also be able to stop giving me water, stop giving me food, let me die with cracked lips and you know, my organs are bursting because of all the fluid that is backed up in my system and everything else.

"For those reasons, Mr. Speaker, I think the bill although has been worked on very diligently by many people, needs to still go back and be refined a little further before we can go forth with it.

"Thank you, Mr. Speaker."

Representative Santiago then rose on a point of personal privilege and stated:

"I just wanted to ask the Representative from Kona if he was referring to me when he talked about individuals who see Kervorkian as a hero."

The Chair answered:

"I don't believe he was addressing you at this point."

Representative Santiago stated:

"I was asking the Rep. Were you referring to my comment?"

Representative Whalen answered:

"Perhaps discussion of this personal nature is not appropriate for the floor, and I would be glad to speak with the Representative at a later time."

Representative Santiago then said:

"Thank you, Mr. Speaker. I just wanted to make clear that the comments that were being made weren't referred to me."

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

Representative Kahikina then rose to speak in support of the bill with grave reservations, stating:

"I have previously voted against this measure for many reasons that have been shared on the floor. But I believe that the Conference Committee and even the Chair of Health have worked diligently, trying to resolve an issue that is so sensitive, so emotional, and so important. And I believe all of the people involved did an excellent job.

"But my reservations, Mr. Speaker, is on page 14 where it identifies in subsection (e) that a health provider may decline to comply with an individual's instruction or health care decision for reasons of conscience. And it may be a positiveness, meaning that they want to keep that person alive, but it could go the opposite way also. And so for those reasons, I can see where people are seeing Dr. Kervorkian's attitude in this, but that is not really the intent of this bill, and that's my reservation, Mr. Speaker. Thank you."

Representative Rath then rose in opposition to the bill and asked that the comments of the Representative from South Kona be inserted into the Journal as his own, and the Chair "so ordered." (By reference only)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 171, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," passed Final Reading by a vote of 37 ayes to 12 noes, with Representatives Ahu Isa, Arakaki, Auwae, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Stegmaier and Whalen voting no, and Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 81 and H.B. No. 325, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 325, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 82 and H.B. No. 72, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 72, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 83 and H.B. No. 160, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 160, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 84 and H.B. No. 161, HD 1, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 161, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, this measure has been floating around this body for years now. It pleases me much to see this measure finally pass. This is the Search and Rescue Reimbursement Act. And I think it's important to point out that this measure is not solely about reimbursement for someone who should recklessly and irresponsibly disregard warning signs and put themselves in danger, thereby requiring certain rescue members to risk their lives and at a tremendous expense to rescue these individuals. This measure is also not intended to scare anyone who legitimately needs to be rescued.

"Mr. Speaker, I have spent some time with members of the Search and Rescue Team. I know some of them personally. I know these individuals to be absolutely committed to their job, and they do risk their lives oftentimes, and some of them have given their lives in the past. I see this as an important measure that, hopefully, will cause those individuals to take a pause and be responsible and perhaps not put themselves in danger so as to risk the lives of others. And that was the full intent of when this was first introduced.

"I'm glad to see it finally get through the Legislature, and I hope that it will mean good things in the future. 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. 161, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE COSTS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

Conf. Com. Rep. No. 85 and H.B. No. 165, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 165, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Schatz rose in support of the bill with "one small reservation," stating:

"This is an excellent bill. This is the soft money closing loophole bill. I think it's wonderful and I really mean this. I want to thank the leadership of the Majority Caucus for taking the lead on this bill. It's very important to close this loophole.

"My reservations are simply that we're passing several measures in this area of campaign finance reform which I believe did not go far enough in addressing the root problems

of our system of campaign financing. This measure takes some positive steps, but I'm afraid we'll walk away from this session believing that we've done enough and we haven't.

"In the 1996 elections, soft money contributions to the two major parties came to \$262 million. That's a three-fold increase. This growing problem continues to undermine public confidence in our political system. This bill will continue to. . .

At this point, Representative Fox rose on a point of order and stated:

"We are not here debating the federal campaign spending reform bill. Those figures could only have referred to the federal government."

Representative Schatz continued, stating:

"I believe those figures do include the national political parties which do donate to the local political parties which this bill does address. For that reason, I believe it is our responsibility to pass this measure.

"One of the things that I was happy to learn during this legislative session is that most of us enter elected office with the needs of the people in our district in mind. We are, for the most part, honest, caring, intelligent citizen legislators. The problem is that all of us want to get re-elected and that takes money. Candidates who voluntarily take the high road often lose and lose badly. So most of us accept money from donors and when that same donor asks us for a courtesy appointment or a favorable vote, it would be human nature for us to try to oblige them. My mother taught me that if someone does a favor for me, I should try my best to do a favor for them, if it is possible. Let me be clear -- I am not saying anyone gets bribed, I'm not saying backroom deals are made. It's not that expressive, it's not that direct. Influence is paddled in indirect ways and what I would like to do, and what I would like this body to do is for us to reasonably expect for us to all be on a level playing field. We can't reasonably be expected to put ourselves at a disadvantage during a campaign. That's why this bill is very important.

"The following are the statistics from the 1996 legislative races in Hawaii: 84 percent of the time the candidate who spent the most won -- winners outspent losers \$2.90 to \$1 on average. In a 1997 national survey by the Princeton Research Associates, it said that 60 percent of respondents think that the President and Congress should make campaign financing reform a top priority. In the same survey, 57 percent of respondents said that they were dissatisfied with the way that our political system is working. And, Mr. Speaker, I would guess that the voter dissatisfaction in Hawaii is even higher than that. According to a CNN USA Today poll, 91 percent of respondents thought that the way campaigns are financed should be changed,

"Mr. Speaker, again, I want to thank the Leadership and your leadership in taking the lead on this bill, and I hope that we will do more in the next session."

Representative Moses then rose to speak in opposition to the bill, stating:

"Mr. Speaker, I would like to say that the previous speaker addressed soft money. This bill has nothing to do, absolutely nothing to do with soft money. This bill addresses a political party as if it were a private individual insofar as making contributions to a candidate. The amount a party can contribute to a candidate is not soft money. And it is reduced to \$6,000 for a statewide race, \$4,000 for a Senate race, and \$2,000 for a House race. Let me say, Mr. Speaker, I've never seen \$2,000 from any donor, so this doesn't affect me personally. And I was outspent by my opponent and I still won. So that's not the point of this debate either, Mr. Speaker.

"But you're going to hear much rhetoric about campaign finance reform -- clean election, soft money, et cetera. But the real truth is that this bill only hurts the Republican Party. Incumbents have an easier time in raising money than do challengers. As a result, the Republican Party of Hawaii has historically raised money to help finance candidates challenging incumbents, primarily for those running for the House of Representatives. It should be no surprise that the Majority will do campaign reform only on those bills which affect the Minority Party.

"If this bill goes forward, which I imagine it will, this is the beginning of the end for the two-party system in Hawaii. And the previous speaker was absolutely correct that people are getting fed up. The people do want a two-party system so we can debate ideas back and forth across the floor.

"Thank you, Mr. Speaker."

Representative Fox then rose to speak in opposition to the bill, stating:

"The issue of campaign reform was most directly addressed by the City Council when they took on the fact that no-bid contracts were the result of campaign contributions delivered to people who then made the decision on who got the no-bid contracts. This is a very serious problem. How can you give money to somebody who makes a decision about no-bid contracts and then have that person make a decision that is. . .

At this point, Representative M. Oshiro rose on a point of order and stated:

"The business of the City and County of Honolulu and any other county is not relevant to any discussion for the State House of Representatives, Mr. Speaker."

Representative Fox interjected:

"Mr. Speaker, we have tolerated the discussion that was focused on federal campaign spending legislation. I think we can have a few words about the City Council. I will quickly get to the State law."

The Chair then asked Representative Fox to "please proceed."

Representative Fox continued his remarks, stating:

"That bill, after it turned into a city ordinance, was declared unconstitutional by a State judge. The State judge, in declaring it improper, said that it is up to the Legislature to take action in this area. I thought the Legislature would take action. For two sessions, we dodged taking action on meaningful campaign reform which would be that if you contribute money to a candidate who then is subsequently in a position to make a decision on whether or not a non-bid contract should be awarded, that you should not be able to qualify for that contract. That's the kind of campaign reform we really need and that we're ignoring.

"Also, the discussion about soft money -- the federal campaign reform law that President Clinton supports and that some Democrats and some Republicans support -- that's where you take care of the soft money issue. This big national money that washes around should be controlled by the Congress. That's where that discussion should take place. This is such a phony discussion. This bill is directly aimed at the heart of the Republican Party. It was the 'Kill Lingle' bill last year. Now it's the 'Kill Republican' bill and it just so happens that Linda Lingle is moving into a position that probably will be the Republican Party Chair, so it seems that no matter where she goes, this bill follows her.

"Thank you, Mr. Speaker."

Representative Auwae then rose in opposition to the bill, stating:

"Campaign spending reform has been at the forefront of national debate for several years now. Fair and equitable campaign spending laws can help reduce abuses and preserve the integrity of public elections. I am in support of any law that will make public elections fair and equitable.

"However, Mr. Speaker, I feel that this measure will not achieve that objective. On the contrary, I feel that this measure is intended to create an inequity in public elections. By restricting the amount of money parties can receive and spend on its candidates, we are tilting the scale in favor of special 'issue advocacy' groups. Political parties will be substantially limited in their ability to disseminate information to its members. Information that is relevant to the party values and issues. In addition, political parties will also be limited in their efforts to support party candidates.

"Political parties are the medium for the perpetuation of party beliefs, principles and values. We should not restrict their ability to act as such. Therefore, I am voting no.

"Thank you, Mr. Speaker."

Representative Schatz, in rebuttal, stated:

"I do remember when I was not a Representative last year, one of the arguments. . . in fact, I think the primary argument against the 'Stop Lingle' bill was that it was specifically designed to hurt the Linda Lingle campaign, and for that reason they were opposed to it. Again, they weren't opposed to the merits of the bill ostensibly, they were opposed to the timing of it and how political it was. Now when we are in a non-election year, we have an opportunity to make an incremental step towards campaign finance reform in a way that will not attack any candidate. I think that it would behoove the Republicans to be consistent to their previous position."

Representative Marumoto then rose to speak in opposition to the bill, stating:

"I must take exception to the previous speaker. The Republicans have been consistent on this. I think Linda Lingle was opposed to the bill at the time but the Party Chair, Donna Alcantara, testified in opposition to this bill and she is still in opposition to this measure. There is no inconsistency. We were opposed to the measure last session, we are opposed to the measure this session, so I am rising to speak against this measure again.

"I submit this bill is not reform, it is revenge. More than that, it is an attempt to further thwart the building of a true. . .

At this point, Representative M. Oshiro rose on a point of order and stated:

"When the speaker addresses the Speaker, they should face the rostrum and address the Speaker. Thank you."

Representative Marumoto continued, saying:

"Thank you, Mr. Vice Speaker, for the reminder. I will face you.

"Again, I submit this bill is not reform, it is revenge. More than that, it is an attempt to further thwart the building of a true two-party system in Hawaii. I can live with cutting in half the amount an individual can give a political party, because hardly anybody gives more than \$25,000 to their party. What is outrageous is the sharp reduction in the amounts a political party can give its candidates, the very reason parties exist -- political parties -- because there are only a handful, naturally, that represent a broad spectrum of voters, united by a broad philosophy, but diverse in their views on specific issues. To

treat an organization of 30,000 to 40,000 people as one individual makes no sense, and bury this bill apart equally to all parties. In practice, it targets only one -- the Republican Party -- as my colleagues have all pointed out. Third parties are notoriously short of cash and where do we give their candidates financial assistance? For them, I might characterize a \$2,000 limit for a House candidate as a 'go' rather than a limit.

"In the last election, the Democratic Party of Hawaii gave virtually no direct assistance to legislative candidates. And, in fact, they almost never do. The remaining group affected by this bill -- the Republican Party -- has for several elections given significant help within campaign spending limits, of course, to legislative candidates. The limits in the current law are reasonable. Those proposed by this measure are absurd.

"If this measure wanted the mantle of true reform, it would have tackled some other issues, as the candidate from Waikiki pointed out: limitations on those who have State contracts, limitations on political action by unions and other organizations who use their House contacts and the direct communication with members' loophole to provide candidates with assistance which far outstrips anything the GOP does with direct disclosed legal contributions.

"I appreciate the concerns of those who believe this bill will stem the flow of so-called 'soft money' to elections in Hawaii. I would also add that because of where we are and how small we are, very little soft money finds its way to our shores. The money our party gave to candidates this year came from hundreds of small and medium-sized donations from our local membership.

"Political parties are subject to severe disclosure provisions. All receipts and expenditures must be closely accounted for and reported for all to see. Elections are still going to cost money and this bill may force all political parties to develop ways to get around these manini campaign spending limits, ways that unions and other organizations we refuse to regulate now evade the spirit of the law.

"You have truly passed this bill without my help, but please don't insult me by calling it reform. Thank you."

Representative P. Oshiro then rose to speak in favor of the bill, stating:

"Mr. Speaker, the intent of this bill is to eliminate a potential loophole in our present campaign spending law. That is the intent of this bill. At present, Mr. Speaker, any person or entity, under our present law, can contribute to a particular candidate per election, a maximum amount of \$2,000 for a two-year office, \$4,000 for a four-year non-statewide office, and \$6,000 for statewide offices. That's our present law. Aside from the candidate or the candidate's family, our present law allows only a political party to contribute to a candidate in excess of the aforementioned limitations.

"Mr. Speaker, by allowing a higher contribution limitation for political parties, our present campaign contribution law could conceivably allow an individual or an entity to contribute the maximum amount allowable to a candidate along with an additional amount to a political party with an unofficial request to forward the party contribution to a designated candidate. This bill, Mr. Speaker, which conforms the maximum contribution limits to a candidate from a political party with the limit for all other individuals and entities, will effectively and definitively close this loophole. That is what this bill does -- close this loophole.

"I would also like to make explicitly clear, Mr. Speaker, that this measure will affect all candidates from all political parties in all elections in the future. It will affect everyone fairly and equitably. With both major parties not in favor of this provision, as their flexibility to contribute higher amounts to a particular candidate will be minimized, with their opposition,

Mr. Speaker, from both major political parties, I truly believe that the broad-based impact of this measure will be fair and equitable to everyone. In addition, Mr. Speaker, with this change in this election law coming more than one year prior to the next election, I believe that the advance notice to all candidates that this loophole is effectively closed, has been effectively given by this bill.

"Again, Mr. Speaker, this bill ensure that aside from a candidate and a candidate's family, everyone, Mr. Speaker, will be subject to the same generic campaign contribution limit to a candidate. It is a fair and a very positive change which will represent a very significant enhancement to our present campaign spending law, and I ask your support, Mr. Speaker. 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. 165, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 38 ayes to 11 noes, with Representatives Auwae, Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath and Whalen voting no, and Representatives Okamura and Souki being excused.

The Chair directed the Clerk to note that H.B. Nos. 167, 32, 212, 1401, 273, 171, 325, 72, 160, 161 and 165 had passed Final Reading at 1:49 o'clock p.m.

At 1:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:45 o'clock p.m., the Vice Speaker assumed the rostrum.

Conf. Com. Rep. No. 86 and H.B. No. 177, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 177, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 87 and H.B. No. 955, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 955, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 88 and H.B. No. 1496, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1496, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEADLY OR DANGEROUS WEAPONS," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 89 and H.B. No. 1497, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1497, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Final Reading by a vote of 45 ayes,

with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 90 and H.B. No. 266, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 266, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Catalani rose in support of the bill and asked that her remarks, in favor of the bill, be entered into the Journal, and the Chair "so ordered."

Representative Catalani's remarks are as follows:

"I speak in strong support of this measure. This measure is good for employers, employees and babies. This measure benefits employers by giving employers back their employees after maternity or family leave to continue doing their jobs. Some women employees choose not to return to work to stay home and care for their baby. By providing that employers may allow breastfeeding as a break activity, it allow employees to continue to work their full workday and also allow women the satisfaction of providing food for their baby.

"This measure benefits other employees who took up the extra work while their colleague was on maternity or family leave. As employees, we all know the extra work we do when someone takes leave. All employees are grateful and relieved when the full complement of employees are back at work, working together.

"Equally important is the benefit to women. Women who choose to breastfeed their baby have the satisfaction of feeding their baby, the best and nutritious food. I note that many women breastfeed up until the time they return to work. I believe, if given the opportunity, more women will continue to breastfeed for a longer period of time, hopefully for one year as recommended by pediatricians.

"Returning to work should not be a deterrent or an obstacle to continuing to provide breastmilk for their baby. Returning to work should provide needed income for families and satisfaction for mothers and families through the opportunity to breastfeed."

Representative Yamane rose in support of the bill with reservations, stating:

"On this House Bill 266, on page 5, lines 7 through 12, I have some concerns because the way it is written, it seems to imply that you would have a child that breastfeeds at work, so that's my concern. Aside from that, I support the bill.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I have spoken before on the floor of this House about the advantages of breastfeeding to infants and mothers, and now I would like to speak a little bit about the advantages to employers from promoting breastfeeding amongst their employees.

"Mr. Speaker, in the next decade, two-thirds of new workers will be women, starting or returning to work. Labor practices based on the most current knowledge about breastfeeding for women and infant's health will indeed promote benefits not only to families, but to employers. Promoting breastfeeding will:

- * Reduce employee absenteeism or use of sick leave due to ill children;

- * Produce more settled and productive workers;
- * Decrease overall cost in medical claims and medical insurance;
- * Reduce staff turnover and loss of skilled workers after the birth of a child;
- * Lower healthcare costs because of healthier breastfed infants at home;
- * Lower training costs of new staff due to increased employee retention; and
- * Develop a healthier work force for the future.

"According to noted Hawaii researcher, Dr. Rachel Novotny, the number one reported reason for women in the 1990s' stopping breastfeeding two months after birth is 'planning or returning to work.' In order for women to feed their infants successfully, milk must be expressed or pumped at regular intervals when the baby is not actually nursing, otherwise the supply of breast milk will diminish and disappear. The milk supply must be maintained.

"At this point I would like to say, regarding the previous speaker's concerns, for the most part it would be very inconvenient for mothers to bring their child to work. What we are talking about is expressing breast milk.

"Hawaii has one of the highest national rates of women breastfeeding at the time of hospital discharge, about 70 percent, with the national average being just under 60 percent. However, by six months after birth, Hawaii's rate falls below the national average, to under 20 percent. This tends to illustrate that women start out with good intentions, but are often unable to follow through. This statistic relates also to the fact that Hawaii has one of the higher percentages of working mothers in the country. This is the reason for safeguarding the health of women and infants in our isolated State.

"The National Year 2000 Goal is for 75 percent of newborns to be breastfed, and for 50 percent of babies to continue breastfeeding until one year of age. That's also the recommendation of the American Academy of Pediatrics. By promoting supportive legislation for breastfeeding, we will be joining 18 other states that have policies protecting and supporting breastfeeding women.

"This bill does not include protecting women in places of public accommodation. And I hope that next year we will be able to address this aspect of the law.

"There have been numerous reports of women being asked not to breastfeed in public places in Hawaii, security guards or other personnel requesting breastfeeding women to leave a mall, a public bus, and a beach park. The most recent incident this year reportedly occurred at a large retail outlet store on Oahu. These incidents are reported through the network of lactation nurse consultants and other informal support groups.

"It is disturbing that any breastfeeding woman in Hawaii, to think that she could be prosecuted for discreetly feeding her infant while in the process of routine daily activities such as shopping or on a recreational outing with her family. I hope you will address this aspect next year.

"With more attention to the formative stage of life, including prenatal and early childhood, expenditures for mandated government services can be decreased. Shifting our focus will help children be more ready to learn, assist all families to fulfill their potential, relieve future burden on our State economy, and build healthier communities for years to come.

"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. 266, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEW MOTHERS BREASTFEEDING PROMOTION AND PROTECTION ACT," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 91 and H.B. No. 1622, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1622, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Menor rose in support of the bill and asked that his remarks "to clarify the legislative intent of the Conference Committee regarding this measure," be inserted into the Journal, and the Chair "so ordered."

Representative Menor's remarks are as follows:

"This bill, as previously drafted, permitted a liquor manufacturer that holds a manufacturer's license not issued by the State to hold an interest in a wholesale liquor license. Your Committee on Conference has amended this bill by deleting its substance and instead allowing a brewer of beer licensed under H.R.S. chapter 281 or under the law of another jurisdiction to hold an indirect interest in a wholesale dealer's license if the wholesaling is limited to beer.

"As amended, this bill is not intended to affect in any way the existing restrictions on a manufacturer of other types of liquor other than beer licensed under H.R.S. chapter 281, or under the law of another jurisdiction to hold an interest in a wholesale dealer's license."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1622, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 92 and H.B. No. 351, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 351, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, given the lengthy agenda that we face, I am going to keep my remarks briefer than I had planned.

"This is the bill that would establish a regulatory scheme to govern the disclosure and use of patients' medical records. Through the hard work of your conferees, in consultation with the various stakeholders, I believe that we have a bill for us that strikes an appropriate balance between the individual's right to privacy with the improvements that can result to our health care system with increased information sharing.

"I believe that this bill furthers important public policies in terms of allowing the use and disclosure of medical information for the specific important purposes that are listed in this bill.

"In addition, this bill includes much needed consumer safeguard, given the fact that at present we do not have a statutory scheme in the State of Hawaii to govern comprehensively the protection and disclosure of confidential patients' records in this State.

"I would also like to point out that this bill represents the product of a considerable amount of hard work and effort on behalf of an informal task force which was formed by representatives in the provider community, consumers, health plans and government in March of 1998, in response to community concerns about the privacy of medical records and the fact that similar bills had failed to pass the Legislature in previous years. The result of the efforts of this task force, according to my understanding, is a bill that is one of the first of its kind in the nation, which has placed our State in the cutting edge and which will serve as a model for the federal government and other states to follow in fashioning similar legislation.

"In that regard, I wanted to commend all of the members of the task force, including the Director of the Office of Information Practices, who serves as the facilitator for the countless hours and months that they volunteered in developing a consensus on this issue and in crafting what I believe will prove to be landmark legislation in this area.

"For these reasons, I would respectfully urge my colleagues to vote in favor of House Bill 351. 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. 351, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," passed Final Reading by a vote of 44 ayes to 1 no, with Representative Meyer voting no, and Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 93 and H.B. No. 1115, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1115, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARDING HOMES," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 94 and H.B. No. 1117, HD 3, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1117, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT," passed Final Reading by a vote of 45 ayes, with Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 95 and H.B. No. 1088, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1088, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Ito rose in support of the bill and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Ito's remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 1088, HD 2, SD 2, CD 1, Conference Committee Report No. 95.

"Through your leadership and guidance, Mr. Speaker, I am pleased to present to the members, H.B. 1088, HD 2, SD 2, CD 1, for approval.

"The purpose of this bill is to gather and organize information to determine whether the kindergarten age should

be changed. The kindergarten age issue has come up for a few years now and currently, a child must be five years old by December 31st of the school year to attend kindergarten in the public school system. Originally, the House version of this bill required a child to be five, but allowed the Board of Education to move the birthday forward when a child must turn five. Meanwhile, the Senate version required a child to be five on the first day of school, unless the child meets readiness standards established by the Board of Education.

"Which plan should be implemented? What is the most productive age for a child to start kindergarten? There seems to be many different ideas about when a child should start kindergarten. Proponents of raising the kindergarten age contend that many late-born kindergarten students are not mature enough or not ready for kindergarten. They have cited research that has shown that children who start school at an earlier age may be at a significant disadvantage than those who do not. Your Committee finds that many private schools retain a child for one school year if the child is born late in the calendar year to allow them to mature more naturally.

"On the other hand, some feel that children of any age can benefit from educational experiences that are developmentally appropriate. In other words, no matter what the age of the child is, that child is learning something in school and that is better than just staying home with no instruction at all.

"There are also non-educational ramifications of delaying the entry of late born children. One such ramification is that parents will have to pay for an additional year of childcare during these hard economic times. If such a thing were to occur, we have to make sure that delaying the entry of late-born children, really is making a difference in the quality of education of our children, then any extra money spent is worth it.

"There are many issues to be considered when setting the kindergarten age, and since there does not seem to be an urgent need to rush this decision, your Committee felt that a study was the correct and responsible thing to do. This study to be done by the Board of Education shall include reviews of:

- (1) Published research reports on issues relevant to the kindergarten age;
- (2) The kindergarten age in other states;
- (3) The issue of whether 'late-born' children are not mature enough or not ready for kindergarten;
- (4) The logic of how proposals to raise the kindergarten age eliminates the problem of children starting schools at an earlier age than their peers;
- (5) The issue of whether the kindergarten curriculum and instruction should be designed in a developmentally appropriate manner for children who now qualify for kindergarten;
- (6) The provisions of the House version as well as the Senate version, in particular:
 - (A) The establishment of readiness standards for entering kindergarten and the procedure to assess children by these standards.

"Your Committee feels that the establishment of readiness standards is important in determining the age when children should enter kindergarten because every child is different. All children progress at a different rate and this is also something to take into consideration when deciding this issue.

"Mr. Speaker, I firmly believe that this measure will finally resolve the kindergarten age issue and for this reason, I strongly support this measure.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1088, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE," passed Final Reading by a vote of 44 ayes to 1 no, with Representative Thielen voting no, and Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 96 and H.B. No. 1183, HD 2, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1183, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH LANDS," passed Final Reading by a vote of 44 ayes to 1 no, with Representative Rath voting no, and Representatives Hiraki, Morihara, Okamura, Suzuki, Takumi and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 177, 955, 1496, 1497, 266, 1622, 351, 1115, 1117, 1088 and 1183 had passed Final Reading at 2:55 o'clock p.m.

At 2:55 o'clock p.m., Representative Case asked for a recess and the Chair declared a recess, subject to the call of the Chair.

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

Conf. Com. Rep. No. 97 and H.B. No. 1119, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1119, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 98 and H.B. No. 377, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 377, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"While in the Committee Report it says: 'The purpose of this bill is to encourage the growth of Hawaii's high technology industry to stimulate economic development,' this is a worthy cause and I don't have a real problem with that. But I think that the way the present law has been amended, having to do with special purpose revenue bonds, is a bit of a stretch.

"Normally the bonds are issued for a project that is of public interest and for the public health, safety and general welfare, similar to sewage treatment plant or water purification plant, something that the general public could use. And it's a real question in my mind as to whether this project fits, and then if you go further, some of the definitions have been amended where the project agreement has now been changed from the proceeds of special purpose revenue bonds. . . I'll have to go back: 'Project agreement' means any agreement entered into under this part by the department with a project party to finance, construct, operate, or maintain an industrial plant.' That's how it used to be. But we've taken the industrial plant out and said: 'maintain a project from the proceeds of the special purpose revenue bonds, or to lend the proceeds of special purpose revenue bonds to assist an industrial enterprise.'

"I'm concerned because it seems like normally you have somebody come in, request special purpose revenue bonds and we pass or we don't pass, but the money goes directly to that entity. By the amendments that have been made in this bill, it's more than an arm's length away. We are going to okay the revenue bonds to the Ohana Foundation who may then lend this money, become a lender rather than the developer of the enterprise. It lends the money to somebody else that we don't even know.

"I realize that the Ohana Foundation is the one that has to qualify. Still, I think that we are getting kind of far afield. Questions come up in my mind: Does Ohana Foundation have anything in this project? The way I read the bill, they can take this \$100 million, purchase the land which the State has now, and then find somebody else who's willing to build and lend them the money, maybe sandwich themselves in between and actually make money on the project, just to lend the money. So for that reason, I will be voting no.

"Thank you, Mr. Speaker."

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

"I think that we should listen very carefully to what the previous speaker said, and I would like her remarks included in the Journal as if they were my own, and the Chair 'so ordered.' (By reference only).

"We're changing what industrial development bonds are. Basically, the reason that the government gets into the business of finding a public purpose in relation to bonds issued for an industrial plant or an industrial enterprise is the high leverage of job creation that you have when you create an industrial plant. I think people are familiar with the basic figure that the job that is in an automobile plant -- to build an automobile -- has seven jobs outside the automobile plant that are in support of that auto plant job. So we're talking about basic industry when we build industrial plants, and Hawaii has picked up the same kind of bonding authority that goes on elsewhere in the country.

"We, unfortunately, see very little actual industrial production in Hawaii. This changes the meaning of what qualifies industrial development bonds without, I think, any supporting evidence that if this turns into basically an office building that has some high tech things going on inside of it, they'll be ancillary job creation. That may be the case, but this is quite a fundamental step to just take in a Conference Committee draft without any hearings and real discussion about whether we should be changing what industrial development bonds do.

"I think the right thing to do at this point would be to vote no and come back in the next Legislature and look at this thing in more detail to see if we really get the kind of leverage job creation we get from an industrial plant.

"Thank you, Mr. Speaker."

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

"Certainly the Ohana Foundation has a new and unique enterprise, and that is high technology. This would go to help support developing a high technology park and, in fact, because high technology is so difficult to define, we have put in a section -- Section 7 -- in here which allows for an expedited petition to the Supreme Court. The Supreme Court will look at the purpose and the use of these revenue bonds, and they will make the decision of whether it fits as an industrial revenue under what we have decided. So it's another enterprise that's certainly at the cutting edge, and we'd like to see it move forward.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 377, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Final Reading by a vote of 41 ayes to 4 noes, with Representatives Fox, Marumoto, Meyer and Pendleton voting no, and Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 99 and H.B. No. 154, HD 1, SD 1, CD 1:

* Representative Case moved that the report of the Committee be adopted and H.B. No. 154, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Takai rose in support of the bill and asked that his remarks 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 this measure.

"As stated in the Hawaii Public Television strategic plan, which was submitted to us in 1997, 'Hawaii Public Television is at the most important crossroads of its life. One road leads to what Winston Churchill called "the broad sunlit uplands where we can strive to be the best that we can be." The other leads to a withering away of this incomparable treasure, even possible extinction.'

"Hawaii Public Television prefers to take the high road and believes that with the State Legislature and the State of Hawaii as continuing partners, we can and will take that high road.

"This is what House Bill 154 is all about. It is about Hawaii Public Television becoming a true community station, operated by a board of private citizens who feels, as we do, that KHET is a vital part of our statewide community. As stated in this bill, significant reductions in public funding of public television in this decade have resulted in major downsizing of the system, cancellations of long-running programs, reduction of broadcast hours, and a gradual deterioration of the physical plant.

"It became apparent several years ago that the future of Hawaii Public Television would be as a private organization. As a result, their strategic plan detailed a five-year pact designed to take the system from a state agency to a non-profit community foundation. Though the strategic plan called for the transition from a public agency to a private foundation in 2002, that timetable was moved up by two years following the 1998 legislative session, which resulted in a 50 percent reduction in State appropriations to KHET. With that cut, Hawaii Public Television's State support has been reduced 76 percent in six years.

"In becoming a community licensee, Hawaii Public Television will follow the lead of Oregon and other systems around the country that have made similar transitions successfully. It will not be easy, particularly in the present economy, but this bill represents our best hope for the long-term vitality of public television in Hawaii. Their mission will not change. Hawaii Public Television will remain committed to educate, inform, enlighten, and entertain.

"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. 154, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC TELEVISION," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 100 and H.B. No. 307, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 307, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Takai rose in support of the bill and asked that his remarks 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 this measure.

"College costs continue to rise in Hawaii and across the nation. Seventy-one percent of students locally and nationally receive financial aid. Even with a generous financial package of scholarships, grants, and loans, out-of-pocket expenses can be in the thousands of dollars per year.

"The uncovered expenses prohibits higher education for many of our students. A college savings plan is especially beneficial to middle income families with more than one child.

"Although the State has for eight years now met with economic stagnation, this bill serves as a symbol to show that there are legislators who continue to believe that education is the number one priority concerning the people of Hawaii.

"Unless we continue to stress the importance of higher learning, a significant high technology or a significant biotechnology future will continue to elude our State. I strongly believe that investment in human capital through programs such as this college savings plan will lead to greater economic prosperity in the future.

"Currently, 35 states have tax-advantaged state tuition plans in operation, six states have passed legislation authorizing the establishment of such programs and are in the process of implementing their programs. Six additional states, including Hawaii, have such legislation pending. With the passage of this bill and with the Governor's approval, Hawaii will have its very own college savings plan.

"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. 307, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 126 and H.B. No. 294, HD 1, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 294, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Takai rose in support of the bill and asked that his remarks 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 this measure.

"Mr. Speaker, this bill prohibits the distribution of sample cigarette or tobacco products, cigarette or tobacco promotional materials, or coupons redeemable for cigarette or tobacco products or promotional materials in any public street, sidewalk, or park, or within 1,000 feet of any school.

"I would like to thank the chairperson of the Health Committee for his work on behalf of tobacco prevention efforts, especially when it comes to children smoking cigarettes.

"We have known for a few years now that the tobacco lobby and the tobacco companies have been preying on children -- convincing many to begin smoking way before they turn 18 years of age. This is a fact.

"The tobacco companies have made attractive apparel with their companies' logos. They have given away sample tobacco products. Young children become part of this overall blackmail scheme. Many of them don't even know that they have become walking billboards for the tobacco companies because of what they wear.

"This bill will attempt to address these concerns. No longer will it be permissible to distribute promotional material on any public street and within 1,000 feet of any school. This is a good bill and I urge all my colleagues to vote in favor 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. 294, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 127 and H.B. No. 635, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 635, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 128 and H.B. No. 661, HD 3, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 661, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED WIRELESS EMERGENCY 911 SERVICE," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 129 and H.B. No. 743, HD 3, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 743, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Final Reading by a vote of 44 ayes to 1 no, with Representative McDermott voting no, and Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

Conf. Com. Rep. No. 130 and H.B. No. 895, HD 2, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 895, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Final Reading by a vote of 45 ayes, with Representatives Chang, Goodenow, Okamura, Say, Takamine and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 1119, 377, 154, 307, 294, 635, 661, 743 and 895 had passed Final Reading at 3:04 o'clock p.m.

Conf. Com. Rep. No. 131 and H.B. No. 122, HD 2, SD 1, CD 1:

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

Conf. Com. Rep. No. 132 and H.B. No. 850, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 850, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Moses then rose in opposition to the bill, stating:

"I rise in opposition to House Bill 850, Conference Committee Report No. 132 for the following reasons.

"This bill is a perfect example of this body's lack of political will to solve a problem that the public is very concerned about, and we have literally been playing around with at the edges for many years.

"It has been conservatively estimated that more than 20 percent of all automobile drivers on Hawaii's highways and byways are 'naked.' That is, driving without insurance coverage. And this bill, instead of discouraging uninsured motorists to get off the road, actually encourages them to stay on the road -- naked as a jaybird. How it encourages this dangerous practice is to extend an amnesty period for naked drivers to escape punishment for not having insurance coverage.

"Why do we want this policy to continue, Mr. Speaker? Why do we want to say to those hundred thousand plus uninsured motorists that it's okay to drive without insurance and continue to endanger every other driver with your recklessness. This practice of encouraging lawlessness lessens the moral force of law, as well as drives up the insurance premiums of the rest of us that are here today.

"Mr. Speaker, have you read your auto policy lately and what you are being charged for protection against uninsured motorists? This section of our policies has skyrocketed over the past years. Yet we have bills like this that do nothing to discourage the practice of driving naked.

"This body took great effort to fix no-fault insurance three sessions ago. But why did we attempt to fix our no-fault insurance laws when we say it's okay to drive without insurance. It just doesn't make any sense, Mr. Speaker. If we're serious about getting naked drivers off the road, then this bill has got to go down. Uninsured motorists don't belong on our roads, and a bill like this doesn't belong as part of our public policy.

"I urge my colleagues to vote no on this bill.

"Thank you, Mr. Speaker."

Representative Herkes then rose in strong support of the bill, stating:

"Mr. Speaker, let's go back to when we 'fixed' auto insurance. I was the only member of this body to vote against that bill because I felt that we didn't go far enough. Mr. Speaker, all the studies will show you that requiring auto insurance is no cure to lower prices. I am a little surprised that the Minority members. . .you should take care of yourself, insure yourself. That's what you ought to be doing.

"And let's have some consideration for some of these areas of this State that have no public transportations, where there are no jobs, and people are trying to stay off of welfare. They are trying to get to work. They are trying to get to jobs and this is the only way they can do it, and in many cases they don't have the money for insurance. And if it is a case between feeding your family, paying your rent, or paying an insurance company, I hope they pay the rent, feed the family. And if you look at the Big Island, if you just take a look at the jammed courts that are filled with pure no-fault violations, then maybe we need to look at the underlying problem here. And if there are 20 percent of the people in this State that are driving uninsured, let's address the underlying problem and fix that. Thank you."

Representative Pendleton then rose in opposition to the bill, stating:

"The reason why I think H.B. No. 850 is an unwise policy has not so much to do with this particular topic and this subject matter, it has to do with the fact that when you set an amnesty date and you say such and such an action needs to be taken by such and such a date, if you don't hold firm, then you end up sending perhaps inadvertently, unintentionally, unwittingly the wrong message that we've set a deadline, but you didn't make it. That's okay, we're just going to move it and you can drive without insurance, or you can engage in whatever behavior we said needs to come in compliance with the law. So that is why I oppose this.

"I think what we need to do is from the very beginning, set a date and say, whatever that date is, two years down the road, three years down the road, one year -- whatever that date is -- we have to hold firm as a Legislature so that the public gets the message that we're serious about the directives that we give, that we want people to be insured, and they need to be insured by such and such a date. Once we begin moving that further into the future, you send the wrong message, and that's why I want to oppose this measure.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 850, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Final Reading by a vote of 39 ayes to 8 noes, with Representatives Ahu Isa, Catalani, Fox, Luke, Marumoto, Meyer, Moses and Pendleton voting no, and Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 133 and H.B. No. 460, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 460, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 134 and H.B. No. 1361, HD 2, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1361, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER TOUR OPERATORS," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Rath voting no, and Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 135 and H.B. No. 252, HD 3, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 252, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 136 and H.B. No. 1660, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine 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 HIGHER EDUCATION," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 137 and H.B. No. 1085, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1085, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Moses rose in support of the bill, stating:

"This is the bill I alluded to earlier in the budget discussion. It's a very needed bill I think. It appropriates money for the Felix-Cayetano consent decree, and also provides money for books and equipment for Kapolei Middle School, and money for books and equipment for Keaau High School.

"Thank you, Mr. Speaker."

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

"I want to mention that in attempting to fulfill the consent decree, the Legislature has a tendency to just accept whatever it is that we hear is needed by the Departments of Education and Health without doing the work to scrutinize those requests. In this case, here we are again funding \$11.1 million, much of which is supposed to be for the consent decree. At some point we're going to need to scrutinize the request in such a way that we come up with our own plan, because certainly at this point, all we're getting is further requests for positions without a clear idea of how those positions are going to make a difference with students in our schools.

"While I'm supportive of this measure, I just want to bring to everyone's attention that at some point we're going to have to take the bull by the horns. 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. 1085, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR EDUCATION," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 138 and H.B. No. 988, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 988, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Briefly, Mr. Speaker, I think this bill says something about the speed with which we proceed to attack problems in this

State. This 2000 compliance thing is something we've known about for some time. It's a pretty rigid date on the calendar and we pretty much know what's going to happen that we've got to get ready for. The bill provides additional money to DAGS to deal with this problem, finding that the amount they have been giving so far is not sufficient.

"But the thing that most concerns me is that this bill is supposed to end on June 30, 1999. Now, what that means in the government is that by June 30, 1999, you have to have a contract. A contract has to be in place to solve the problem. As long as you're going to do that, you don't have to actually spend the money by June 30, 1999. You just have to have a contract in place. Well, this bill allows you to get your contract by June 30, 2000. Mr. Speaker, I think by June 30, 2000, the problem will be over.

"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. 988, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR STATE GOVERNMENT TO IMPLEMENT YEAR 2000 COMPLIANCE EFFORTS," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Fox voting no, and Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 139 and H.B. No. 1471, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1471, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Marumoto rose and stated:

"Mr. Speaker, I rise to vote in favor of this measure which will establish a review program and requiring assessment of the performance of the Chief Elections Officer of the State of Hawaii. I do so, however, with reservations.

"I believe that this is another case of shutting the barn door after the horse is long gone. There has been no oversight by anyone over the performance of the Chief Elections Officer previously and we wound up with a total recount of the ballots from last fall's election. What we learned when the barn door was left open that not only were some counting machines defective, but we learned that the company providing the faulty machines was selected on a sole source, nonbid basis. We also learned the Chief Elections Officer, despite five years on the job, failed to issue the necessary rules and regulations for elections procedures as required. Candidates and their committees were besieged by calls about election irregularities. Among the irregularities reported: absentee ballots were sent to the wrong districts or remarked in pen or pencil by the Office of Elections personnel without outside oversight; the possibility of non-citizen residents voting; veteran Republican poll workers being told that their services were not needed; people who voted in the primary election and were not permitted to vote in the general because their names were not listed on the rolls; a claim that some people registered on Election Day and proceeded to vote; the machine errors not reported promptly by the Chief Elections Officer prevented some candidates from filing complaints to the Supreme Court before the twenty days specified deadline. Democrat candidates were allowed to view ballots in the Office of Elections but Republican candidates were turned down. Foot dragging by the CEO in requesting the Supreme Court action in the 44th House District race resulting in the winner not being certified until one day before the Legislature convened -- three months after the election and more.

"So what do we do to restore public confidence in the process? We ran the ballots through different machines and

found only minimal differences in the two counts. So what did that teach us? We learned that machines that were not out of order counted ballots better than the machines that were out of order. In other words, we didn't learn a single thing about the other alleged irregularities.

"This measure, in essence, shuts the barn door on the path and covers it with whitewash and to make certain that the door won't be opened again very easily. This latest version deletes the provision that would have required that the Elections Appointment and Review Panel review complaints filed against the operation of any election or the performance of the Chief Elections Officer. So much for effective and meaningful public input.

"The essential purpose of this measure was supposedly to restore public confidence in the process. Does it fully meet the test? I think not. Therefore, I must vote aye with serious reservations. Thank you."

Representative Auwae then rose in support of the bill with reservations and requested that the remarks of the previous speaker be inserted into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1471, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 143 and H.B. No. 86, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 86, 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 Kanoho, Okamura, Santiago and Yoshinaga being excused.

Conf. Com. Rep. No. 144 and H.B. No. 333, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 333, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 333, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Santiago and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 850, 460, 1361, 252, 1660, 1085, 988, 1471, 86 and 333 had passed Final Reading at 3:20 o'clock p.m.

At 3:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:22 o'clock p.m.

Conf. Com. Rep. No. 145 and H.B. No. 336, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 336, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed

Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 146 and H.B. No. 978, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 978, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, the goal of your Committee on Agriculture is to help promote Hawaii's agriculture industry. Over the years, the State has invested so much in public funds for agricultural development and research. And because of the closure of most sugar plantations, prime agricultural lands, labor and other infrastructure like water and irrigation system have now become available for which to further develop and expand this industry.

"Mr. Speaker, your Committee finds that financing is one of the most crucial component to foster this development and expansion, and yet it is the most difficult to obtain. In comparison to conventional commercial lending, agricultural lending poses additional high risks to private lenders who base their lending criteria to risk and benefits. And because the industry is not only affected by competition, increasing operating costs, government regulations, or changing consumer preferences. As we all know, agriculture is also affected and highly susceptible to insect pests and diseases, droughts, storms, and other natural disasters.

"House Bill 978, if enacted into law, would encourage private lenders to provide financing by allowing the Department of Agriculture (DOA) to issue loan guarantees for loans made to qualified farmers by private lenders. This guarantee is up to 90 percent of the principal amount, including interest up to an aggregate of \$10 million. The loan is limited to two percent above the prime rate charged by the private lender. And this ceiling ensures that financing is provided at reasonable rates as the loan guarantee reduces and limits the lender's risk. This program also waives the current 'credit elsewhere requirement' wherein the applicants are required to be denied credit elsewhere before the Department of Agriculture can consider their application. This is a very important provision as this requirement is very lengthy and time-consuming and does not serve the interest of the farmers.

"Under our current economic and fiscal conditions, State funds are very limited, and so to increase loan funds, this bill would prove very crucial indeed in addressing the financing issue that is facing the farmers at the present time.

"Mr. Speaker, your Agriculture Committee has tried to work toward achieving its objective of advancing the further development of an industry that is so vital for our economic recovery. House Bill 978 is critical in the success of our efforts, and is an ideal example of the basic concept of working together for the benefit of everybody. Here, we are trying to bring together the cooperative efforts and resources of both private financial institutions and State agencies to benefit the farmers and farming cooperatives. For this reason, Mr. Speaker and colleagues, I urge all of you to support the passage of this measure.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 978, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 147 and H.B. No. 1280, HD 2, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1280, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 148 and H.B. No. 20, HD 2, SD 2, CD 1:

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

Conf. Com. Rep. No. 149 and H.B. No. 1095, HD 1, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1095, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF THE SALARIES OF THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 150 and H.B. No. 1111, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1111, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Moses rose in support of the bill with reservations, stating:

"Mr. Speaker, I rise with reservations because this bill is relating to indemnity and basically it tells people out there that we don't have a problem with Y2K. What we're going to do is if we see any errors in computer-based programs, we'll just kind of look the other way. We indemnify businesses as we have indemnified the State. We said the State is exempt and gives civil liability protection, and I am just wondering if we're not sending some kind of message to the people of Hawaii. We're saying: we have to be careful, we have to give these benefits to the State and to businesses, but don't worry, because there's nothing going to happen. And if we believe nothing is going to happen, then why are we doing this?

"So I've got concerns. I think we're sending the wrong message. This creates the impression, at least, that we do foresee a disaster on January 1st, 2000, and I don't think we're going to, and I want to just send a message to the people of Hawaii that we want to rebut the claims and assure the public that we are not facing imminent disaster. We're not going to fall off the face of the Earth, the free world will not end, but we may have some computer glitches. That's as far as it's going to go.

"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. 1111, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO YEAR 2000 ERRORS BY COMPUTER-BASED SYSTEMS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Pendleton voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 164 and H.B. No. 162, HD 1, SD 2, CD 1:

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

Conf. Com. Rep. No. 165 and H.B. No. 1454, HD 2, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1454, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Marumoto, McDermott, Meyer, Pendleton and Rath voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 166 and H.B. No. 1138, HD 1, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1138, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Garcia rose and requested a ruling on a possible conflict, saying: "I'm considering entrusting my daughter's health records to the Department of Health in pursuit of the content of this legislation and the study that is being called for," and the Chair ruled "no conflict."

Representative Garcia continued, stating:

"Thank you, Mr. Speaker, then I would rise in support of this legislation.

"Mr. Speaker, I recall I was living at that time in Village Park and I can remember the number of cases, at least the scare that went throughout the subdivision as there was talk about soil contamination going around the community at that time, and the number of cases that were perceived by the residents among the children, and I'm glad to see that with this piece of legislation that we're going to put some of these matters to rest, hopefully, in the future. 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. 1138, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Herkes voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 167 and H.B. No. 1146, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1146, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kahikina rose to speak in support of the bill with reservations, stating:

"These vital record fees which increased -- I regret that we couldn't address the issue of the Native Hawaiian concern. Because as you all know that it's through a federal act and Constitution that these Native Hawaiian people have to qualify for the entitlements.

"We were so close to an agreement to address the mechanism from agency to agency to share this information. I'm hoping that we can address it in the next session so we can alleviate the burdensome criteria of qualifying for a federal entitlement for the Native Hawaiians.

"Thank you, Mr. Speaker."

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

"This stems from when we increased the fees a while back, last year I believe it was. This is supposed to be a temporary measure to help fund some programs, et cetera. And once again

this year, as the bill was originally written, we were trying to dip into this 'hidden' tax again to fund it. Although the CD 1 does take out the increases to the various special funds, now we are also deleting the sunset date.

"The purpose of this temporary thing was just to help to get these departments up and going -- these services -- and we were going to find funding somewhere else so that they wouldn't have to leave off of basically fees to get paperwork, and yet their funding for these programs that might. . . you know, in actuality they have very little 'do' with what they are paying for. And here it is, a year later, and we are already repealing the sunset date. I know most of you don't want to try to recall back to what I said, but that's why I voted no that other time, saying that once the door is open, it is almost impossible to shut, and that's what happened.

"In the first draft, we were going to increase the fees -- the funding mechanism to these programs. That was taken out but we are also eliminating the sunset, so now we are going to have to again live with the program cost being hidden in fees that people are totally unaware of where their tax dollars are going. And for those reasons, I'll be in opposition, Mr. Speaker."

Representative Goodenow then rose in support of the bill with reservations and asked that the Representative from Nanakuli's remarks be entered into the Journal as his own, "as I am disappointed that the Native Hawaiian provision didn't make it through conference," 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. 1146, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORD FEES," passed Final Reading by a vote of 46 ayes to 3 noes, with Representatives McDermott, Rath and Whalen voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 168 and H.B. No. 170, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 170, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Fox rose in support of the bill and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Fox's remarks are as follows:

"Mr. Speaker, long-term care is the great unsolved health problem facing Hawaii's families. At \$150 a day, \$50,000 a year, the cost of long-term care bankrupts many of our people, forcing them into poverty and onto Medicaid.

"Hawaii, which has taken the lead in insuring comprehensive health care for our residents, is now catching up with the Federal government by providing tax deductions for long-term care. Two years ago, the Federal government first allowed tax deductions not only for long-term care expenses, but also for payments on long-term care insurance policies. Republicans fought hard both in 1997 and last year to extend these same tax breaks to Hawaii taxpayers, believing that the more people who on their own pay for long-term care insurance and expenses, the more resources our community has available to help others.

"As someone who introduced floor amendments in each of the two previous years to provide long-term care deductions, I am pleased that Democrats now support the deductions.

"Thank you, Mr. Speaker.

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

"What I would like and hope is that this House would consider in the future some steps that will maybe enhance the private handling of long-term care, and hopefully, we can look at other ideas like the Senate President had.

"Thank you, Mr. Speaker."

Representative Marumoto then rose and stated:

"On the same measure -- long-term care benefits -- I would like to have the words of the House member from Waikiki on House Bill 170, HD 2, as it passed Third Reading, entered in the Journal as my own. In essence, at the time he said that the deduction was only a half-a-loaf, and it still is today. Thank you," and the Chair "so ordered."

Representative Fox's remarks on H.B. No. 170, HD 2, delivered on March 9, 1999 (27th Day) are as follows:

"I wish to associate myself wholeheartedly with the remarks just delivered by the Representative from Kalihi Valley. He has essentially given us a picture of this measure as being like a mouse compared to what really has to be done. I hate to diminish the size of the mouse even further, but I have to note that the long-term care tax deduction that is proposed here is only one part of the two part federal deduction that was made available to the people of Hawaii starting in 1997. The part that we are passing today encourages people to purchase long-term care insurance by making that deductible. However, this is a provision that will be useful to people only if their long-term care insurance costs exceed the 7.5 percent medical deduction combined with their other medical expenses.

"Unfortunately, another part of the provision which made long-term care expenses themselves deductible is not present in this bill. That is a much more useful feature because many of the people who are paying \$50,000 to \$60,000 to maintain somebody in a nursing home or a lesser fee to maintain somebody in a care home and are getting no deductions because these are not called medical expenses currently would completely qualify for that exemption were it made available.

"So I regret that even in this area, this small step we're taking toward taking care of our long-term care needs, we didn't go as far as we should have in this very area. Thank you, Mr. Speaker."

Representative Meyer then rose in support of the bill and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Meyers's remarks are as follows:

"Mr. Speaker, I rise in support of H.B. 170, HD 2, SD 1, CD 1, a bill that would provide tax benefits for long-term care.

"This bill conforms the State of Hawaii income tax law to the federal income tax law affecting long-term care tax benefits and will allow for the deduction of long-term care premiums which will ultimately encourage people to obtain much needed long-term care insurance. For this reason, I wholeheartedly support H.B. 170."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 170, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE TAX BENEFITS," 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. 336, 978, 1280, 1095, 1111, 1454, 1138, 1146 and 170 had passed Final Reading at 3:35 o'clock p.m.

Conf. Com. Rep. No. 148 and H.B. No. 20, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 20, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative P. Oshiro rose to speak in support of the bill, stating:

"Mr. Speaker, in order to attract and retain the best and most qualified individuals for any position, whether in the public or private sector, it is essential that the compensation offered for any occupation is commensurate with the skills, the knowledge and the expertise required. The importance and significance of this premise, Mr. Speaker, while prevalent in all employment situations, becomes increasingly more apparent when dealing with occupations which require an intricately higher level of experience, knowledge, temperament, and impartiality. In my opinion, Mr. Speaker, serving as a judge or justice most certainly qualifies as one of these occupations.

"Our judges and justices serve a very important role in our society, as they work day in and day out to interpret the Constitution and the laws of our State. Their rulings and decisions, as has been evident in recent years, touch upon the lives of each and every one of us, whether we realize it or not. They are truly, Mr. Speaker, an integral part of life as we know of it here in the State of Hawaii.

"Mr. Speaker, after closely reviewing the compensation of judges in similar capacities with similar responsibilities and duties throughout our nation, it became very apparent to me that Hawaii's judges and justices are at a pay scale that is much less than that of their colleagues across the Nation. Coupled with the fact, Mr. Speaker, that they have not had a salary increase in nine years, I am convinced that Hawaii's judges and justices are very much deserving of a significant increase in salary.

"Although the conference intended to increase the salaries of our judges by eleven percent beginning July 1999, and another eleven percent beginning July of the year 2000, in the haste of Conference Committee deliberations, and preparing the committee report under the pressures of time, an unfortunate and very unintended inconsistency resulted in reference to the salary increases in the contents of the bill and the accompanying committee report.

"I would like to now clarify for our Journal that in acting on this bill notwithstanding the recommendation contained in the committee report, that we are relying on the principle that the specific salary figures in the bill must represent the intent of the Legislature as controlling over other general references on the same subject. The Journal, Mr. Speaker, should reflect that the specific salary figures listed in the bill are correct.

"While we have to accept those figures, Mr. Speaker, and cannot at this late hour change them to reflect the Conference Committee's actual and sure intent, we would recommend to this body that we approve these modest increases now by voting aye.

"We want the Journal to reflect this intent of the Conference Committee, Mr. Speaker, and also note our recommendation that the 2000 Legislature correct the figures to represent what we had intended; that is, to provide for salary increases of eleven percent effective July 1999, and another eleven percent beginning July of the year 2000.

"So, Mr. Speaker, on behalf of the Chair of our Finance Committee and the House conferees on this bill, I would like to extend our sincere apology for the unintended inconsistencies in this bill, and we would like to ask your indulgence and your support to approve this measure today.

"Thank you, Mr. Speaker."

Representative Rath then rose in opposition to the bill, stating:

"Mr. Speaker, there is no doubt in my mind that nine years is a long time to go without any kind of a raise, and there is no question that the payment to the judges is not commensurate with what an attorney could make in a good economy. However, our local attorneys are not making such good money in our bad economy.

"And while it is true that the judges did not have collective bargaining, nor did they have a constituency of any type, nonetheless, they are public servants and they did know what the pay was when they took the job. And it seems to me that in these trying times, this is not the time to burden the working men and women of our State with the added price of giving people raises. So for that reason, I will be voting against it.

"Thank you, Mr. Speaker."

Representative Thielen then rose in opposition to the bill, "not in opposition to judges, but in opposition to the pay increase for them," and asked that her written comments be placed in the Journal, and the Chair "so ordered."

Representative Thielen's comments are as follows:

"Mr. Speaker, I rise in opposition to H.B. 20, relating to pay raises for judges. Please note that I am opposed to pay raises, not to judges. I fully recognize that the sudden departure from the bench of a few judges indicates dissatisfaction with the present level of pay.

"However, with the present state of Hawaii's economy, this is not the appropriate time to grant pay raises of this magnitude. Just being appointed as a judge should be a gratifying and rewarding experience for anyone so blessed. The retirement benefits are also outstanding and job security is a given.

"I know that some may say: 'Pay raises delayed are pay raises denied.' I should hope that the delay would not be far into the future when Hawaii's economy will inevitably rebound and we will better afford such a measure.

"An eventual pay increase of \$13,000 per annum is more than we should be granting at this time. Therefore, Mr. Speaker, I regrettably must vote 'no' on this measure. Thank you."

Representative McDermott then rose in opposition to the bill, stating:

"Seems like a hundred times that I have risen on this measure. I know there's a risk in insulting some very good judges and I know we have some outstanding ones, but a 22 percent -- I think that's what I understand it to be -- but an increase like that at this time, I don't think we can afford. Remember, I said repeatedly, I believe these fellows, particularly at the Supreme Court level, have been legislating from the bench and I will not reward that.

"Thank you, Mr. Speaker."

Representative Meyer then rose in opposition to the bill and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 20, HD 2, SD 2, CD 1, which would increase the salaries of the Judiciary. I take issue with the large percentage increase that would occur over the next two years. The State of Hawaii is continuing to face the toughest of economic times in recent history and yet we are raising the salaries of some of the highest paid public

employees in the State! It just does not make sense that in this time of crisis that the Legislature is asked to appropriate \$6.2 million over the next two years to boost the already high salary a judge earns. I am confident that Hawaii has thousands of competent attorneys that would not only make excellent judges but would do so at the current pay rate.

"We need to make common sense decisions at this juncture in Hawaii's troubled economy and increasing the salaries of judges thirteen percent over the next two years just does not make sense at this time."

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

"Mr. Speaker and members of the House, I wish to speak to this bill with some reservations, only the reservations is for not having an extension to resolve this problem.

"I believe the judges deserve the 22 percent. Also, there are other bills that had similar problems in the last minute frenzy that we had to let it go, and I think that in situations like this, for the future and this is for the record, I think that the House leaders should look at the quality of the product that comes out rather than the time. If it's a question between ending the session on time or coming out with a quality product, I would say choose the quality product.

"Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 20, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote 41 ayes to 7 noes, with Representatives Auwae, Fox, McDermott, Meyer, Rath, Thielen and Whalen voting no, and Representatives Herkes, Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. No. 20 had passed Final Reading at 3:44 o'clock p.m.

Conf. Com. Rep. No. 169 and H.B. No. 172, HD 1, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 172, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Moses rose in opposition to the bill, stating:

"This bill declares hospice homes to be a permitted use in all residential areas throughout the State. This is a zoning and land use issue that should be addressed by the counties and local communities. This bill conclusively decides that a hospice may be located in any residential area on any island without any community input or regulation.

"I support community-based planning and decision making. This bill takes away the power of the counties or the residents to decide where commercial enterprises such as hospices may be located. The State Legislature has no business pre-empting the zoning and land use powers of the counties. Think about what your constituents will say when they learn that the home down the street is going to be a hospice, especially if you have Asian neighbors. You know what that means. They will want to know about traffic, parking, strange people in the neighborhood, and also other concerns.

"This bill tells them there is nothing the county can do or that they can do. Your voters will have to accept the commercial operation in their neighborhood, and I oppose forcing commercial enterprises down the throat of homeowners in residential neighborhoods.

"Thank you, Mr. Speaker."

Representative Leong then rose to speak in support of the bill with reservations, stating:

"While I am in favor of the concept of hospice care, I am very concerned about the one-sidedness of this bill. By characterizing hospice homes as residential uses of property and permit its use in residential-designated zones, we have effectively excluded input from the community.

"Hospice homes have historically been important issues to the communities. The residents affected must be heard. While serving on my Neighborhood Board, we faced a very heated debate about a hospice home which was about to enter our community. It took 700 signed petitions from the communities to get this hospice to remove itself because they realized it would impact the community very greatly because of the narrow roads.

"Therefore, with this bill the community would not be heard and, to me, it's very unfair. Therefore, I vote with reservations on this particular bill.

"Thank you, Mr. Speaker."

Representative Rath then rose to speak in opposition to the bill, stating:

"As a former Councilman from the Big Island, I can tell you that this should be in the purview of the County Councils, not a State mandate.

"For all the reasons given by the Representative from Kapolei and in addition from the Representative from Niu Valley, I just can't see where we can pass this. We're usurping the rights of the Council. We're just saying, the heck with the communities, and in the Council you deal with people -- where they live and their neighborhoods. Here in this building, we don't deal with that, and I think we already have a mechanism to allow this in every county that I know of in the State, and I am sure that's adequate right now.

"Thank you, Mr. Speaker."

Representative Meyer then rose in support of the bill with reservations, stating:

"I don't know if I can add anything more, but just to kind of echo the fact that this is a county matter, that the way this was done, it was a change from the original bill. We are now including hospice with other residential homes for drug treatment, safe homes for alcoholics, things like that. I know the consequences when that happens. In my district, I have gotten numerous calls every time a safe home opens up with recovering drug addicts or alcoholics. The residents see these unrelated people going in there. They cannot believe that this can happen without them being notified.

"But that's what happens if the State, making the determination that there's a higher need and we won't be concerned with interjecting more commercial type activities within residential districts. And while hospices are very much needed and wonderful, I think you don't want to be a bad neighbor and so the County mechanism allows for the public hearings. And whereas one neighborhood is happy to have it, another may not. It's better to have a happy neighbor.

"Thank you, Mr. Speaker."

Representative Pendleton then rose in support of the bill with reservations and asked that the remarks of the Representative from Laie be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Santiago then rose in support of the bill, stating:

"I am a little confused, Mr. Speaker, as this measure proceeded through the process and the concerns that are being voiced now were brought up. Throughout the hearing process, I allowed some of the members who spoke to ask the questions of the testifiers as to the safeguards that were put into this measure to prevent the concerns that they are bringing up now from happening. It was my understanding that their concerns were addressed. Had they not been, I would have really appreciated any or all of them to have basically suggested language to alleviate their fears.

"Suffice it to say though that the proponents of this measure, both the hospice supporters as well as the Department of Health who came forward to us asking for us to move this measure forward, we reassured the Committee repeatedly that in the process of licensing a hospice home, there would in fact need to be public input. They would absolutely be required that communities be informed that something like this was going to occur. There is no community where, as far as the individuals from hospice are concerned, where they would try to force themselves into a community. It's not that type of a home situation.

"Again, in subsection 321 of the measure, it does talk about protecting the health, safety, welfare and civil rights of persons residing in their place of residence. I thought we were reassured. I thought we had some agreement but apparently we did not. I would have appreciated, though, that those members who had these concerns could have simply suggested language that would have met their concerns, and we would have definitely entertained putting it into the measure at that time.

"Thank you, Mr. Speaker."

Representative Moses then rose and stated:

"A brief comment, going along with what the colleague just said. I have a hospice in my neighborhood, in my district, and we welcome it. It's St. Francis Medical Center-West. That's right in the district, and we welcome it.

"I'm not against hospices. I'm against going against the zoning authority of the County, and that's what my entire concern is. If this measure were to say that all these matters would go before the Neighborhood Boards or go before the City Council, no problem. It's just the problem of doing it without even asking.

"Thank you, Mr. Speaker."

Representative Leong then rose and stated:

"I would like the North Shore Representative to know that when it came to the hearing, I did ask of them whether such could be because I had a question about coming before the Boards or Association, and they said that it would be. But I couldn't find it, which is what's my concern. That's why I'm voting with reservations on this particular 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. 172, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPICE SERVICES," passed Final Reading by a vote of 43 ayes to 4 noes, with Representatives Halford, Marumoto, Moses and Rath voting no, and Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 170 and H.B. No. 260, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 260, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"I just want to say that earlier in the session, when we were probably filled with more hope and filled with grandeur visions of the kind of Hawaii we wanted to see for the next century -- our millennium -- I referenced an old commercial where the mechanic says: 'You can pay me a little now or you can pay me a lot later.' Well, House Bill 260, in its current form, represents just the oil filter for the kind of vehicle that we need to assure a population of Hawaii's children entering the 21st century that they'll be healthy and ready to learn. There is very little investment in this bill made in terms of dollars for a population that represents the hope for Hawaii's future. It is ironic that we can acknowledge the funds needed for Child and Adolescent Mental Health, funds needed for more prisons, funds needed for more special education teachers, funds for foster care. These are critical and necessary. Yet when it comes to programs and services that will prevent, intervene or mitigate these problems, we simply cannot afford it. Unfortunately, our legislative process and policy are not conducive to looking beyond the crisis and beyond the ends of our collective noses. We are willing to make the sacrifice to eliminate the pyramiding of the GET, but we cannot afford to deal with the spiraling deficits that many of our young children face today. And the savage massacre at Colombine High School in Littleton stands as a sad testament to our failure as a society to pay attention to what and how our children learn at an early age.

"I want to quote from this book called, 'The Ghost From The Nursery', tracing the roots of violence, and I quote: 'The ghost of children lost to rage and despair overlooked or abused by a community unaware of their existence, do retaliate. These children, like all children, "do unto others." It may be easy and politically expedient to ignore them, or to close our eyes to the appalling circumstances of their lives while they are voiceless and powerless, little bodies tucked away where no one is looking. But these children, grown larger and angrier, are swelling the rising tide of violent young offenders in our communities. Rage-filled adolescents only seem to come out of nowhere, but they come too often from the nursery. We yearn for simple answers. When horrific details reel from television or newspaper stories, we grasp for quick explanations. We want to believe that we can separate ourselves from the infection. Poverty and race become easy scapegoats. But neither adequately explains the increase in violence, particularly not among younger and younger children. The answers are complex but no longer unobtainable.'

"Too many times children are given over to electronic babysitters known as the television, and too many times they are given toys and equipment such as video games that glorify violence and cheapens the values of life. As the richest Nation in the world, we sadly discover that economic prosperity and military superiority do not guarantee domestic tranquility. We can spend millions, even billions, developing smart bombs but fail to make the same investment to develop smart kids.

"The latest research on brain development shows that young children learn the most during the first five years of his or her life. That same research also proves that therapeutic and remediation strategies are more effective and less costly in the first five years of life than when the child is older, and definitely it is more cost-effective than trying to address the problem as adults.

"As policymakers, we need to have the courage to make that investment in early childhood. The screenings proposed in this bill will encourage and promote a collaborative low-cost effort to provide access to a standard screen or screens to every child born in Hawaii by the age of three. And 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 early childhood education. . .

At this point, Representative Pendleton rose and yielded his time.

Representative Arakaki thanked the Chair and continued, stating:

"...will bring evidence that I will assure you will be recognized long after we have left these hallowed chambers for greener pastures.

"And I will again close, probably for the last time this session, with this quote from Gabriella Mistrel, a Nobel Prize-winning poet from Chile, and I quote: '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 that their bones are being formed, their blood is being made, and their senses are being developed. To him, we cannot answer tomorrow, because their 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. 260, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 171 and H.B. No. 274, HD 3, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 274, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILIES," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 172 and H.B. No. 326, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 326, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 173 and H.B. No. 547, HD 3, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 547, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"I believe this is a tremendous step for the House. I would like to say that this would solve our problems but I won't. This is a first step, and as the Deputy Surgeon General told me, maybe this bill will help us get out from the bottom of the heap. Hawaii is last, as far as organ donation is concerned, in the Nation. So maybe we won't be called 'rock bottom' anymore.

"Thank you, Mr. Speaker."

Representative Arakaki then rose in support of the bill and asked that his remarks be inserted into the Journal, "however, I wanted to take the opportunity to really thank several people who really helped to put this bill together. The first is the Legislative Reference Bureau, and especially the researcher, Jean Martin, who did the study and came up with the model

legislation. And also to the advocates, especially from the MOTATP (Minority Organ Transplant and Tissue Program), and also the Organ Donor Center -- both Robyn Kaufman and Tony Sagayadoro, who worked long hours to shepherd this bill, as well as people from the Hawaii Kidney Foundation. So I would like to have their names and organizations entered into the Journal along with our thanks. Thank you."

The Chair "so ordered."

Representative Arakaki's remarks are as follows:

"Mr. Speaker, allow me to enter into the Journal through my remarks, a real debt of gratitude to many people who have contributed to this significant measure that will present the gift of life to the people in Hawaii. I'm sure there are few of us who realize that there are about 170 to 200 persons in Hawaii currently awaiting a solid organ, such as heart, liver, lungs, or kidneys. There are other patients for whom bone tissue or corneas or heart valves would help improve their quality of life. What can be done immediately to help these people obtain the needed solid organ, tissue, or cornea? From most accounts, the immediate solution is to obtain consent for an organ donation -- either from the dying themselves or their next of kin. Although the need for a solid organ has been the primary focus of this report, consent is still needed to retrieve tissue, bone, corneas, heart valves and other parts. The most efficient and publicly acceptable means of obtaining an organ would be without exception, to persuade every seriously injured and dying person or their families to consent to donate their organs. Determination of organ donation suitability can be made after the patient has agreed to donate.

"A review of the local Hawaii data indicates that the current odds for obtaining consent at the time of death (or just prior to death) is poor -- less than one percent, a far reach from the 26 percent of all motor vehicle drivers who have indicated they are willing to be donors when they die. But as will be described shortly, the shortage of donated organs can be explained as partly due to the necessity of seeking good, viable organs without relaxing rules for quality.

"According to the Organ Donor Center of Hawaii's estimates, about 56 percent of all deaths were reported to the ODCH in 1997 from the seventeen acute care hospitals in the State. According to Executive Director Robyn Kaufman, a pilot project of routine referral that began in 1994 was applied statewide from 1995. Routine referral is a process provided by the UAGA whereby a hospital's medical personnel upon identifying a dying person who could be a suitable donor, notifies the ODCH and efforts are made to secure consent to retrieve that dying person's organs, tissue, or eyes.

"Donor organs from deaths on Neighbor Islands can be brought to Honolulu on commercial flights or air ambulance when necessary. Tissue recovery is possible as long as an operating room is available. The ODCH has five nurses who have been trained in how to approach families for donation. Hospital employees, including chaplains, social workers, and the like are also trained by ODCH personnel in the techniques of handling organ donation requests. Although recent news articles reported Hawaii at the bottom of the donation list among the 63 organ banks across the country, a state by state comparison is not a fair comparison because on the Mainland some OPOs may serve areas in several different but adjacent states. There are also five states with no transplant programs. Hawaii happens to have only one OPO and it serves the entire State of Hawaii. Only a few organs donated in Hawaii may be transported to a patient outside the State depending on the organs' viability and tissue match with the recipient.

"According to the Organ Donor Center of Hawaii, the number of donors has remained between 12-15 annually since the establishment of the Center in 1987. In 1995, from about 7,500 deaths statewide, there were 11 solid organ donors; in 1996, from 7,800 deaths, there were 13 donors of solid organs;

in 1997, from 8,000 deaths, in addition to 18 donors of solid organs, there were 66 eye and 25 tissue donors. In the first half of 1998, of 4,000 deaths, only 6 donors of solid organs have been found. Any reader would agree that this is not a record that would gladden the heart of a person on the transplant waiting list. But realistically, the ODCH estimates that of 8,000 deaths statewide, only about 100 (1.25 percent) would be able to provide suitable solid organs. There are many reasons for the small number of suitable donors. First, a death must occur in an acute care hospital for organs to be properly maintained for transplantation. Second, there are diseases that may eliminate a donor, such as hepatitis, AIDS, and the like. Third, organs from persons over 70 years old may be eliminated as over age (although other parts such as corneas may still be recovered). Therefore, even under ideal conditions this State would probably still have patients on the waiting list for organs.

"While this appears to be dismal news, Hawaii is one of many states trying to find ways to increase organ donation. The nationwide shortage of solid organs can be explained by the growth of transplantation overall. In the United States since 1986 '...the number of organ donors has increased by only 33 percent, while the transplant waiting list has grown by 250 percent. As of June 3, 1998, 56,222 individuals were on the waiting list for a transplant, but the number of organs transplanted from cadaveric donors in 1997 numbered only 17,032. Preliminary 1997 data compiled by the Organ Procurement and Transplantation Network contractor indicates that the number of donors (5,475 in 1997) increased by only 54 donors or by less than one percent over the 5,421 donors in 1996.' This shortage of suitable donors for transplant recipients extends to foreign countries as well.

"If there is any consolation for transplant patients on the Hawaii waiting list, it is that no state has reached a level of surplus organs and that Hawaii's experience is not unique. Unfortunately, awareness of the national need for organs puts Hawaii's needs in perspective, but does not help to reduce demand for organs locally nor does it reduce the desperate condition of some ill individuals that can only be alleviated with a suitable organ match.

"House Bill 547 will provide the needed support and policy direction to assure appropriate matches. As a Board member of the Minority Organ Tissue Transplant and Education Program, I urge all of you to support the bill.

"Mahalo!"

Representative Kahikina then rose in support of the bill and asked that his remarks be entered into the Journal, and the Chair "so ordered."

Representative Kahikina's remarks are as follows:

"There exists in the State a shortage of organ and tissue donors to provide the organs and tissues that could save lives or enhance the quality of life for many persons. There are more patients on the waiting list for kidney, liver, heart, lung, or other solid organs than there are donated organs. As a result, many patients die before they can be given a second chance at life.

"This bill is a 'life bill' that creates a funding mechanism collected upon designation from each Certificate of Registration by the Director of Finance of each county to be deposited into the Hawaii Organ and Tissue Education Special Fund. These funds will be, in part, expanded by a grant to the Organ Donor Center of Hawaii to educate the public of this issue and how to participate in donating their organs upon departure from life in hopes to give another person a second chance to life."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 547, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Final Reading by a vote of 47

ayes, with Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 174 and H.B. No. 1594, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1594, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 175 and H.B. No. 1663, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1663, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Catalani rose in opposition to the bill, stating:

"Mr. Speaker, I struggled with this bill, just trying to decide whether or not to go with reservations or opposed to this bill. After long contemplation and talking with some people in my community, I have decided to vote against this bill. And in view of the time limitations, I would just like to have my remarks in opposition inserted into the Journal," and the Chair "so ordered."

Representative Catalani's remarks are as follows:

"I speak in opposition to this measure. I am in opposition for several reasons. First, although this measure is collaboration among the Department of Health and legislators, the measure does not provide for employees who will lose their jobs with the privatization of the State facility. For many employees, this job is a job that their family members had for generations. Although the measure says these employees will be 'covered employees' it doesn't give them a job. If the option is to 'bump' another employee for a job, there will be loss of jobs for many people in our community.

"Secondly, for those inmates who need mental health services, I question whether they will receive the needed services. The only way for these inmates to receive psychiatric services is if the DOH authorizes the need for services by the DOH certification of a DOH psychiatrist or psychologist. This action will be the gatekeeper for the facility and may prevent inmates from receiving the mental health services they need. Furthermore, the Department of Public Services will 'lose control' over their inmate while under treatment by the DOH.

"On a practical level, I hope the DOH will be able to place the 80 or so patients in the community. I note two recent cases when this year, the DOH attempted to place two patients into two different communities. However, when residents in the community found out that patients would be from the Kaneohe State Hospital, the residents and legislators protested the placement of these patients in their community. My question for the DOH, which they have not responded to, is where will they place these 80 or so patients if they could not place two?"

Representative Arakaki then rose to speak in support of the bill with reservations, stating:

"I just have some reservations and I would like to be able to express my concern. Before I do that, I wanted to really acknowledge the Conference Co-chairs of the Health Committee for the House and the Health and Human Services Committee for the Senate, and especially the House Leadership for really being pro-active in bringing the parties together, including the advocates, the consumers and the workers. The

multi-faceted concerns still were being raised when this proposal was dropped in our lap very late in the session. And I think this collaboration really led to, I think, this bill being formulated and I think it addresses many of the concerns.

"My one concern, though, is the fact that it lacks funding. And I know that we were told the Department is able to perhaps advance funding from the second year or take a global budget for the State Hospital and use the global budget to develop a transition plan. My concern is how the federal courts, and especially Judge Ezra, will look at what we're proposing to do. There's probably not too many members here on the floor who remember back in 1986 when our State was rated 51st in the Nation, in terms of mental health services. If you look at the rating -- they did a state by state rating -- the rating system was zero for poor and 20 for perfect. Our rating: hospital, zero; out-patient services, one; rehabilitation services, one; housing, one; a total of three points. And the direction that our system was going through was going nowhere.

"In 1986, after this rating was revealed, there were cries of anguish and vows to improve the system, but lo and behold, in 1988, we were 51st again. And I have to say that money is one reason because when you look at the top-rated state which is Rhode Island, and Rhode Island and Hawaii have virtually the same population numbers and same per capita income, yet Rhode Island spends about \$45 per capita on mental health services whereas Hawaii only spends about \$21. So this ranks Hawaii 47th, and we're one of the stingiest in the Nation in terms of funding mental health services.

"The comment on the State Hospital back in 1989 was that Hawaii State Hospital is probably the worst public mental hospital in the United States, and its bleakness contrasting sharply with the natural beauty and towering backdrop of its setting. Over the years, the State has brought in more consultants and program experts than most other states combined. But their advice has been largely unheeded.

"Whether Hawaii has the will to produce a first-class system of care for the seriously mentally ill remains to be seen. And this is a very telling comment. They say the inertia of the status quo and vested interest of individuals who prefer to keep things as they are should not be underestimated and obviously the status quo has ruled. Their recommendation: 'My recommendation would be not to spend all your hospital rebuilding money until you have a better idea of how many beds you will need, and you will need strong support from your advocacy groups, working together to support issues and gain agreement.'

"And what did we do? We spent most of our moneys fixing the hospital. So now, in terms of the facility, we're compliant. But in terms of the services and programs and the plans, we are not, and that's why we are being held in contempt.

"The final comment, and this is from one of the hearings that we held back in 1989, and I quote: 'The Department of Health has received many specific proposals for corrective measures over the last few years, their demonstration programs attempting to implement these measures. There are personnel who understand and support these measures, but the administrative and fiscal support for applying these measures systemwide is not in place. The question is not so much what should we do, but why aren't we doing what we know we need to do?' And that question still remains the same -- ten years later!

"And so I think we really need to show our commitment if we're really serious about improving our mental health system. We're going to have to put our money where our mouth is, and this is what I think Judge Ezra will say. If we don't make that commitment, I'm afraid we will be put into receivership and there will be a Master who would take over the system and they will tell us how much we are going to spend, and what kind of a

system we will need. If that happens, then I think we will regret not funding this measure.

"Thank you, Mr. Speaker."

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

"Although I share some concerns with the prior speaker, on page 285, section 135 of our budget, it specifically allows the Governor to use or transfer resources within that specific program, and as we know there are \$31 million right now for the State Hospital. As far as 1988 and 1989, I wasn't around.

"The concern about this particular hospital bill and the concern the State has dates from 1991 when the suit was brought based on the Civil Rights of Institutionalized Persons Act (CRIPA). Prior to 1996, the State of Hawaii, par twenty years, our mental health hospital was never certified. Currently, our mental health hospital is certified. It has been certified for three years -- I guess authorized or whatever. So prior to 1996, we had problems. For the last nine years we've had six directors; we've been under this decree since 1991.

"This particular bill allows the State to go out and try to get community out-patient services for the first time. I'm not saying the State was right or wrong these last eight/nine years, but this particular bill will allow the Department of Health to look for out-patient services which they haven't done before.

"One of the concerns that was noted to several House members was from the Department of Health that the mental hospital was not in compliance largely due to not allowing 60 of the 167 patients to be out of the institutionalized setting and have their therapy on an out-patient basis. This bill will allow the Department of Health to go out and contract for those services.

"This bill is a very important bill if we as a State hope to get out of these CRIPA guideline violations and, hopefully, not have a Master. I agree it does not have the resources, like I said earlier, but it will allow the Governor to move resources around within the program to address the needs. Hopefully, we will not have a Master, but this bill will allow the Department of Health to move more in a national trend, which is setting up out-patient services instead of institutionalized services for the good of the patient and for the good of the State.

"Thank you, Mr. Speaker."

Representative Meyer then rose in support of the bill with some grave reservations, stating:

"I would just simply have to echo the remarks of the Chair of Human Services and the Representative from Kaimuki. I worry that the courts have become very impatient with us. We were notified very late in the game that there was a very short fuse for the Department of Health. We have not funded what they requested so that they could hire the expertise to fast track getting their plan together. And I am very concerned that if a Master is named, we will find ourselves in a similar situation that we found ourselves with Felix where somebody else will be handing out millions and millions of dollars and we'll have absolutely no control.

"So, in looking at the Conference Committee where I see that we have repealed Chapter 334, Part III, which in essence is doing away with the State Hospital in its entirety, it sounds like kind of an inventive way of solving the problem. We have simply written them out of the law, but I don't know whether the federal courts will look at it that way.

"Thank you, Mr. Speaker."

Representative Santiago then rose and stated:

"I was hoping we were done with this measure but just for clarification purposes, whenever the Legislature is referred to, when it comes to these consent decrees, I do want to point out a few things. Number one, over the last number of years when these decrees have come before us, the Legislature has never refused the Administration's request to deal with these consent decrees. This is also not a refusal. We are giving them the tools that they asked us for to respond, and I think what we have attempted to do this session is further clarify legislative oversight that needs to be done during the interim on how they are going to implement the consent decree request. We have requested from them very detailed understanding of what they felt they needed to do for the courts, so I did want to point out, whenever the Legislature is referred to, that over the years the Administration has requested funding, legislative statutory changes to help them deal with the consent decrees, the Legislature has always, always supported them. We are supporting them now. It came in the ninth hour of this legislative session.

"The Chairman over in the Senate and I worked very, very hard for many, many, many hours with all the interested parties to reach a consensus on how ownership for all the interested parties could best be obtained. We believe we have done that. We've crafted a bill in 1663 to give the Department every effort to succeed. We also have the proviso to allow them to use the \$31 million we are appropriating the necessary funds to show us that, in fact, going this privatization route is in fact the way to go. And when we see those results, then again the responsibility that we will have at that time is to show our support by opening up our pocketbooks and saying, okay, let's move in that direction.

"We don't even know now if the courts will allow that. The courts have not given us any indication that this route is going to solve anything. So where we are right now, I think, Mr. Speaker, just for clarification purposes, the Legislature has been and continues to be supportive of the Administration's request and how to deal with that. We have, in fact, gone beyond and given them our own suggestions, both in this measure and as has been reflected on the Felix consent decree. 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. 1663, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Catalani voting no, and Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 176 and H.B. No. 1664, HD 3, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1664, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 47 ayes, with Representatives Kanoho, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 177 and H.B. No. 1675, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1675, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kahikina rose and asked for a potential conflict ruling, saying that he was born a Native Hawaiian, and the grave injustice that House Bill 1675 is about to address "is because I am part of the people that was adjudicated," and the Chair ruled "no conflict."

Representative Kahikina thanked the Chair and continued, stating:

"Mr. Speaker, my reservations in this bill, I support it because we need to extend the life of the Individual Claims Review Panel because 47 percent of the people that did file claims did not get the chance to have their claims heard.

"Mr. Speaker, my reservation is requiring the Hawaiian Homes Lands Trust Individual Claims Compensation Commission to report back to us in the year 2000 with different alternatives to pay off these claimants. Mr. Speaker, it seems like only the Native Hawaiians are treated with different avenues of paying off. You know, we've been dealing with other issues -- paying off people who sue the State -- we don't talk about different alternatives to pay them. We are going to have a bill that is raiding the ERS to pay back payments. We don't talk about different alternatives to pay them also.

"But when it comes to my people, which is codified -- this Act is really to address something that is constitutional. The Constitution which was mandated through a federal Act called the Hawaiian Homes Commission Act, a federal Act that identified the special relationship that Native Hawaiians have with the United States and the State of Hawaii. These are my reservations.

"Mr. Speaker, I am hoping and praying that we will have justice one day, that we will treat Native Hawaiians not like third class citizens, always looking at all the alternatives of addressing something that is no different from other issues, no different from other lawsuits, I am hoping that one day I can stand up and say that we did good for Native Hawaiians.

"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. 1675, 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 47 ayes, with Representatives Kanohe, Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 178 and H.B. No. 1693, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1693, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 47 ayes, with Representatives Kanohe, Okamura, Souki and Yoshinaga being excused.

The Chair directed the Clerk to note that H.B. Nos. 172, 260, 274, 326, 547, 1594, 1663, 1664, 1675 and 1693 had passed Final Reading at 4:20 o'clock p.m.

At 4:21 o'clock p.m., Representative Garcia asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:31 o'clock p.m.

SENATE COMMUNICATION

Sen. Com. No. 786, transmitting Senate Resolution No. 103, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," was received and read by the Clerk and was placed on file.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 179 and H.B. No. 634, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 634, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF THE PUERTO RICANS TO HAWAII," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 180 and H.B. No. 1017, HD 1, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 1017, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 181 and H.B. No. 1575, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1575, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Arakaki rose and stated:

"Regarding Conference Committee Report No. 181 and H.B. No. 1575, I have some written comments in strong support of the measure that I would like to have entered into the Journal, and the Chair 'so ordered.'

"In addition, I would like to request that written remarks in a message to the Millennium Young People's Congress from the Secretary General Kofe Anan, in support of the Congress here in Hawaii, be also entered as attached remarks, and the Chair 'so ordered.'

"Thank you, Mr. Speaker."

Representative Arakaki's remarks are as follows:

"Mr. Speaker and colleagues, as we stand at the doorstep of the new millennium, we are also poised in the middle of the Pacific to symbolically pass the torch to the youth of the world. Hawaii has long been considered the model of a diverse mix of ethnicity living in harmony bound by the Hawaiian concept of Aloha. The MYPC will be a chance for the State to showcase our Aloha to the rest of the world and the kind of 'Village' that all the world's children should have the fortune to be nurtured in.

"The following are some of the activities being planned:

Theme: Hawaii (We embrace with aloha the children of the world)

* The MYPC will bring dedicated youth (15 - 18 years) from countries around the world together in the culturally diverse setting of Hawaii for a joyous celebration -- and to address important issues facing the earth's future. This event will be the climax of a global education program.

* Peace Child International is a driving force for the MYPC. PCI is a United Kingdom non-profit organization whose mission is to empower children to address global issues.

- * The delegates and other participants will be in Hawaii for 9 days from October 21 - 29. The congress is from the 25th - 29th.
- * 1,000 youth from 15-18 years old from virtually every country in the world will attend.
- * The issues addressed will concern the environment, human rights, civil rights, poverty, employment, and other sustainable development issues.
- * The delegates of the MYPC will focus on sustainable development -- managing the world's resources for future generations.
- * Hawaii is a wonderfully appropriate place for the Congress. The cultural diversity and aloha spirit in Hawaii will be integrated into the Congress.
- * The activities that the delegates, hosts, and stewards will participate in are:
 - * An artists exhibit - young Hawaii artists featured at the Honolulu Academy of Arts and an evening awards ceremony sponsored by Hawaii Alliance for Arts Education.
 - * A Peace Garden - planning and building (Internet aspect). A project of Youth for Environmental Service (YES).
 - * An opening night cultural pageant at the Hilton Hawaiian Village: showcasing the 7 continental regions and Hawaii.
 - * A fun afternoon and evening at Kualoa Ranch.
 - * A luau.
 - * A rock concert.
 - * A closing night gala at the Convention Center.
 - * Five days of plenary sessions and discussion groups to set the priorities for the next Millennium.
 - * A Peace performance with music from the Peace Child Play.
- * The delegates will participate in service projects around Hawaii sponsored by DLNR and YES on Make a Difference Day.
- * An eco-village will be built in Manoa Valley by the School of Architecture, University of Hawaii-Manoa.
- * Other MYPC supporters: UNESCO, UNICEF, UNDP and Green Globe.

The delegates of the MYPC will be embraced by host families in Hawaii, individually mentored by world leaders, and supported by American Millennium Youth Stewards.

- * 1,000 delegates will attend:
 - * One young man, one young woman from each nation: 400
 - * Selected youth activists and youth leaders: 500
 - * Youth performers from 7 continental regions: 100
 - * Youth delegates, youth leaders, performers and volunteer stewards from Hawaii.

- * There will be 50-100 mentors - adult leaders. They will spend time with the delegates. Invited mentors include: Jimmy Carter, Al and Tipper Gore.
- * 375 host families on Oahu are needed.
- * Youth stewards from Hawaii and the mainland will help manage and facilitate the Congress. In-service training will be provided these young people in August, 1999, and just prior to the Congress.
- * Volunteers in Hawaii and around the world are a crucial part of the MYPC. For example, each nation will have a national coordinator responsible for distribution of information on the MYPC and assistance with the selection of the delegates, young leaders and performers in their respective countries.
- * Special accommodations will be made for delegates with disabilities.

"Empowered by their knowledge and experiences, participants of the MYPC will return home and proclaim their priorities for the earth's future with a loud and clear call to action. Each delegate will leave as well as a goodwill ambassador for Hawaii.

- * A book - Rescue 2000 - will be published by Island Heritage, written by the delegates.
- * The Peace Garden will live on as a legacy of the MYPC.
- * Communication among participants in the MYPC will continue through the web-site.
- * Action projects will be developed and supported through a Millennial Action Fund for Youth.
- * Delegates will make presentations to heads of state in their countries.
- * A report will be developed for the United Nations.
- * Future congresses will be convened.

"Thank you, Mr. Speaker and colleagues, for making the future of our youth and our world in the new Millennium a priority.

"Attached are remarks from United Nations Secretary General, Kofi Annan, in support of the Millennium Young People's Congress.

"UNITED NATIONS

THE SECRETARY-GENERAL MESSAGE TO THE MILLENNIUM YOUNG PEOPLE'S CONGRESS

Hawaii, 24 - 28 October 1999

"I am pleased to send my best wishes to all of you gathered from around the world on the occasion of the Millennium Young People's Congress. Your commitment to building a better future for succeeding generations is an ideal which the United Nations shares with you.

"As we approach the third millennium we should not forget that youth represents more than just a ready resource; young people have always stood for the hope that the mistakes of the past, our mistakes, will not be repeated. They offer us the prospect of redemption; that some of the damage we have done to this world can be repaired.

"Perhaps youth can succeed where we have not yet triumphed. Perhaps our children can make a stronger commitment to the environment, to development, to peace and to security than we have done. Perhaps they will, but I can assure you that it will be a far more difficult task if they live in isolation, if they do not experience other cultures and other traditions. More than anything, young people need to learn an important lesson that we have failed fully to grasp -- despite our diversity, we, all of us, are not that different from one another. We share the same basic needs that people felt a thousand years ago and that people will continue to feel a thousand years from now: the need for safe water; shelter from violence, both natural and man-made; food for the family; a job; schooling for the children; and a state which does not oppress its citizens but rules with their consent.

"There will of course be new challenges in the future, just as we today face challenges that did not exist fifty years ago. I believe that humanity then, as now, will require a forum in which states and other actors can come together to find the solutions. That is where the United Nations comes in. As a global institution, the UN is a place where people can come together to find global solutions to global problems.

"That is also where gatherings such as yours come in. By meeting and discussing the problems which afflict our world today, you are laying a strong foundation for dealing with the problems that you and your children will face tomorrow. It is my hope that after this meeting you will continue to remain active in the battle against the despair and destitution that confront our world. And I hope that you will, in your time, keep the United Nations a strong and vital resource in your efforts. In that spirit, I wish you a successful Congress."

"UNITED NATIONS
Department of Economic and Social Affairs

4 January 1999

Dear Mr. Lipman,

On behalf of the Secretariat of the Commission for Sustainable Development, I welcome your initiative to organize a Millennium Young People's Congress (MYPC, October 1999) focussing on setting youth sustainable development priorities for the next Millennium.

The CSD Secretariat actively encourages participation of young people through special projects designed in partnership with youth organizations some which, such as Peace Child International, are your partners in the MYPC as well. The Millennium Youth Conference is a welcome addition to these on-going efforts to hear and include young people's aspirations in the making of international sustainable development policies.

I also wish to congratulate you on the initiative to set up a Millennial Action Fund to implement the plans devised by the young participants of your Congress to promote sustainable development and environmental protection in their communities. It is immensely important that meetings and conferences be followed up by concrete action and the MYPC appears to have sound plans to do this.

We look forward to the MYPC outcomes in the context of the upcoming ten-year review of Agenda 21 implementation in 2002 (Earth Summit), and to weaving youth conclusions into our preparatory documentation for that review.

Thank you again for your initiative which this office is most happy to endorse wholeheartedly.

Yours Sincerely,

/s/ Joanne DiSano

Joanne DiSano

Director
Division for Sustainable Development"

Representative Takai then rose and asked that his remarks, in favor of the bill, 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 this measure.

"First, I wish to thank the Chairman of the Finance Committee and the Chairman of the Human Services and Housing Committee for their diligence in getting the funding for the Millennium Young People's Congress, which will be held in Hawaii during the month of October.

"As you know, October has been Children and Youth Month in Hawaii for the past five years. This year, we are taking this concept worldwide!

"This Congress is sponsored by the Peace Child International, a London-based nonprofit organization that is sponsored by the United Nations. It is anticipated that 1,000 of the world's most active and enthusiastic young people, ages 15 to 18, from 189 countries, and their eight adult escorts, will attend the Congress.

"The purpose of this Congress is for youth to determine key priorities for sustaining and improving life in every nation of the world. The results of this Congress will be presented to world leaders in government, business, and the community. A television documentary will be made of the event, as well as a computer game, two books published in Hawaii, and an action fund established for future youth projects.

"Not only will the Congress be using Hawaii Convention Center, but during the entire period of the Congress and for many years afterwards, Hawaii and our new Convention Center will be showcased to the world.

"As a member of the Strategic Planning Committee, I am confident, Mr. Speaker, that the \$250,000 spent on this project will benefit this State for many years to come.

"Thank you."

Representative Stegmaier then rose in support of the bill, stating:

"Mr. Speaker, I rise to speak in support of this measure just to say that this is the kind of image of Hawaii and role for Hawaii in the world that we need to foster.

"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. 1575, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MILLENNIUM YOUNG PEOPLE'S CONGRESS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 182 and H.B. No. 522, HD 3, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 522, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Today, Mr. Speaker and members, we are voting on a very important bill which will have a great impact on the students in the State of Hawaii.

"I quote a public high school student who in Sunday's Advertiser said: 'The things that we learned in school are not exactly things we're going to use.'

"Mr. Speaker, this bill, House Bill 522, is an innovative step towards supporting relevant learning for all students.

"The schools of today have changed very little from the schools attended by our parents and grandparents. They are organized around isolated academic disciplines, they still use the 'listen to the lecture, read the chapter, answer the questions, take the test' approach to instruction.

"National reports projecting the future testify to the fact that students will need to cope with sudden career shifts, comprehend increasing amounts of new information, master rapidly changing technology in a world with constantly shifting boundaries and instantaneous communication.

"The world our graduates will inhabit for the next 50-60 years will not be organized around 50 minutes of English and 50 minutes of math and 50 minutes of history, each followed by a final exam.

"Mr. Speaker, there is a pressing need to better 'connect' our school curriculum and structure with the realities of life beyond high school. What we ask students to learn, how we ask them to learn it and how they are tested should:

- (1) Mirror what they will need to become successful in their life roles;
- (2) Mirror the learning strategies they will use as lifelong learners; and
- (3) Resemble the ways in which they will demonstrate proficiency on the job, in their families and in the communities.

"Mr. Speaker, School-to-Work is a connection for students to learn how to be successful in a technology-rich rapidly changing world. School-to-Work makes education the means to the students' goals rather than the goal itself. School-to-Work is working with all students to develop the skills they need to succeed in the 21st century.

"The School-to-Work program supports the integration of six major Hawaii Content and Performance Standards into its daily curriculum and instruction.

"The Standards and the School-to-Work movements need each other. While the Standards movement provides clear performance benchmarks, the School-to-Work movement is providing promising strategies to create authentic learning experiences for our students while addressing the Standards.

"Our schools are challenged to integrate Standards into teaching and learning. Educators understand curriculum and instruction. Standards need to be implemented so schools can be held accountable. . .

At this point, Representative Hamakawa rose and yielded his time.

Representative Ito thanked the Chair and continued, stating:

"School-to-Work accountability translates to relevant learning for all students.

"Therefore, House Bill 522 provides the structure to ensure that the School-to-Work program sustains and supports systemic reform, assessment, and accountability in the Department of Education.

"The future World of Work will reward students who know what they want to do and have the skills to go out and make it happen.

"As parents, as legislators, as successful professionals, we owe it to our students to pass House Bill 522 because the bill encompasses collaboration among agencies that exist to drive the youth of Hawaii.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 522, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES PILOT PROJECT," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 183 and H.B. No. 854, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 854, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes to 3 noes, with Representatives McDermott, Rath and Thielen voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 184 and H.B. No. 765, HD 1, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 765, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Moses rose in opposition to the bill, stating:

"I rise in opposition to this measure because it relates to the rental motor vehicle surcharge tax and the bill increases the surcharge tax by 50 percent. I oppose any tax increases, even if they are mainly targeted at tourists.

"However, we also rent cars as residents when we visit our Neighbor Islands so it will affect us. But the most offensive part of this bill is raiding the highway fund -- \$11 million in each of two fiscal years. This means that we will have to raise the gasoline tax very soon.

"Mr. Speaker, I serve on the Oahu Metropolitan Planning Organization Policy Committee. We have just been informed at our last meeting a few days ago that the federal government is drastically reducing the amount of funding that the State or any states are going to get, and that's highway improvement funds. That's to fix our highways and here we are raiding the fund. I do not believe there is \$22 million surplus in the highway fund. I ask each of you to drive from the Capitol to Kapolei at 5:00 p.m. on a weekday, come to my house for dinner, we'll eat promptly at 7:00 p.m., it'll take you about that -- two hours to get there. After a couple of hours, you'll know that the \$22 million in the highway fund is urgently needed to improve H-1 and other highways in the State. The highway fund comes from gasoline tax that's expended to improve highways.

"Thank you, Mr. Speaker."

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

"You know when you have a bill that raises the cost of your rent-a-cars for a tax purpose, you sort of expect the rental car industry to say, my gosh, this is a terrible idea, and that's what they did the first time this bill originally came through. They lobbied heavily against it. Now, all of a sudden we have the rental car industry supporting this because it includes another

provision that the previous speaker did not address, which is they can unbundle their fees and advertise at an artificially low rate and hit the person that walks up to the rental car desk with an extra charge for the fact that they are located at an airport and have certain fees to pay to be located at an airport.

"I am really concerned about this bill. I think it's a terrible bill. What we are going to have is a whole bunch of tourists that come to Hawaii, they're going to get hit with three dollars extra a day by the State, and then a bunch of extra money for taking a car off a lot that's located at the airport which is where almost all rent-a-cars are rented. You know, this is real false advertising. It's a tax increase, it's got the rental car companies on the wrong side of two issues. They should have fought both of those things, and it ends up hurting local consumers every time we go to another island because we've got to pay that same tax.

"I'm disappointed it got this far. It's not needed to deal with the problems we face in government, and I think we should all oppose it.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I would just like to clarify that actually this bill was designed to not raid the highway fund but to replenish the fund. The increase of the fee from \$2 to \$3 will raise about \$11 million. What we had intended to do was have all the money -- the extra \$11 million -- for a total of eight years go into the highway fund, and that was our intent -- to replenish the highway fund. As you know, the highway fund has dropped dangerously low to the point where we are deferring a lot of the road maintenance.

"However, in Conference Committee, what we were able to get an agreement with the Senate would be just for the first two years, that extra dollar would go to the general fund. However, after those first two years, for the next six years, the extra \$11 million per year would be used to replenish the highway fund. So what we are trying to do is again get the highway fund back to the level where we can maintain the roads and our bridges instead of it being in such dangerous conditions, especially our bridges. So this is one attempt to replenish the highway fund. Of course, in the future we'll be looking at other ways to hopefully raise some revenues to get the reserves up. But the intent of this bill was not to raid the highway fund but it was indeed to replenish the fund.

"And going back to the other issue of the unbundling, we understood that there were some concerns raised earlier on this measure, so we did work with DCCA -- the Office of Consumer Protection -- in coming up with this compromise language. During conference, in the late hours, we worked with Joanne Uchida from the Office of Consumer Protection to come up with this language, and this language was actually helped and crafted by her, so we felt that we took care of all the consumer protection issues that were brought up. We feel very comfortable with this bill and we hope that you will support it.

"Thank you, Mr. Speaker."

Representative McDermott then rose to speak in opposition to the bill, stating:

"This is a tax, a fee increase, whatever you want to call it, Mr. Speaker, and I don't support that. We already have a surcharge, and we were told that we have to raise it to replenish it. We raised it to replenish it, but none of it is going to the highway fund. I get confused. And I hate to see the prospect of raising gas prices in a couple of years -- that would be frightening and I would never support anything like that.

"Thank you, Mr. Speaker."

Representative Whalen then rose to speak in opposition to the bill, stating:

"I'm a little bit confused because I understand the Transportation Chair's explanation. However, in the bill itself, it says because there's so much money in the highway fund, we're going to take \$11 million out this year and next year, and that seems inconsistent with the need to add a dollar to replenish the highway fund. I don't understand -- the two arguments don't seem to jive in my mind, at least I can't see the logic behind it. Because if we can take \$11 million out this year and next year and the one dollar charge creates the \$11 million excess, then perhaps we should not take the \$11 million, not increase taxes, or at least increase the surcharge and go to the people of Hawaii and say, you know what, we need more of your money because we're spending too much of it. So that's the solution I think that would be straight out on its face without playing any games.

"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. 765, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," passed Final Reading by a vote of 34 ayes to 15 noes, with Representatives Ahu Isa, Auwae, Fox, Halford, Herkes, Marumoto, McDermott, Meyer, Morita, Moses, Pendleton, Rath, Stegmaier, Takumi and Whalen voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 185 and H.B. No. 1198, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1198, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Meyer then rose in support of the bill with reservations and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I would like to vote in favor of H.B. 1198 but with reservations.

"The purpose of this bill is to establish a special fund to provide a means of payment for the acquisition of the Department of Taxation's integrated tax information management systems, and for costs related to its operation, maintenance, monitoring, and improvement. In this time of economic malaise, it is more important than ever that taxes go directly to the general fund rather than being diverted to special funds. This bill only adds another special fund to the numerous other funds created in the past few years.

"This bill sets no limit on the amount of the general excise tax funds that can be transferred into the fund. Hence, the Director of Taxation could divert an unlimited amount so long as the fund does not exceed \$5 million. As an example, lawmakers earmarked \$90 million in general excise tax to be deposited to the credit of the Educational Facilities Special Fund. This had the effect of reducing the tax revenues to the general fund, giving a false picture of the State's total revenue from taxes.

"Finally, special funds do not receive the same degree of review due in part to the restrictions imposed on how or for what they can be spent."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1198, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT

SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Rath voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 186 and H.B. No. 989, HD 1, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 989, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kahikina rose to speak in support of the bill with reservations, stating:

"The purpose of this measure is to appropriate funds to pay claims for judgments against the State, Mr. Speaker.

"Mr. Speaker, my reservation is like the previous bill that I stood up and you judged that I don't have any conflicts. Mr. Speaker, why, on these cases, don't we look at other alternatives to pay them? But we're going to pay them the money that was adjudicated. Those are my reservations.

"Mr. Speaker, this speaks loudly on, I guess the parody of how the State is judging people by people. And basically, my reservation is that we are not looking at this in a sense of how we are going to pay the Hawaiian people, but other people we'll go ahead and pay them off. We've got some cases that were just adjudicated in 1998, and those that are really back ten years, we're paying them interest.

"Perhaps when the Native Hawaiian claims come up, we could use this as a precedent to address 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. 989, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 187 and H.B. No. 990, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 990, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kahikina rose to speak in support of the bill with reservations, stating:

"Again, Mr. Speaker, this speaks loud and clear. This gives emergency appropriation to the Attorney General. Mr. Speaker, when the federal act was created, the Attorney General and through the Constitution, was supposed to be a representation for the Native Hawaiians through the Hawaiian Homes Commission Act. But we're paying the Attorney General to actually adjudicate against the beneficiaries. In this respect, Mr. Speaker, those are my reservations. Who does the Attorney General represent? Is it the beneficiaries? It is loud and clear, it represents the State in this case, if the State did anything arbitrary to the beneficiaries, and those are my reservations.

"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. 990, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," 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. 634, 1017, 1575, 522, 854, 765, 1198, 989 and 990 had passed Final Reading at 4:52 o'clock p.m.

Conf. Com. Rep. No. 188 and H.B. No. 157, HD 2, SD 2, CD 1:

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

Conf. Com. Rep. No. 189 and H.B. No. 1649, HD 2, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1649, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"This measure and another conveyance tax measure were moving through this House this year. This measure made it to Final Reading, the other one did not. Members, maybe next year this particular measure will allow conveyance tax exemptions for corporations. Maybe next year we can look at trying to get it for the families.

"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. 1649, HD 2, SD 1, CD 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.

Conf. Com. Rep. No. 190 and H.B. No. 104, HD 1, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.B. No. 104, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 191 and H.B. No. 499, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 499, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Thielen rose in support of the bill with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Thielen's remarks are as follows:

"Let me preface my remarks by saying that we had 57,797 active members, 2,650 inactive vested members, and 27,403 retirees and beneficiaries in the ERS as of March 31, 1998.

"This bill seeks to give conservation and resources law enforcement officers of the DLNR the option of converting from Class C to Class A members of the ERS. While it is widely recognized that our police officers and firefighters are already Class A or contributory members of the ERS, and that a separate class of government workers can be justified by the inherent risks and dangers of the positions these workers hold, the consequences of any and all actions by the Legislature to expand this separate class need to be understood.

"In 1997, the Legislature passed a law that allows the ERS to retain all investment earnings in order to reduce the System's unfunded liability in a timely fashion. While the ERS has made improvements in decreasing the unfunded liability to 7 percent as of June 30, 1998, this still amounts to almost \$600 million. While this is not a significant amount in and of itself, we must remember that increasing the unfunded liability by any amount defeats the Legislature's intent to reduce and eventually eliminate the unfunded liability. The Legislature needs to define its priorities clearly and seek to eliminate the unfunded liability completely before it passes laws that add to the problem before it is solved."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 499, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 192 and H.B. No. 1416, HD 2, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1416, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Thielen rose in support of the bill with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Thielen's comments are as follows:

"Like the earlier bill, H.B. 1416, HD 2, SD 2, CD 1, seeks to allow deputy sheriffs of the Department of Public Safety to convert from non-contributory members of the ERS. My concerns are again that the Legislature is rowing in two directions at the same time with this and similar bills. Although it is commendable that our State has reduced the unfunded liability of the System and from another perspective, increased the funded liability ratio to 93 percent, we must remember that the goal is to eliminate the unfunded liability completely. Furthermore, at 93 percent, Hawaii still ranks below 18 other states, including ten states that have funded ratios above 100 percent.

"This bill will increase the unfunded liability by \$3.2 million. Compared with the current total unfunded liability, this is a small amount. But given this attitude with every ERS bill that seeks to expand contributory membership, we will soon be looking at significant numbers. Should the economy spiral down further, state and county governments would have to pony up increased contribution amounts funded by taxpayers like you and me. Before we tinker with enhanced memberships that result in increased liabilities, we should fund those liabilities already incurred."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1416, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 193 and H.B. No. 1038, HD 1, SD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 1038, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Rath rose in opposition to the bill and asked that his comments delivered on Third Reading (27th Day, March 9, 1999) be inserted into the Journal for today, and the Chair "so ordered."

Representative Rath's remarks are as follows:

"Mr. Speaker, this involves pay raises for the bargaining units. I'm in opposition to this measure primarily because we're asking the highest taxed people in the United States of America to support a pay raise. That is the highest taxed people in the United States of America -- the citizens of Hawaii -- to support a pay raise.

"Now, I'm not saying that they're not deserving of the pay raise. God knows almost everybody could use one. What I am saying is we can't afford it. The Senate has passed this out fully funded. I think if you take a look at the private sector you have people who are losing their jobs, getting their hours cut, and they don't know if they're going to be able to feed their family, pay their car insurance, and those are the people supporting the pay raises for people who virtually cannot get fired.

"I say, in these tough economic times -- we've had nine years of recession -- and if we want nine more, we're headed down that road if we keep increasing the size and cost of government. So here's a chance to say we can't afford it, we just simply can't afford it. We've got to put our house in order. We've got to reduce the burden of taxation upon our citizens and get our economy moving.

I remember back in the late 70s when our auto industry was failing. One of the things I heard was, you can't have a guy who earns \$10 an hour buying a car that's made by a man who makes \$20 an hour. That's kind of what we have in this case. I would recommend that we not fund or if we do fund them, that we should fund them with a minimal amount.

"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. 1038, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Rath and Whalen voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 194 and H.B. No. 142, HD 1, SD 2, CD 1:

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

Conf. Com. Rep. No. 1 and S.B. No. 560, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 560, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 2 and S.B. No. 1321, SD 2, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1321, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Kaho'ohalahala voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 3 and S.B. No. 809, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and S.B. No. 809, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 4 and S.B. No. 942, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 942, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 5 and S.B. No. 1270, SD 1, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1270, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Ito rose in support of the bill and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Ito's remarks are as follows:

"Mr. Speaker, S.B. 1270, SD 1, HD 2, amends the Hawaii Revised Statutes to require the Department of Education and the County to develop procedures for obtaining criminal history information for persons who are employed, seeking employment, or seeking to serve as teacher trainees in any public school or County position which will place them in close proximity with children. The present law permits the DOE to develop these procedures but does not make development of these procedures mandatory.

"This measure also allows private schools to perform criminal history checks as no law not exists to permit them to do so.

"In light of recent sexual assault cases within our public schools, this measure is of increased importance to ensure the safety of our children.

"Mr. Speaker, legislation must be enacted that will prevent any further cases of this nature. Young children cannot protect themselves and it is our duty as lawmakers to make sure that only suitable individuals are allowed to teach and nurture our children.

"I strongly support this measure and I urge others to support this measure too.

"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. 1270, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," 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. 1649, 104, 499, 1416, 1038 and S.B. Nos. 560, 1321, 809, 942 and 1270 had passed Final Reading at 4:55 o'clock p.m.

Conf. Com. Rep. No. 6 and S.B. No. 1307, SD 1, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1307, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

Representative Ito's remarks are as follows:

"Mr. Speaker, the purpose of S.B. 1307, SD 1, HD 1, CD 1, is to promote educational accountability in the public school system by requiring the DOE to establish a comprehensive system of educational accountability to motivate and support the improved performance of students and the education system.

"Education accountability is a necessary step in the improvement of Hawaii's school system. The Hawaii Content and Performance Standards are at the heart of curriculum and instruction and an instructional assessment system aligned with the Hawaii Content and Performance Standards needs to be built. As called for in this measure, that system needs to provide relevant, useful, and reliable information about the educational achievement of Hawaii's students.

"Mr. Speaker, your Committee on Education amended this measure by adding recommendations from the DOE. Theses amendments are:

- (1) Recognizing that the accountability system requires financial resources and support by the Legislature;
- (2) Including in the required report the specifics of the design of the accountability system, fiscal requirements, and legislative actions needed; and
- (3) Directing the report to be submitted to the BOE, in addition to the Legislature and the Governor.

"This measure challenges the DOE to convene everyone who knows about, cares about and has something to say about educational accountability in our State in order to develop an accountability system. This bill makes it possible for the DOE to avoid the difficulty and negative consequences experienced in other states that have taken a narrow, shallow view of accountability to enact a system that proves to be too little and too fast.

"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. 1307, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERFORMANCE," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 7 and S.B. No. 1091, SD 1, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1091, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak in favor of the bill with reservations, stating:

"Basically, this is allowing the Department of Land and Natural Resources, Mr. Speaker, to create administrative rules. The only hesitation that I have in this particular bill is that while they are allowing the Department to create their administrative rules, it also now allows for the taking of coral and live plants or animals that may be attached to the coral, which is something that previously was not allowed.

"So that is the only part of the bill that I find a little bit disturbing, so I'm going to vote with reservations on this.

"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. 1091, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 8 and S.B. No. 528, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 528, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 9 and S.B. No. 1125, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1125, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 10 and S.B. No. 957, SD 2, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 957, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"I've heard the arguments from some of my distinguished colleagues and I'll incorporate those in these remarks.

"This bill forces the taxpayers to provide free automobile insurance to those on public assistance. Let me repeat, if you are on public assistance, the State of Hawaii will give you a free car insurance. This is the sort of law that lets people call it the People's Republic of Hawaii. The tragic irony here is that the program is run by the Human Services Department. This is the same department that can't find missing children or protect them from abuse, but we have money to pay for car insurance.

"Our priorities are all wrong, Mr. Speaker. Let's give bus passes to those on public assistance, at least where buses are available, and spend the savings to protect children from abuse.

"Thank you, Mr. Speaker."

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

"I appreciate the previous speaker's thoughts on the matter, and I'm quite sure all of us have at one point in time figured that, wow, we're giving these welfare recipients free insurance. But the saying, Mr. Speaker, is that you can feed a person for one day but if you teach them how to fish, you teach them how to feed themselves for the rest of their lives. And that's the reason why we're allowing them the insurance because they need the transportation to get a job. And so how ironic or maybe people might be having contrary thoughts on that but that's the reason why we are giving them the insurance so these people can get off of welfare.

"As you and I know, with the federal mandate -- the five year limitations -- it's going to happen this summer. That's when the first wave of people is going to come off of welfare. They won't be able to have that free insurance and so we're hoping

that through this mechanism, or through this opportunity, that these people could get themselves out of welfare, and that's the reason why I support this measure.

"Thank you, Mr. Speaker."

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

"My comments are really in response to the criticisms of the bill that have been made by the Representative from Makakilo. Let me state very briefly that I believe he misunderstands this bill. The extension of insurance coverage to public assistance recipients would be covered by what's called the Joint Underwriting Plan. The Joint Underwriting Plan, or the JUP, is not funded by taxpayer dollars but rather through insurance industry assessments under Hawaii law.

"In addition, the Representative from Makakilo had expressed concerns on a previous bill about the need to reduce the number of motorists who drive uninsured. I believe that this bill will accomplish that purpose, given the fact that the public assistance recipients would be covered under this bill are those who oftentimes are not able to afford insurance coverage because they are financially unable to do so. So by including them under the Joint Underwriting Plan, we will, in fact, be furthering the goal of reducing the number of uninsured drivers on our roads and, hopefully, realize savings in the form of insurance costs.

"Thank you very much."

Representative Moses, in rebuttal, stated:

"I just want to remind my colleagues that about 75 percent of the people live on this island. We have buses, we can give them bus passes, they can still get to work, but we don't have to buy them car insurance. We don't have to assess insurance companies or make them buy car insurance either for them, because you know we pay for that -- you and me -- because we do work."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 957, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Final Reading by a vote of 45 ayes to 3 noes, with Representatives McDermott, Moses and Rath voting no, and Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 11 and S.B. No. 1262, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1262, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 12 and S.B. No. 5, SD 2, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 5, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 13 and S.B. No. 1036, SD 3, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the

Committee was adopted and S.B. No. 1036, SD 3, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 14 and S.B. No. 1024, SD 3, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1024, SD 3, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," passed Final Reading by a vote of 48 ayes, with Representatives Okamura, Souki and Yoshinaga being excused.

Conf. Com. Rep. No. 15 and S.B. No. 1079, SD 1, HD 3, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1079, SD 1, HD 3, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak against the bill, stating:

"Briefly, Mr. Speaker, this bill allows for the creation of a new process that is called a 'facilitated application process.' In the process it allows for the creation of a task force, and a committee that makes up the task force has the responsibility to review State permit approval processes for county building permit applications to determine the source of inefficiencies, delays, and duplications in the status of permits and progress. It also identifies all permits and approvals that the State currently requires from applicants seeking approvals for projects that require county permit applications, and allows that with review that these may be approved by rule. It also says that they adopt the plan and make recommendations to enable all applicants seeking State approval for permits to undergo the permit by rule procedure rather than a permit by review procedure.

"Basically, my opposition to this bill, Mr. Speaker, is that it takes out that process from that of the counties. Earlier, we talked about a bill that did almost the same thing with the airport. So here is one more instance where I think that that should be left to the counties even though it allows for their participation in the process. It will still take that review in the permitting process away from them, and I think that that needs to be retained within the counties, and it needs to have the kind of review that it normally would have received."

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

"Mr. Speaker, this is not a new Act. This is an Act that we passed last year, and the purpose of the Act was to expedite in State government -- in State government -- those county permits that require State government approval. That's already in the bill. That's already law.

"The only thing that this does is it brings the counties into the process where they were excluded in the past. It brings the counties into the process.

"I urge your support."

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

"My concern is that it may bring the counties into the process but it doesn't bring representation from the environmental community or from OHA. There is no Hawaiian representation and no environmental representation, and that really makes a very faulty task force.

"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. 1079, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT PROCESSING," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Kaho'ohalahala and Thielen voting no, and Representatives Okamura, Souki and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 1307, 1091, 528, 1125, 957, 1262, 5, 1036, 1024 and 1079 had passed Final Reading at 5:05 o'clock p.m.

Conf. Com. Rep. No. 16 and S.B. No. 1638, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1638, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL OFFICERS," passed Final Reading by a vote of 46 ayes, with Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 17 and S.B. No. 1519, SD 3, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1519, SD 3, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Yamane rose to speak in opposition to the bill, stating:

"The intent of the bill started out to keep housing for those under Section 8 in the HUD projects. I think if this bill passes, this bill will do it because it won't let anybody in.

"Buy anyway, Mr. Speaker and members, if you start on page 6, you will notice a notice requirement that the current owner of the project would have to go through before he even puts out his notice.

"On page 7, it lists that he not only has to let the corporation know, but he has to let the county and the Legislature know where he's going to send this information. As a legislator, I have no idea. In the prior pages, I gave you the bells and whistles and hoops that the owner would have to go through.

"From page 9 on, you look at the hoops that the potential buyer would have to go through, and what's really interesting is that on page 11, from lines 1 and on, it determines what 'economically feasible' is and the definition in this law is that economically feasible means 'the development's revenue equals or exceeds development's operating expenses excluding, I repeat, excluding, any return on investment.' So you would have to have a person willing to buy this project that might forego any return on their investment. Now, is that reasonable? I suggest it is not.

"We can go on to pages 12, 13 and 14. Mr. Speaker and members, if you're interested, read along but you'll find that there's enough hoops, enough hurdles, enough concerns and enough unreasonable definitions that I think it would halt any sale or any purchase of these projects. And if that's the goal of this Legislature, then you should pass this law.

"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. 1519, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 34 ayes to 12 noes, with Representatives Halford, Herkes, Marumoto, Meyer, Morita, Moses, Pendleton, Rath, Stegmaier, Suzuki, Whalen

and Yamane voting no, and Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 18 and S.B. No. 1149, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1149, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF WAGE LAWS," passed Final Reading by a vote of 44 ayes to 2 noes, with Representatives Meyer and Rath voting no, and Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 19 and S.B. No. 40, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 40, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," passed Final Reading by a vote of 43 ayes to 3 noes, with Representatives Leong, McDermott and Rath voting no, and Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 20 and S.B. No. 236, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 236, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," passed Final Reading by a vote of 46 ayes, with Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 21 and S.B. No. 664, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 664, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Final Reading by a vote of 46 ayes, with Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 22 and S.B. No. 709, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 709, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," passed Final Reading by a vote of 46 ayes, with Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 23 and S.B. No. 27, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 27, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Final Reading by a vote of 46 ayes, with Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 24 and S.B. No. 676, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 676, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

COMMERCIAL DRIVER'S LICENSES," passed Final Reading by a vote of 46 ayes, with Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

Conf. Com. Rep. No. 25 and S.B. No. 700, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 700, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-SPEED VEHICLES," passed Final Reading by a vote of 46 ayes, with Representatives Okamura, P. Oshiro, Souki, Takumi and Yoshinaga being excused.

At 5:09 o'clock p.m., Representative Yonamine asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:27 o'clock p.m.

The Chair directed the Clerk to note that S.B. Nos. 1638, 1519, 1149, 40, 236, 664, 709, 27, 676 and 700 had passed Final Reading at 5:28 o'clock p.m.

Conf. Com. Rep. No. 26 and S.B. No. 823, SD 1, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 823, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Lee rose in support of the bill and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"I would like to speak in favor of the measure. This bill establishes a provision relating to sentencing in domestic violence offenses committed in the presence of a minor, and requires the court to consider this when sentencing offenders. This bill is one of the bills endorsed in the package of the Women's Legislative Caucus.

"Domestic violence is not only a crime, but also a public health and economic issue. Violence witnessed by children can have serious and long-lasting effects upon child development. Therefore, I strongly urge my colleagues to support 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. 823, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 27 and S.B. No. 1502, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1502, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 28 and S.B. No. 777, SD 2, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 777, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"There's some of us that were former Legal Aid attorneys or involved in some ways with those kinds of programs, and I think this should signal a red flag for all of us. We all know that the non-judicial foreclosure process gives lenders a major advantage over homeowners and represents a major change from the judicial foreclosure. The judicial foreclosure, of course, was the common practice for a century or more.

"After this bill becomes law, it will become the method of choice for all lenders, unfortunately. Its use, therefore, should be phased or limited and effective public education is essential. A streamlined foreclosure process, leaving the court out of the system, carries the great danger that 'equity skimming' will become more prevalent than it already is. Older persons who have owned their homes for many years are the most likely to be affected. And you will note that through the process with this bill, we have heard from the senior citizen community with their concerns.

"A situation can exist in a family where the delinquent mortgage payments suddenly occurs due to a job loss, or a reduction in salary, or a payroll lag, or the need for older parents to help younger children. This bill reduces the period of time allowed for curing the default from 60 days after the notice of default to 45 and after. That's a real, real short time to be able to cure this kind of a problem. The bill also allows the public sale of the property in 30 days rather than 60 days after the distribution of a public notice or a public sale.

"This is not consumer protection, Mr. Speaker. It does not protect our senior population. It doesn't protect other people in our population that encounter some form of difficulty and aren't able to stay current. It does help the lender and it does help them with 'equity skimming.' I don't think that's what we should support. And if I could ask for the rest of my comments to be inserted in the Journal," and the Chair "so ordered."

Representative Thielen's additional remarks are as follows:

"During these difficult economic times, we should be doing everything we can to give homeowners adequate time and opportunity to cure a default and avoid further hardships.

"Under non-judicial foreclosure, the lender cannot only foreclose with few due process protections for the debtor, but when the process is over, the lender is free to sue for a deficiency. This is a requirement of Act 122 and the law of most other states. It is not true of Hawaii's existing non-judicial foreclosure law.

"This provides for the repeal of existing foreclosure under power of sale law effective January 1, 2002. This means that until then there will be two sets of non-judicial foreclosure laws in force. It will not only cause confusion for consumers, but lead to abuse among lenders. This bill still favors lenders at the expense of consumers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 777, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Ahu Isa and Thielen voting no, and Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 29 and S.B. No. 365, SD 1, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 365, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"This deals with laser-pointing devices. I will speak with reservations mainly to point out the fact that this bill will make instant criminals of some of our ten year olds here. There should have been perhaps a grandson clause in this so that we would not be arresting and fining young people with these devices. Thank you."

Representative Kahikina rose to speak in support of the measure with reservations and asked that Representative Marumoto's remarks be entered into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Kahikina continued, stating:

"I'm just concerned with my own nine-year old cause he's playing around with this laser too, and I don't want him to be a criminal. Thank you."

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

"I speak with reservations only because we know of a lot of children in our area that have that and have bought it for \$20, and it's very hard for them to just put it away and pretend they never had it. So I think we should have looked more into this bill. 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. 365, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 30 and S.B. No. 947, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 947, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 31 and S.B. No. 630, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 630, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 32 and S.B. No. 1119, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1119, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMICIDE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 33 and S.B. No. 1485, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1485, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 34 and S.B. No. 285, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 285, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," 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. 823, 1502, 777, 365, 947, 630, 1119, 1485 and 285 had passed Final Reading at 5:33 o'clock p.m.

Conf. Com. Rep. No. 35 and S.B. 594, SD 1, HD 1, CD 1:

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

Conf. Com. Rep. No. 36 and S.B. No. 628, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 628, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 37 and S.B. No. 616, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 616, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 38 and S.B. No. 1003, SD 1, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1003, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Marumoto rose in support of the bill and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Marumoto's remarks are as follows:

"Mr. Speaker, I rise in support of S.B. 1003, SD 1, HD 1, CD 1. I congratulate my colleagues on their appreciation of the situation faced by both parents and the Child Support Enforcement Agency.

"All of us have received numerous irate phone calls from custodial parents complaining about delays in receiving child support payments. We also get complaints from non-custodial parents that CSEA is hounding them for payments they made years ago. CSEA has come to the Legislature and asked us to authorize more positions. It appears CSEA has more work than they can handle.

"This bill provides a common sense solution to the problem by letting parents 'opt out' of the CSEA system. Parents can enter into a written agreement to have payments go directly from the non-custodial parent to the custodial parent, without any involvement or processing by CSEA. If at some time in the future the non-custodial parent misses child support payments, the other parent can easily get back into the CSEA process. No parent loses any rights under this bill.

"The benefits of the bill are:

- * It removes CSEA from having to deposit one check and write a new one, which means custodial parents will get their money more quickly;
- * It reduces CSEA's caseload, and they should be able to process the remaining payments in less time; and
- * It lets CSEA focus on finding delinquent parents, rather than on processing payments made by responsible parents.

"I commend the conferees for producing a bill which will help parents and their children.

"I strongly urge passage 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. 1003, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Rath voting no, and Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 39 and S.B. No. 186, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 186, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 40 and S.B. No. 919, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 919, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 41 and S.B. No. 590, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 590, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINING AND PROTECTIVE ORDERS," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 42 and S.B. No. 1118, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1118, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL CRIMINAL BEHAVIOR," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 43 and S.B. No. 36, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 36, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

CONDOMINIUMS," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 44 and S.B. No. 1160, SD 2, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1160, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 45 and S.B. No. 822, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 822, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Lee rose in support of the bill and asked that her remarks be inserted into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"This bill requires health insurers, mutual benefit societies and HMOs to provide contraceptive health care services and supplies as part of basic health care.

"This bill has been a long time in coming, and we should be proud that the Legislature has recognized that comprehensive contraceptive service for women is part of basic health care. It is good for women, their children and their families. Comprehensive contraceptive service makes good sense for employers too.

"This important and critical legislation provides a balance between a woman's fundamental right to privacy and an employer's right to exercise his freedom of religion.

"The impact of this coverage on the total cost of health care will be a positive one. The Health Department expects a reduction in total health care costs under mandated coverage due to fewer abortions, fewer deliveries, and decreased prenatal, newborn and pediatric care -- especially the kind of care required with high risk pregnancies.

"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 S.B. No. 822, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

Conf. Com. Rep. No. 46 and S.B. No. 1018, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1018, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG FORMULARY," passed Final Reading by a vote of 48 ayes, with Representatives Fox, Okamura and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 628, 616, 1003, 186, 919, 590, 1118, 36, 1160, 822 and 1018 had passed Final Reading at 5:35 o'clock p.m.

Conf. Com. Rep. No. 47 and S.B. No. 1128, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1128, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 48 and S.B. No. 1145, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1145, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"This is relating to the DCCA compliance resolution fund. This bill removes the requirement that there be a reasonable relationship between the fee DCCA charges and the services they provide. Does that mean that now it can be an unreasonable relationship, whatever that is? This is a tax bill. This is not the time to increase taxes.

"Thank you, Mr. Speaker."

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

"I've supported the fee for services, the funds, et cetera, but reading it carefully now before final voting, I would like to note that although it is laudable to have the departments self-sufficient not just the fees for services, but I'd like to note that in the bill itself, what it talks about is generally setting fees, and the director can do that. And though our current law says that in setting the fees, it has to bear a relationship in terms of the operation of the department, and we're repealing that language so that now it just says the director can set the fees, period. We took out any sort of guidelines as to what the fees should be.

"Again, it draws fear and concern that I have about: are we using this as a way to raise money for the State, or are we really trying to get the department self-sufficient? If we are, then there's no reason why we should be deleting that portion of our current statutes that says that fees should be in relationship to the operation of the department and should be taken into consideration when we set the fees. And for those reasons, Mr. Speaker, that's my opposition. 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. 1145, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Final Reading by a vote of 39 ayes to 11 noes, with Representatives Auwae, Fox, Halford, Leong, Marumoto, Meyer, Moses, Pendleton, Rath, Stegmaier and Whalen voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 49 and S.B. No. 788, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 788, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I do want to thank the Committee Chairman for adding the language to clearly exempt the United States and its agencies and instrumentalities from this tax. However, the bill as drafted could still be interpreted to impose criminal penalties on those who buy cigarettes at a military base. This act would make criminals of many of our constituents. It makes possession of cigarettes without a tax stamp a crime.

Cigarettes sold in military exchanges and commissaries are not subject to our cigarette tax and will not have tax stamps. Our constituents who are active duty or retired military, including members of the Hawaii National Guard and Air National Guard, shop at the exchange and commissary -- it's one of their valued benefits.

"I proposed an amendment that would have clearly exempted persons who legitimately purchase cigarettes on military outlets in this Act and from criminal prosecution. That amendment is not incorporated in the bill.

"I'm going to read you a couple of excerpts from the bill. On page 8, line 10: '...a person who knowingly -- this is not talking about the United States government -- '...a person who knowingly violates a provision of this part for which a criminal punishment is not otherwise provided is guilty of a misdemeanor, and may be fined not more than \$2,000 or imprisoned not more than one year, or both.' Page 9, line 4: '...all persons in possession or control of unstamped cigarettes' -- that includes military people -- 'shall destroy the unstamped cigarettes or return the unstamped cigarettes to the manufacturers. Failure to comply may subject persons in possession or control of unstamped cigarettes to the criminal penalties and administrative fines provided for...' and it lists all the sections.

"For that reason, Mr. Speaker, we should not vote for this bill. We should clean it up, try again next session to focus our efforts on those who sell cigarettes without paying tax rather than punishing those who lawfully buy tobacco on a military base.

"Thank you, Mr. Speaker."

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

"This measure establishes a system of mandatory cigarette stamps as a means to assess, collect and enforce cigarette taxes. In addition, the measure is necessitated by the terms agreed upon by the Federal court-approved settlement of the recent tobacco litigation case. States are required to establish a cigarette stamp system to collect cigarette tax in order to share in the settlement proceeds.

"The previous speaker spoke with regards to a couple of provisions in the bill, and I'd just like to make reference on page 7, lines 10 through 21, section 245Q of the Hawaii Revised Statutes, and it says: '...a person who knowingly possesses, keeps, stores, acquires, transports or retains for the purpose of sale or sells or offers to sell...regardless of the source of, or method of obtaining the cigarettes, is guilty of a class C felony.' And I think that's what is important. If a sailor purchases cigarettes at a PX and does not resell the cigarettes, then he or she will not be in violation of this provision.

"The previous speaker spoke on page 9 with reference to section 245S, and if you read further in that section, it outlines the administrative fines and criminal penalties as provided for in these sections. And each of these sections mentions the sale of these unstamped cigarettes as what's being criminal.

"So what we're trying to do here is we're trying to close the loophole. As I said before, we have a number of people, we understand, that are selling cigarettes in the gray market. They're purchasing cigarettes either in the mainland, bypassing our cigarette stamp tax here, or they're purchasing cigarettes from military institutions and selling it in the Hawaii economy and Hawaii market. And that's the type of sales that we want to restrict.

"I've been told, Mr. Speaker, that once this measure goes into force and by April of the year 2000, we should realize approximately a million dollars more in additional cigarette tax revenues to our general coffers.

"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. 788, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives McDermott, Moses and Rath voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 50 and S.B. No. 392, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 392, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Kaho'ohalahala rose to speak in support of the measure, stating:

"I want to first of all say, Mr. Speaker, that I thank the Conference Committee Chairs for their reconsideration of Part 3 of this bill, which is now deleted. And therefore, I'm going to stand in support of the bill. 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. 392, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 101 and S.B. No. 798, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 798, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"I wish to thank the Chair of the Environmental Protection Committee for her fantastic work in getting this bill through. And I would ask that the balance of my remarks be inserted in the Journal," and the Chair "so ordered."

Representative Fox's additional remarks are as follows:

"Waikiki and other urban residential areas are home to thousands of people who view a good night's sleep as a luxury. Many times motorcycles, noisy trucks, busses, and other street activity that local law enforcement is best able to control wake our people up, and they can't get back to sleep. The problem the police face is that current State law is unclear about whether counties have the authority to enforce noise standards stricter than State standards.

"Senate Bill 798 gives the counties the authority they need to act to cite noisemakers, using modern technology to catch those making excessive noise. After we fix State law and after the counties act, Honolulu will have quieter neighborhoods and a better quality of life.

"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. 798, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 102 and S.B. No. 1256, SD 2, HD 1, CD 1:

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

Conf. Com. Rep. No. 103 and S.B. No. 223, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 223, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CANINE CORPS IN THE DEPARTMENT OF PUBLIC SAFETY," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 104 and S.B. No. 889, SD 1, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 889, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"This bill creates a new fee, a \$25-\$50 fee, on anybody that is issued a penal summons. The existing law, when somebody comes to court by way of a penal summons, the judge can fine them. This just looks like another fee that I can't support.

"Also, the language in the bill talking about removing firearms and ammunition from persons that are under a temporary restraining order, the language in the bill that would allow a policeman to continue even though he may have been given a restraining order, I think is not prudent. So I'm going to be voting no.

"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. 889, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives McDermott and Meyer voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 105 and S.B. No. 921, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 921, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 106 and S.B. No. 1158, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1158, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 1128, 1145, 788, 392, 798, 223, 889, 921 and 1158 had passed Final Reading at 5:46 o'clock p.m.

Conf. Com. Rep. No. 107 and S.B. No. 1274, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1274, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Final Reading by a vote of 47 ayes, with Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 108 and S.B. No. 238, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 238, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Final Reading by a vote of 47 ayes, with Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 109 and S.B. No. 1124, SD 2, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1124, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Final Reading by a vote of 47 ayes, with Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 110 and S.B. No. 1294, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1294, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Final Reading by a vote of 47 ayes, with Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 111 and S.B. No. 450, SD 1, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 450, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"I'll be brief, I know it's late. I just want to commend the Chair of the Legislative Management Committee, the good Representative from Lihue, Kauai, for all of his hard work in this area. I think this is a very important measure as we continue down the path of the privatization process.

"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. 450, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Final Reading by a vote of 47 ayes, with Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 112 and S.B. No. 1518, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1518, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"This bill raids the Employees Retirement System to pay for collective bargaining pay increases which the State entered into a binding collective bargaining agreement with several unions. The State's chief negotiator testified he bargained in good faith and obtained a fair contract. And as you know, Mr. Speaker, I have supported these pay raises. However, I'm not willing to sacrifice the interest of retirees to satisfy wage demands of current employees. We should find money somewhere else

rather than raid the pension fund. It's morally wrong for us to take money from the pension fund to try to pay for pay increases.

"Thank you, Mr. Speaker."

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

"I believe that this bill is a blatant last minute diversion of ERS investment earnings into the general funds of the State that reflects a lack of respect for the people who depend or will depend on State retirement funds. The rationale is that the ERS is flushed with money and thus does not need the \$200 million that this bill will cost the System, or at least not as badly as the State and counties do.

"The fact of the matter is that the ERS does need the money since the System still has an unfunded liability in excess of \$500 million. This is why the Legislature passed Act 327 in 1997. ERS administrators warned us that continuing to drain funds from the System would jeopardize the financial integrity of the ERS and place a large fiscal cloud over all our heads since the State is obligated to ensure the financial stability of the System. In addition, the stock market has been very strong and it seems safe to divert this money, but we do not know whether it will do as well in the future.

"Senate Bill 1518 defeats the purpose of Act 327 and demonstrates a lack of political courage and will to make important and challenging budget decisions. By sneaking funds from the ERS into our general funds, they are at least offsetting our employer contributions. We've confirmed the fact that the Legislature is incapable of being fiscally responsible for doing the right thing. We also jeopardize the almost 90,000 retirees, beneficiaries and families that depend on the System now and indefinitely into the future.

"Lastly, this measure amends Chapter 89 on collective bargaining by calling for a moratorium on negotiations. This is a very questionable legislation. Senate Bill 1518 is nothing but a midnight raid on the retirement fund without benefit of a hearing or public testimony on the specifics of the measure. Yes, the bill numbered 1518 did have the proper hearings, but there still has not been any public input on this measure. As such, this is a bad bill that I feel was sneaked through under the cover of darkness. Therefore, I will be voting no. Thank you."

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

"This is really an outrageous bill. I'm trying to understand how offscale outrageous this is. You don't make the bill payment on your car and it's going to be repossessed. So somebody comes to your door and says, 'I'm going to take away your car.' You look in your bank account and you don't have anything. So you go upstairs where your grandmother is sleeping and you go and you raid her stocks. And you pull out her stocks and you get the money from her stocks to pay that thing so you can keep your car. Okay, fine, you've got your car. Your grandmother is out of her stocks. That's basically what's happening with this bill. We're raiding grandmother's resources to pay for our own inability to balance the budget.

"And as the Representative from Waialae Iki pointed out, we've got a really serious problem when we talk about unfunded liability. Sure, today the market is great. Goldman-Sachs is sold out. The market is up another 100 points or whatever. That can turn around so fast. It can turn around just as fast as it went up. That's the history of the stock market everywhere in the world, all the time. And that's why we're not supposed to touch the unfunded liability because they need that reserve to deal with the downturn in the market. Their expenses rise every year. This isn't a stable base that they're worried about. We should really be ashamed just at that part,

not to mention the ceiling on collective bargaining which I'm sure some other Representatives would love to tear into.

"Thank you, Mr. Speaker."

Representative Leong then rose to speak in opposition to the measure, stating:

"I have been receiving many calls from active teachers and retired school teachers who say to me they're very concerned that the Legislature is tampering with the Employees' Retirement System again. They state, when will we stop playing games with the funds of our public retirement system. We should remember that is not monopoly money that we're playing with. We're playing with real people because real people depend on these funds to ensure an adequate future for themselves and others in their families. And therefore, Mr. Speaker, I want it to go on record that I'll be opposing this bill. Thank you."

Representative Kahikina then rose to speak in opposition to the measure, stating:

"In principle, I stand in opposition of this measure. As was alluded to earlier by speakers, in Act 327 that we in 1997 compromised the bill, we also, in that measure, reduced \$220 million if you remember back then. That was only about maybe say about a year or two ago.

"Now in this measure, the excess earnings came in at \$198 million for two years. In January of this year, Mr. Speaker, the trustees, in their own assertiveness, saw the need, the financial need or the predicament of this State, and in their assessment they reduced the contribution to the State and the county by \$104 million. So if you add the \$104 million and the \$198 million that we're proposing, that's \$302 million. Then in 1997, the \$220 million. You add that up, that's \$522 million -- half a billion dollars that we have raided from the ERS.

"The principle of all of this is what I'm talking about. And for those reasons, I oppose this measure."

Representative Auwae then rose to speak in opposition to the measure, stating:

"It looks like deja vu again. We're raiding again. I'd like the words of my colleagues from Kahala and Waikiki be put in the Journal (by reference only), and I will add to the Journal too. Thank you," and the Chair "so ordered."

Representative Auwae's additional remarks are as follows:

"It seems like deja vu all over again. How many times will we keep making the same mistake? SB 1518, HD 1, CD 1, will once again stretch the long arm of State government into the pockets of the ERS -- snatching money into the general fund that rightfully belongs only to the retirement system.

"It seems like every year the state boxes itself into a financial corner by refusing to cut government spending. And every time the State proposes to 'borrow' the money from the ERS. And every year we say it's the last time that this will be done. But by the following session, collective amnesia sets in and we introduce legislation to 'borrow' just a little bit more, but never again. SB 1518, HD 1, CD 1, says the same thing -- nevermore. Yeah, right.

"Until we take responsibility for the State budget and stop 'borrowing' funds from the ERS, we will continue to view the retirement system as a convenient place to stick our hands into -- deja vu all over again. I'm voting no on this bill.

"Thank you, Mr. Speaker."

Representative Rath then rose to speak in opposition to the measure, stating:

"It seems to be a day for irresponsibility. First, we pass a budget that doesn't really balance, then we hand out pay raises that we really can't afford. Now we're going to steal it from the retirees to pay for the whole thing. This is the absolute epitome of our financial irresponsibility which earmarks our State. And it's probably one of the main reasons that we're in a nine-year recession, and we're probably going to be in it for a couple of more years. This is really a new twist on robbing Peter to pay Paul -- this is robbing Peter to pay Peter. This is absolutely crazy. Thank you."

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

"Mr. Speaker, as previous speakers have stated, this bill will remove funds from the Employees Retirement System. And first off, I'd like to have the remarks of the Representatives from Waikiki, Kahala and Nanakuli inserted into the Journal as though they were my own," and the Chair "so ordered." (By reference only.)

Representative Pendleton continued, stating:

"I'd just like to add to the debate an observation that I got from a recent luncheon that we hosted here. I want to thank Representative Stegmaier for bringing the Treasurer of Vermont out here to speak to us about various kinds of programs and ways to fund employment. But briefly, I spoke with the Treasurer of Vermont and asked him if this was an optimal way to manage retirement systems for the State, and whether or not the private sector would want to follow the example and lead of something like this, and whether financial planners would advise this and recommend this to their private clients, and the answer was a fairly clear 'no'.

"He wasn't coming at this from a partisan angle to try to undercut one of the parties or to take shots at anybody, but he was just giving me his objective advice. I hadn't identified what party I was with, or whether or not I was in favor of the motion or the bill or not. I just asked him point blank, and he said 'no'. And I think that's very telling that this is not the way we ought to go, or we ought to find other ways to handle our budgets rather than perhaps jeopardizing the Employees Retirement System. Then perhaps in future legislative sessions, we'll use that as an excuse or justification so we don't have to raise taxes.

"For those reasons, and for those also articulated by the members, I'd like to register a 'no' vote on this measure. Thank you."

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

"Mr. Speaker, I would request the Clerk to insert into the Journal the comments of the Representative from Waialae Iki, Waialae Nui, Kahala and Wilhelmina Rise as if they were my own, and it states my reservations on this measure. Thank you," and the Chair "so ordered." (By reference only.)

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

"Even though I do have some concerns about the pay raise, well, this is another fiscally responsible measure that we have put in, in which, whether you like it or not, we have also put in a pay raise freeze for the next two years which I think is very responsible, looking forward to our fiscal picture three and four years down the road.

"But members of the Legislature, two years ago we passed this bill, as was mentioned, in which we eliminated all of what we would call the 8 percent excess earnings so that the retirees could receive all of the investment earnings and have those put back into the trust fund. And as have been mentioned earlier,

we have from \$1.8 billion in unfunded liability but we have diminished it or reduced it to about \$500 million in two years.

"What does it mean? In the bill we passed two years ago, that bill would have enabled all of the investment earnings to go back to the trust fund so that it becomes totally self-sufficient and solvent by the year 2007. And if you look at the projections for the past three years, even if the fact that we have only 3.5 percent returns, approximately for this year, the fact is we will be reaching self-sufficiency long before 2007. So I think we acted like a statesman. It was a good, good, responsible legislation that we have passed that we have looked far past those two years you are returning those funds.

"What it does, though, for our immediate purpose is this. It does not take away benefits from all the retirees. That fund right now is \$9 billion, and it will continue to return earnings that eventually will be converted to full solvency for the trust fund. And for this one time only, it is going to help State and county governments, in terms of their reimbursements or repayments of their collective bargaining agreements. So what we are doing too, then is we have also notified representatives of the unions, in terms of: can we do this and we will be doing this, and we needed their reaction. And members, I think you all had a memo in which we had a leading and the largest public union organization say that they will support such a move, understanding that this is a one time only move.

"And so I think, first of all, the trust fund is in very good shape, and it will continue to be beneficial to retirees and future retirees. And this one time only help is much needed at this critical time in our government. And I assure you that our bill that we had passed two years ago will continue to be completed and I think the retirees would benefit as a result.

"Thank you, Mr. Speaker.

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

"I think we should all understand the first bill we considered today was our budget. And the budget is made up of many parts. This is only one part of our budget. When we say we take \$198 million over two years out of the ERS, we also help the counties in this bill. We must also remember that in one year alone, the health fund paid \$266 million -- that's as of June 30, 1998 -- \$266 million was spent for benefits for our employees and retirees. That's more than the \$198 million we're taking out of this fund. So we must consider all parts of our budget when we look at the State budget. It's a lot more complicated than I think many of our members are portraying right here.

"When we say that over the last couple of years we took a half a billion dollars out of the Employees' Retirement System fund, we must also remember that the unfunded liability of the health fund that is an obligation to retirees and our current employees, stands at \$4.5 billion. So everything we do here I think is in perspective.

"I think this is a good measure when you look at the total picture of State finances and the long-range plan. Thank you."

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

"There's a lot of things bad about this process that I wanted to reiterate a point. I don't want to talk a long time so I'm just going to make a couple of points.

"There is the unfunded liability. That means that we've already borrowed from it. We owe the fund -- we've already borrowed from it. Now, we're asking to take more money from the fund without asking the people that own the money. That's closer to stealing than it is borrowing.

"Thank you, Mr. Speaker."

Representative Meyer then rose in opposition to the measure and asked that her comments be inserted into the Journal and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise in opposition to S.B. 1518, HD 1, CD 1.

"The raiding of the public employees retirement system to fund negotiated salary increases for public workers is a dangerous stopgap measure. Both the counties and State will cut their contributions to the 'ERS' fund for the next two years. This is a very risky move to make and it is all being done because this Legislature does not want to cope with making the hard decisions regarding the real issue of reducing government. This issue won't go away, unfortunately we are just putting off the tough decisions for another day.

"Another trouble part of this bill is to not negotiate any contracts for two years, not only does this seem to be illegal but on principle, I cannot support this. The final serious question as to where the money will come from to fund these increased salaries after the initial two-year period?"

Representative Stegmaier then rose to speak in opposition to the measure, stating:

"I ask that the words of the Representative from Nanakuli be entered into the Journal as though they were my own," and the Chair "so ordered." (By reference only.)

Representative Stegmaier continued, stating:

"In addition, I would just like to say that I believe that with the Legislature's honoring of the collective bargaining agreements, we had an opportunity to do some vertical cutting of State government that would have provided us with the funds that we need to pay for those collective bargaining agreements. We did honor the bargaining agreements and I'm happy for that, but I think we missed an opportunity on the other side of the equation that would have been possible this legislative session. And for that reason, I feel a necessity to vote against this.

"Thank you, Mr. Speaker."

Representative Thielen then rose in opposition to the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Thielen's remarks are as follows:

"This bill seeks to fund retroactive pay raises and balance the budget by raiding the State's pension fund. We are in essence, reverting to the same gutless habit that the State practiced for over a decade that ended in 1997 -- or ended so we thought.

"In 1997, the Legislature passed a law that allows the ERS to retain all investment earnings in order to reduce the system's unfunded liability in a timely fashion. Prior to 1997, the State siphoned off all excess ERS earnings over 8 percent into the general fund as a matter of course.

"What's the big deal you ask? First, the cumulative amount over the years added up to more than one billion dollars. Second, the State and counties became spoiled and undisciplined because they could always count on the ERS money to fund more programs, balance the budget, and thus avoid having to make tough decisions. Third, the moneys diverted to the general fund should have been used to pay down the large unfunded liability that grew and grew and grew.

"As of March 31, 1998, we had almost 90,000 active members, inactive vested members, retirees, and beneficiaries

in the ERS. All of these people depend on a sound system to provide for their families and themselves. Furthermore, we all depend on a sound ERS system since any shortfalls are statutorily required to be made up by taxpayers for the general fund.

"The ultimate danger is that if the economy spirals down further, State and county governments would have to pony up increased contribution amounts funded by taxpayers like you and me. The immediate danger is that by passing SB 1518, HD 1, CD 1, we will have reset the State on a path that we all agreed was bad public policy -- bad for retirees, bad for employees, and bad for the taxpayers of Hawaii."

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

"We've already heard the very good arguments made by the Representative of Pearl City and the Representative of Salt Lake/Moanalua. The fact is that no one is going to lose any benefits. The time period that we're talking about is far in the future, and it also is based on our assumptions as to what we'll have to pay. The State of Hawaii is never not going to honor -- we are bound by our Constitution to honor our retirement benefits.

"The second thing, though, is that we have one of the best funded systems in the country. In fact, the Representative of Kailua mentioned earlier was shocked at how our system was almost fully funded. So we're not talking about a big crisis here.

"Thirdly, as far as collective bargaining is concerned, really, this measure wasn't so much for us -- the State. We're going to have our \$200 million cash carry over balance and having that extra money in there certainly is better. We don't have to worry about the bond company saying you only have \$50 million, you only have \$40 million. That does benefit the State, yes, but the real intention here is to help the counties because the counties have said they could not fund collective bargaining. They didn't have any money. So this is tied hand in hand with that because otherwise, as you know the process, the counties and the State have to agree on approving collective bargaining. This is the only way it's going to happen for the counties. We can be assured that they will do it.

"Lastly, I'd just like to point out that this money is not something that we are stealing. This is money that belongs to the State of Hawaii. We are estimating that we need this money to pay future expenses -- way out in the future. Now we could borrow money, more CIP, we pay interest. Now I agree, yes, the stock market has been doing very good, but that's one reason why we can't rely on just the stock market. We have to rely on our economy. We have to rely on fulfilling our State constitutional obligations. And so I think it's very appropriate, and I commend the Governor for first bringing this idea forward.

"Thank you, Mr. Speaker."

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

"I ask that the wise words of our colleague from Waimanalo/Lanikai be inserted into the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Kanoho continued, stating:

"Additionally, Mr. Speaker, for those of us who will be supporting this measure, we would like to have done it some other way, but the choices are not good. We either not give an increase that we feel our workers do need, or we end up laying off a lot of people.

"And as has been pointed out, the fund contains an enormous amount -- \$9 billion. When we talk about fully funded, as has been alluded to, we're talking about the fund having in its hands today an amount with which to pay a retiree when that time comes 10, 15, 20 years from today. And the State will always be in a position to make good on it. I don't see that it is a problem. Certainly, we would prefer not to do this, but again the choices are not good and we need to seize on this kind of measure, as difficult as it may be, to fulfill our commitments.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, I want to declare a potential conflict of interest, I'm collecting on my retirement," and the Chair ruled "no conflict."

Representative Souki continued, stating:

"Even though I'm quite young, I shouldn't be collecting my retirement. I have some concerns and I'll be speaking on this measure with some reservations, not some major ones. I agree with the comments that have been made that the fund is solvent. Yes, it is -- it's very solvent. It can never go broke because the State of Hawaii, the Legislature, stands in back of it. It guarantees its solvency. So for that matter, it will never go broke.

"The concerns that I have is that one, it defers us from making the tough decisions, and I think we need to show a little more discipline in that area. You're just deferring the inevitable that we'll have to make very shortly. I'm also concerned that we attempted to amend the collective bargaining law. And I think in good faith we have some members of the union now, namely the police union, that is negotiating, and there's a question as to how this freeze is going to affect them and others.

"Again, I think we should have the political will in the end that if we don't have enough money to pay the unions as it have gone through the collective bargaining process, we should simply exert our will and say that there is no money rather than going through making changes in the law. And this is in due respect to the Governor and to the House Leadership who did this all in good faith. These are the concerns that I have and I hope that the members look at this.

"There's another thing I want to mention. I'm sorry I didn't mention it earlier is that by taking this action, we are again putting in the future when we won't need to contribute. It was expected that by the year 2003, that it would be self-sufficient -- the Retirement System -- that we would not have to contribute anything. And the contributions amount to about \$190 million per biennium. In fact, what this will do now, it will put it forward. So it means that it will be continually putting in \$190 to \$200 million into the system for an indefinite period of time. If we chose some other method to fund the pay raises, we would be just around the corner, we would be self-sufficient, and we would save approximately \$190 million per biennium.

"I think this should have been a consideration in the deliberations, although, Mr. Speaker, I do understand the time constraints, the concerns of paying the labor unions and to meet the needs of the budget. But again, this decision only deferred the hard decisions we need to make in the future.

"Thank you very much, Mr. Speaker and members."

Representative Marumoto, in rebuttal, stated:

"I appreciate some of the remarks of the Speaker Emeritus. He has a great deal of experience and wisdom. I am really concerned about this bill in that, as the Representative from

Moanalua mentioned, the Public Employees Health Fund's unfunded liability is \$4.5 billion, and this is another fund that is under State control. I'm just wondering if we are to be trusted with the health of the Employees' Retirement System. I question our ability because we seem to be dipping into it whenever it is convenient. I do not commend the Governor for coming up with this idea, because he came up with it at the very, very last minute, after sixth reading.

"I am concerned about the financial plan with the pension savings and the pyramiding bill cranked in. Our ending balance for the 2002 fiscal year is a paltry \$1.2 million which is really non-existent. It is not healthy, it is not good for our bond rating and definitely our bond rating will go down.

"Lastly, as our Floor Leader mentioned, there is a good possibility that for the following biennium, we will have to raise taxes to meet our obligations. And for all these reasons, I think this is a very unwise decision. Thank you."

Representative Lee then rose in support of the measure with strong reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Lee's remarks are as follows:

"I am voting in favor of this bill with strong reservations.

"The Employees Retirement System is the pension plan for all government employees -- County and State.

"Each employee makes a contribution to the ERS. Each government -- County and State -- makes its contribution.

"The ERS has very successfully managed its investments, earning as much as 18 percent one year. The ERS was so successful that the State took out excess earnings over 8 percent.

"In one decade in the 1980s, the State took out over one billion dollars -- one billion dollars that should have been left in the ERS.

"That is one reason the ERS is underfunded. The other is that the State and Counties have been reducing their contributions to the ERS. In return the State promised to let the ERS retain the earnings from its investments.

"This bill raids the public pension fund. In state after state, public pension funds are being targeted as the easy solution to difficult budget problems.

"In 1970, there were 44,553 members of the ERS. Today there are over 85,000. Despite continued contributions, the ERS is already underfunded if it is to meet the needs of these members in the future.

"To borrow from the fund to meet other obligations is only putting off the inevitable, and at some point future retirees and the taxpayers will pay the price for this approach.

"If there is any consolation, at least we have lived up to our obligation to the bargaining agreement between the Administration and the employee unions."

Representative Menor then rose in favor of the bill with strong reservations, and asked that his remarks be inserted into the Journal, and the Chair "so ordered."

Representative Menor's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Conference Committee Report No. 112, S.B. 1518, HD 1, CD 1, but with strong reservations.

"I will be voting in favor of this bill because this measure contains a mechanism to enable State and County employers to fund retroactive pay raises for government employees who are covered under contracts expiring on June 30, 1999. As a legislator who has been a strong supporter of the efforts of public employees to be fairly and adequately compensated, I believe that these pay raises are long overdue.

"Nevertheless, I do have several reservations about this measure. First of all, I am concerned about the section in this bill that would allow government employers to use investment earnings of the Employees' Retirement System ('ERS') to fund retroactive pay raises. This bill may be setting a bad precedent in regards to the use of ERS investment earnings in the future.

"Moreover, I seriously question whether the diversion of ERS earnings for the purposes set forth in this bill represents sound fiscal policy. If, as a matter of policy, the Legislature believes as I do that funding pay increases for public employees is a high priority, then it will be important for us to develop and implement a stable and long-term financial plan to insure adequate funding for government employee salaries in future years in place of the one-time temporary funding mechanism that is contained in this bill.

"In addition to these concerns, I strongly object to the inclusion in this bill of the provision that would prohibit government employers and representatives of public employee unions from negotiating salary issues and other cost items for the biennium 1999 to 2001. I believe that this section may be unconstitutional and represents an unwarranted intrusion into the collective bargaining process. I am also very concerned about the fact that this provision may deny many public employees of the salary increases and other benefits that they deserve. It is unfortunate that such an objectionable and controversial provision was inserted into an otherwise important and worthwhile piece of legislation.

"Notwithstanding these concerns, I will be voting in favor of this bill because I recognize that the failure of this legislative body to pass this measure could jeopardize retroactive pay raises for many deserving government employees.

"Thank you for allowing me to offer my comments about this measure."

Representative Takumi then rose and asked the Clerk to register an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1518, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS," passed Final Reading by a vote of 33 ayes to 14 noes, with Representatives Auwae, Fox, Halford, Kahikina, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath, Stegmaier, Thielen and Whalen voting no, and Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 113 and S.B. No. 816, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 816, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Final Reading by a vote of 47 ayes, with Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 114 and S.B. No. 1129, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1129, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I'm running out of speeches so please bear with me, colleagues. This bill increases various licensing fees for the insurance industry by 50 percent. These fees go into a special fund to be spent by the Insurance Commissioner. This is another program converted from the general fund to a special fund and placed outside the purview of the legislative branch. We continue to give up our power to the executive branch by creating special funds and letting programs and agencies fund themselves. At some point, everything will be in a special fund and there'll be nothing left for us to appropriate. I do not look forward to the day when our constituents ask us why we exist.

"The Legislature exists to supervise how every tax dollar is spent. We represent the people -- the taxpayers. We pervert the Constitution and the balance of powers every time we create a special fund.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, there's a lot I don't know and I'm struggling to understand this bill, but I think the most important part of the bill is not the first part that gives us the title of the bill which is called, 'Insurance Industry Continuing Education Provisions.' I think the most important part of the bill comes on pages 12 and 13. And what I think we really have here is the 'insurance czar' bill. I think the purpose of this bill is to set up the Insurance Commissioner as an independent 'czar' with his own budget and his own ability to set rates, however he chooses.

"That's the way I read section 13 which says: 'The criteria for making an assessment shall be established by rule provided further that the commissioner shall have provisional authority to make assessments. The insurance or entities under Title 24 shall be provided reasonable notice of when their respective assessments are due.' He has the power to support his entire staff, his whole administrative budget -- everything he wants to do -- by assessing fees on the insurance companies that bear the burden that they're going to have to bear. And who do you think pays the insurance costs? Boy, it isn't the insurance companies -- it's us. And it's our constituents. That's who's going to support this insurance 'czar'.

"In many, many states, maybe a majority of states, I don't have the statistics as I stand before you right now, the Insurance Commissioner is somebody who is elected by the people. I think if we continue this kind of behavior, that's where the people are going to say we should be headed. We should be electing an Insurance Commissioner, not setting him up in some sort of secret office underneath the Department of Commerce and Consumer Affairs to collect all the fees he needs to run his operation.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1129, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 42 ayes to 5 noes, with Representatives Fox, Halford, Moses, Pendleton and Rath voting no, and Representatives Cachola, Okamura, Schatz and Takamine being excused.

Conf. Com. Rep. No. 115 and S.B. No. 1235, SD 1, HD 1, CD 1:

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

Conf. Com. Rep. No. 116 and S.B. No. 1238, SD 2, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1238, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," passed Final Reading by a vote of 47 ayes, with Representatives Cachola, Okamura, Schatz and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 1274, 238, 1124, 1294, 450, 1518, 816, 1129 and 1238 had passed Final Reading at 6:20 o'clock p.m.

Conf. Com. Rep. No. 117 and S.B. No. 1157, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1157, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 118 and S.B. No. 1499, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1499, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 119 and S.B. No. 1501, SD 3, HD 3, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1501, SD 3, HD 3, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, the bill before us today will empower educators, parents, and students to create schools to meet their community's needs and desires.

"Senate Bill 1501 is a charter school bill. Charter schools have become popular in some states on the mainland. Each state has different provisions in its charter school law, but what they all have in common is that each charter school has a large degree of independence so that the school has the power to determine its own educational future.

"Mr. Speaker, this bill contains good ideas that originated from different sources. The Governor submitted House Bill 1101, which contained the idea of two new schools being designated as 'new century schools,' another term for charter schools. And a community organization from Maui wanted to start a charter school next to the Maui Research and Technology Park that emphasizes high technology in its curriculum.

"This bill allows new schools, programs within schools, as well as existing schools, to become charter schools. This bill establishes a process for creating charter schools that includes the submittal of a proposal by interested parties. It also allows communities to submit charter school proposals.

"Mr. Speaker, this measure sets up specific criteria that all proposals must contain. For example, each proposal must include a description of the educational and administrative framework of the school, a plan for assessing student performance based on statewide performance standards, a plan to hold the school accountable, and a description of the governance structure of the school.

"The Board of Education reviews the proposal, and if it complies with the established criteria, a charter is issued by the Board of Education, the Superintendent, and the Governor designating the school as a new century charter school. Then the accepted proposal is converted into a performance contract between the school and the Board of Education.

"Each charter school will receive State funding determined by the Auditor and calculated by multiplying the school's enrollment by the per pupil allocation.

"Every charter school is required to conduct self-evaluations annually, and the Board of Education is required to evaluate it every four years. If a charter school fails to meet expectations, the Board of Education can terminate it.

"Mr. Speaker, this bill creates an opportunity for parents, teachers, and others who have a common vision for education to pursue that vision without having to deal with the kind of bureaucratic red tape that can frustrate and ultimately sink a good idea.

"However, this bill does not guarantee improved education. Test scores will not automatically rise because of this bill. Instead, what this bill does is open a door of opportunity for schools and communities. This bill allows them to take more control of their schools and make the decisions at the school level that affect the quality of education.

"Thank you, Mr. Speaker."

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

"I speak for the passage of this measure because half a loaf is better than none. Actually, this bill is more like half a piece of toast.

"Although we have inserted the word 'charter' into the title, we are not truly creating a measure that will encourage the formation of many, if any, additional 'New Century Charter Schools.'

"What separates charter schools from imitations is whether the school has complete freedom from State rules governing spending, curriculum, hiring, firing, and whether the school is completely open to students by choice. As is evident, this bill will only create an imitation charter school.

"I have the distinct impression that the word 'charter' was inserted in the bill in order to gain access to federal grant money. This is wishful thinking. The new federal guidelines for how such grants will be distributed are as follows: First, the State must demonstrate progress toward increasing the number of charters prior to the grant application. We may have two truly operating some day, but none in the offing.

"Second, the State must have at least one authorizing entity that is not a local educational agency 'such as a state chartering board.' We have one authorizing agency but no chartering board.

"Third, the State must ensure that each charter has a high degree of autonomy over the charter's budget.

"As Mary Anne Raywid, a nationally known expert on education policy and reform who now teaches at the University of Hawaii, she wrote recently in a newspaper article: 'While

this bill lifts some of the shackles of State regulations, it does not touch those imposed by the collective bargaining agents. And the latter are half the education "establishment" in Hawaii. Unless a charter school has the right to select its own principal and teachers as it sees fit, then its purpose of assembling a like-minded, cohesive faculty is defeated before it even opens.'

"Before this session, Hawaii's charter school laws were ranked fourth weakest out of 35 states across the Nation. The passage of this bill might boost us up to around the seventh or eighth weakest. Of course, there are still fifteen states struggling with charter bills. Charter schools have grown dramatically in the last few years, going from the number two up to about 1,130. As I said in the beginning, a half a loaf is better than none.

"Mr. Speaker, I vote 'aye' with reservations. Thank you."

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

"If my colleagues can recall, at the beginning of this session the Governor stood at that very podium in this chamber and talked about the new century schools. At that time, he was only talking about Kapolei High School and Kapolei Middle School. I'm glad to see that this has been expanded to include other opportunities, up to 25.

"I do have concerns, however, that we may have to come back and address this again next year to expand it and to address some of the concerns we just heard from my colleague. But I think that this is the turtle with the head out of its shell and we are starting to move forward, and that's very good for the State.

"I want to commend the Chairs and members of the Education Committee, Labor and Public Employment Committee, and Finance Committee, and all the people that attended public hearings on this matter, because we are making progress. And as with every other measure, we can improve it with time and I hope we will.

"Thank you, Mr. Speaker."

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

"First, I want to acknowledge the Chair of the Education Committee for his open-mindedness and flexibility concerning the leadership that he's provided in conferring on this measure and passing it to us in this form. I believe that it is worthy of the name 'charter school law.'

"As the committee report mentions, anyone in the community can initiate a request to establish a new century charter school, including the University of Hawaii, the counties or the Chamber of Commerce. The new century charter schools will also have the flexibility to negotiate entirely new contracts, establish new procedures for selection of personnel, and the authority to define and establish new positions.

"This is a charter school and provided that we have lots of communities and individuals out there willing to implement it, we could use this law to become a leader in the country concerning charter schools. Thank you."

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

"I want to speak briefly to the truth in advertising problem of this bill. As the Representative from Laie/Hauula pointed out, the national requirements of the charter school say that in addition to the local school district, there must be a chartering authority. That very simply says, you've got to have more than one chartering authority. Obviously, we don't have local school boards here. We've got a statewide school district. To

have any kind of a charter system that works, there has to be more than one chartering authority.

"And the Representative from Hawaii Kai was talking about the different groups that can come forward to propose schools. That's not the point. You have to have more than one authority that can grant charters so that you set up the competition that enables an outfit made up of parents, teachers, and students that's getting no satisfaction from DOE to go somewhere else to get their charter. That's the element that's missing from this bill. And that's what we need to have a true charter school system.

"Thank you, Mr. Speaker."

Representative Pendleton then rose and stated:

"Mr. Speaker, regarding this measure, first I'd like a ruling on a potential conflict. My wife is a member of the Board of Education which would have exclusive authority over whether or not a charter is granted," and the Chair ruled "no conflict."

Representative Pendleton continued, stating:

"I'd like to also say a few words in support of this measure. Mr. Speaker, as previous speakers have stated, this bill moves us in the right direction. Charter schools have been acknowledged in newspaper accounts and various reports by think tanks as being the wave of the future not because they're panacea or something magical, but because they provide competition among various schools to provide more options for parents, more choices and because they provide a place in which innovation can be rewarded, where teachers and students can take chances, take risks, think outside of the box and not be penalized by a central governing body.

"The one problem, as has been pointed out, with our bill is that the Board of Education is the sole governing authority in terms of whether or not a charter is going to be granted. I have full confidence in our Board of Education, at least one member of them, but I think on principle, on principle, we need multiple chartering authorities so that if a group, for whatever reason, is not granted a charter, there are other opportunities, other options. And I think that will be one of the major things we may have to come back and revisit and relook at. That may be one issue we'll have to address in the future.

"Another issue that many people bring up regarding charters is, well, when you give so much freedom, so much autonomy, so much flexibility to a school, then what happens? How do you make sure that these places are accountable? Who will police these teachers and students, these charter schools? Well the answer, quite frankly, is parents. Parents will be able to choose where to send their kids and to me they are the most capable, the people in the best position to judge whether or not a charter school is doing its job. And when given the opportunity for the parents to say, no, I'm going to take my student to another charter school or somewhere else, that's a tremendous power.

"So for those reasons, I strongly support this bill. I think it's moving in the right direction, but I think there are certain things that are problematic that can be tightened up and improved.

"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. 1501, SD 3, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 120 and S.B. No. 131, SD 3, HD 3, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 131, SD 3, HD 3, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"As we all sit here aging in place, I think it's appropriate that I be allowed to make some comments on Senate Bill 131 on long-term care.

"Mr. Speaker and colleagues, Senate Bill 131 represents a benchmark in our legislative accomplishments for the elderly and disabled in Hawaii. It's also a product of two years of work by your Joint Legislative Committee on Long-Term Care. And I would like to acknowledge, for the record, the contribution and participation of the JLC members, starting with you Mr. Vice Speaker, Majority Floor Leader Nobu Yonamine, Representative Paul Whalen, and also Representative Brian Yamane who was an advisor on insurance issues. Also, I want to acknowledge our Conference Co-chairs -- Representatives Menor, Santiago, Kawakami and Yoshinaga for the House, and our counterparts in the Senate -- Senators Suzanne Chun Oakland and her co-chairs, Senators Kanno, Taniguchi, Fukunaga and Levin. And also to all the other members who participated in the Joint Legislative Committee meetings and public information meetings on the other islands as well as here on Oahu.

"Mr. Speaker, your Joint Legislative Committee established an open and collaborative process that invited all to participate in the discussion and decisions. Senator Chun Oakland along with the Committee members, public and private resource advisors, researchers from HMSO, LRB and the Committee consultant, Dr. Larry Nitz, proceeded with the following activities: We did research on several different options and models for long-term care financing, including Family Hope and international models from Germany and Japan. We conducted informational briefings statewide, attended seminars and symposiums on long-term care issues, convened a statewide conference on adult residential care, held informational briefings and presentations by long-term care insurance plans, and we called together different and even opposing views and interests on long-term care for planning and collaborative approaches to financing.

"And I must say, Mr. Speaker, that there are many advocates who encouraged us to look at providing universal access to long-term care. But I think before we even make that leap, Mr. Speaker, what we wanted to do, before looking at a publicly funded long-term care program, we wanted to find ways to encourage individuals to take greater responsibility for their long-term health care needs by purchasing long-term care insurance. We need to encourage employers in the public and private sector, businesses -- both large and small -- and convince them that long-term care is an issue that must be addressed. We also found that before we can seek universality, we must also be able to identify the kind of delivery system that will meet the needs for long-term care and provide assurances that those who do finance their own long-term care plans will find a stable and consistent system to provide that needed care.

"This measure will assure consistency by adopting the provisions of the National Association of Insurance Commissioners' Model Act for Long-Term Care Insurance. It calls for an actuarial study to assess the long-term care needs for Hawaii. And it continues the work of the Joint Legislative Committee.

"Mr. Speaker, I want to invite all of our members to take an active role in the Joint Legislative Committee as we continue our work. As we stand at the doorstep of the 21st Century, I cannot overstate the urgency to address the issue of Hawaii's aging population because we're sitting on a virtual social time bomb.

"How many of you realize that the fastest growing area of health care expenditures are not for the poor, the disabled or the mentally ill. The rise in health care cost points directly to the care of our elderly. And the sad fact is that the majority of our elderly do not qualify for public assistance, but neither can they afford nursing home care. . .

At this time, Representative Leong yielded her time to Representative Arakaki.

Representative Arakaki thanked the Chair and continued, stating:

"So many are forced to spend down to the level of poverty or depend on their families who must struggle with issues of finances and care giving.

"I fully realize that the measure we produce represents just a step towards the system of long-term care that would truly meet the needs of all Hawaii's elderly. But, Mr. Speaker and colleagues, we cannot run and hide from the issue. Hawaii's long-term care needs are rising like a tidal wave about to crash on our shores. And if we sincerely want to honor our elderly with the quality of life and the quality of care for their future, then we can't be afraid to act.

"To my knowledge, we are one of the few states, if any, looking at developing a system of care for our elderly and disabled, along with strategies for financing. And I don't pretend to be a prophet, but I predict that with the graying of America, that quality, affordable long-term care will be provided for all Americans as they do in Japan and Germany. So let's continue to be in the forefront, to lead the Nation in developing a comprehensive long-term care program and a model that we can be proud of here in Hawaii. Thank you."

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

"I just briefly would like to add my words in support for this measure and also the earlier measure that we passed relating to tax benefits. I think we really have made some progress. And although the previous speaker did speak at some length about the subject, it was very appropriate that we take some time to honor the work that this Legislature has done in the area of long-term care. He's absolutely right about this being a major, major problem in our future that we tackle sooner rather than later. We're making good progress.

"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. 131, SD 3, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 121 and S.B. No. 1452, HD 3, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1452, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 122 and S.B. No. 1583, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1583, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"This bill is our technology omnibus bill. And it's built here for Hawaii to help in building our high technology industry for Hawaii. High technology has great potential in Hawaii. With all the fiber coming into Hawaii, we could probably be a center for high technology in the Pacific. This is a great step in that direction.

"This bill does many things. First of all, it coordinates, through the Governor's special advisor and Special Advisory Council, the integration of all our technology services in the State. It integrates our technology marketing with our tourism marketing. It follows the federal initiatives with the Hawaii Internet Tax Freedom Act. This will help promote internet transactions in this State. It builds a work force for the next millennium by recognizing education as a basis for that, and the human resources both high on education through the E-academies and the University of Hawaii.

"For hi-tech businesses, we provide incentives custom tailored to the industry. By providing business investment tax credits, we match the efforts of many states, but we don't stop there. We also provide an exemption from taxation of stock options and royalties on patents, and that will be a powerful incentive to bring the talent of the many people in technology to Hawaii. In fact, a lot of people don't realize how powerful these incentives will be because it's these incentives that bring the people here that will build the human resource base by which the industry will be built.

"I think this bill is a major step. It puts us among one of the top states in the country, as far as incentives for high technology business, and should lay a great foundation for building these kinds of industries in Hawaii. Thank you."

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

"Mr. Speaker, this is one of two bills on this page that I believe this body can be especially proud of. And in many ways these bills are interrelated, tying both our economy and our environment together. But first of all, I'd like to thank the Higher Education Chair and the Economic Development and Business Concerns Chair, and also Senators David Ige and Carol Fukunaga for their hard work in producing such a measure.

"In last night's Star-Bulletin, there was an article about Hawaii's college grads on the East Coast lamenting about the local job market. This bill provides the opportunities to bring these college graduates home.

"Mr. Speaker, we are seeing a new economy that's entrepreneurial, dynamic and knowledge driven. This new economy is driven by the new information technologies which are transforming all industries, not just the hi-tech sector. IT, or informational technology, is driven by constant innovation and vigorous competition with all its inherent risks and great rewards.

"This bill is one step to create a new policy framework that reflects and supports all the positive forces of this IT transformation. This bill signals that Hawaii supports innovation, progress and productivity. This bill signals a shift for change and to move aggressively in reaching out to scientific advancement and technological innovations for new methods and new products which can keep us at the cutting edge of global competition.

"The policies stated in this bill support the growth of electronic commerce, spur innovation and technological advances, raise the educational and skill of the work force, and reinvent public institutions to take full advantage of the IT revolution. This bill signals that Hawaii will not be left behind, but will be an emergent leader with numerous strategic assets and advantages for developing technology-based economic activities.

"Mr. Speaker, when it's more appropriate, I'd like to speak in support of Senate Bill 953. Thank you."

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

"Mr. Speaker, I appreciate the fine intentions that have gone into this bill, and I will be speaking in favor of it but with strong reservations. We have found out and it really comes from the Governor, among many other people, that if you want to create a strong high technology environment, you build a strong university, you build a strong education system, and you reduce the cost of doing business. This bill can't do all of that and it tries to do some other things.

"One of the things that it does do is create an office of a Special Advisory Council on Technology and fund it to about \$100,000 a year. Mr. Speaker, we have high technology parks on all the islands that are there to encourage high technology. Some of them are successful. We also have a High Technology Development Corporation. And we have an office for technology transfer and development at the University of Hawaii. I wonder if we really need yet another operation working in the area of high technology, or if we might put some of our energy into supporting the outfits that we've already set up.

"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. 1583, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Rath voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 123 and S.B. No. 646, SD 2, HD 3, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 646, SD 2, HD 3, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I would like to speak in favor of the portion of this bill which addresses individual development accounts -- that is Part IX.

"This bill is one of the economic issues endorsed by the Women's Legislative Caucus. The bill is one of the few bills we've seen this session to assist low-income wage earners and welfare recipient heads of households, many of whom are women.

"The concept of IDAs began in Bangladesh where it was found that empowering women economically led them to become leaders in their communities.

"Welfare reform and families affected by it should have made us more concerned about poverty in our economic system. It is difficult to climb out of poverty without an education and assets.

"This bill, which is a true public/private partnership, is about asset building for low income households, and for those on public assistance.

"IDAs provide the opportunity for organizations, government and individuals to make a contribution which will help people move on, move up and out of poverty.

"I urge my colleagues to support this bill. 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. 646, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 124 and S.B. No. 951, SD 1, HD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 951, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Speaking in favor of Senate Bill 951, this is a bill that allows custodial accounts to University of Hawaii employees, and it also allows them to contract with third party vendors. This is a good bill because it does allow additional benefits for at least custodial accounts for University of Hawaii employees. It also allows the University and the Department of Education to contract with third parties to administer these annuity contracts and custodial accounts.

"But I did want to mention that this is not a complete bill yet at this time. We do need an effort because what was omitted out of here was that the DOE also have custodial accounts. But I did want to in particular clarify one thing that was raised in that this bill does not, I repeat, does not, allow additional administrative fees on DOE annuity contracts. 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. 951, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS," passed Final Reading by a vote of 50 ayes, with Representative Okamura being excused.

Conf. Com. Rep. No. 125 and S.B. No. 1635, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1635, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"First, I'd like to thank the Conference Committee members and even Leadership through the process of crafting this measure to this point. But, Mr. Speaker, this bill is like a double-edged sword. On one side of the sword, Mr. Speaker, is the State of Hawaii. And on the other side of the sword, Mr. Speaker, is the Board of Trustees of the Office of Hawaiian Affairs. Both sides of the sword, Mr. Speaker, have to agree to share the cost of the inventory of the Public Land Trust or continue completing that inventory. If one side of the sword decides not to fund its share, then the inventory, Mr. Speaker, won't be completed.

"Therefore, Mr. Speaker, I guess my reservation is I know that this body is committing their portion -- their 50 percent -- but the other half is contingent on the Office of Hawaiian Affairs, and I'm told they're discussing not to even fund to pay half of that fund. And that's where my reservation lies, and so this is a plea, Mr. Speaker, to the Office of Hawaiian Affairs.

"If this should happen, Mr. Speaker, this bill, like a double edged sword, will cut into the throats of my people -- the native Hawaiians, the beneficiaries of the Office of Hawaiian Affairs -- and I pray that they're listening to this as I speak.

"Thank you, Mr. Speaker."

Representative Kaho'ohalahala then rose to speak in support of the measure, stating:

"Mr. Speaker, I want to say that finally this body is going to pass through one of the more important bills in my view. Because here is an opportunity for us as a Legislature to support, along with the matching amount from the Office of Hawaiian Affairs, an inventory of the ceded lands to be done by the State Auditor. So here we have the elements together that bring objectivity. We have the sharing of the cost, and ultimately what it means to all of us as legislators is we'll have a better idea of what the total inventory of the Public Land Trust encompasses. We will also, hopefully, have a better idea on what revenues are derived from the use of these lands. And in the future, when we talk about what is just for settlement for the Hawaiian people, this is the beginning of that kind of decision making.

"So I think this is a good bill. It took a lot of work on the part of the Conference Committee Chairs. I want to thank them for their support, and I ask this body to continue to support this because following this, in a year we're going to have some semblance and a report by the State Auditor on the ceded lands inventory. And at that time, this body will have to look at further considerations when we talk about settlements for these kinds of things.

"So, if you understand why my caution in all of the previous bills that have passed on this floor today that surround the ceded lands, it's because we have now begun to erode from that corpus of lands and make decisions for leasing it, for exchanging it, and we have not yet completed an inventory. And that is why I stand on this important bill for us to pass through so that in essence we can begin to move on.

"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. 1635, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Goodenow voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 151 and S.B. No. 953, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 953, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Continuing on to Part 2 of my remarks. Earlier in the day, the Representative from Kailua showed us a pie chart of the State budget with a very, very tiny sliver of money appropriated for the environment. And it's for that very reason that this measure is necessary.

"Mr. Speaker, one of the things that I learned from my trip to Silicon Valley in February was that quality of life issues -- clean air, clean water, a beautiful environment -- were important factors in drawing people in the hi-tech, bio-tech industries to Hawaii. It reaffirmed my personal convictions that the quality of our environment is essential to the health of our economy.

"But before I proceed, I appreciate the cooperation of my Conference Committee Chair, the gentleman from Central Maui, and also Leadership, in allowing this bill to move forward. I know some of my colleagues were concerned about the mechanics of this bill, and you have my commitment that these technical issues can be further identified and refined in the next session.

"However, there were elements in this bill that were difficult to articulate because there are many intangible benefits to the

preservation and protection of our natural and cultural resources which cannot be spelled out in legalese. What we are trying to convey is that Hawaii is a very important and special place, and it is worth every effort to enhance our environment. However, in our State's financial condition, while many programs are jeopardized, we are looking for innovative ways to leverage State resources for the protection of our environment. This bill is a statement of that policy.

"Further, this bill is economic development because we know the health and diversity of our eco-systems are a natural attraction for research, which ties into the significance of a knowledge-based economy. We know that one of the greatest asset and advantage for developing a technology-based economy is that Hawaii is an attractive place to live, work and visit because of its pleasant sub-tropical weather, natural beauty, and its unique blend of Pacific, Asian and Western culture, and its reputation for hospitality.

"In a nutshell, this measure strives to protect and preserve those assets and advantages. This bill strives for a quality of life that our constituents demand and deserve. And this bill provides for the preservation of our natural and cultural resources which we owe to protect for future generations. So I ask for your support in this measure. Thank you."

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

"Mr. Speaker, this chart, which I held up hours and hours ago, shows the reason why we do need this bill. During this time of economic recession, the stewardship and partnership program is very innovative and I think it will make a difference to Hawaii. Until we can expand this small segment in the general fund, we need to think of these kinds of innovative programs.

"If anyone wants to see this during the interim, I'll have it in my office. 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. 953, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AND CULTURAL RESOURCES," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Nakasone and Yamane voting no, and Representative Okamura being excused.

Conf. Com. Rep. No. 152 and S.B. No. 1470, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1470, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Pendleton, Rath and Whalen voting no, and Representative Okamura being excused.

The Chair directed the Clerk to note that S.B. Nos. 1157, 1499, 1501, 131, 1452, 1583, 646, 951, 1635, 953 and 1470 had passed Final Reading at 7:00 o'clock p.m.

Conf. Com. Rep. No. 153 and S.B. No. 102, SD 3, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 102, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 154 and S.B. No. 513, SD 2, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 513, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"This bill takes away the right of townhouses and condominium associations to decide what types of commercial activities can be conducted in a residential unit. A townhouse association can vote 500 to 1 against child care homes, but under this law that one dissenter can open a child care home and force their wishes on every one of their neighbors.

"Mr. Speaker, can we yell 'Fire!' in a crowded theater? No, we have to respect other people. Townhouse and condominium unit owners are bound together by legal covenants and agreements designed to regulate how they may use their property. Every owner entered into these agreements willingly. They were not forced to buy a particular unit or to subject themselves to the association rules. Each owner made a trade off in deciding to buy a townhouse or condominium unit. Yes, they gave up their right to do whatever they wanted with their property, but in return they knew their neighbors were subject to similar restrictions.

"Townhouse and condominium associations commonly restrict commercial use of units. This law says there is one type of commercial activity you cannot prohibit -- a child care center. I would leave this decision in the hands of the townhouse or condominium association and let the owners determine how their property may be used. Most everyone, Mr. Speaker, likes children and supports child care. I do and I think you do. So in deciding how to vote on this measure, I suggest you substitute barber shop, tattoo parlor, doctor's office or dentist's office for child care.

"The point is, the Legislature should not take away the existing right of townhouses and condominium associations to prohibit business activities in their residential units.

"Thank you, Mr. Speaker."

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

"Mr. Speaker, just a brief response in support of the measure. There's an ancient African proverb that says: 'It takes a village to raise a child.' Here in Hawaii our villages aren't thatched huts anymore, but our villages are now suburban communities, our villages are also high rises, they're also townhouses. And there are differences between other businesses because in the business of child care, everyone has a public interest in seeing to it that we have quality, affordable and accessible child care in all of our communities for the benefit of all.

"Thank you, Mr. Speaker."

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

"It takes a village to raise a child. The village is the condominium association -- that's the village. What we're talking about is some central government coming into the village and saying 'no, no, you don't decide how the children are raised in this village, you do something else.' The condominium association has the right to provide child care for its children, if that's what it wants to do by majority vote.

"If we spent half as much energy as we do interfering with things that are already working at the ground level, if we channel that energy into doing something about the economy, we might really recover.

"Thank you, Mr. Speaker."

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

"Yes, I rise on a point of clarification. I think that the opponents of this measure are not properly reading or reading carefully enough the provisions of the bill. Reference has been made to the condo associations and the fact that this bill would mandate those associations to allow family child care homes. Nothing could be further from the truth. I would direct the opponents attention to page 6, subsection (d), it specifically provides that 'an association,' which includes condo associations, 'may authorize the use of an apartment or unit as a family child care home by obtaining the approval of the majority of the owners of the condominium project or planned community, where majority is defined in association by-laws or other association documents or by any other methods specified in the association by-laws or association documents.'

"As is evident in this provision, we are respecting the self-governance of the condo associations. We're not mandating them to do this. We're authorizing them to review it and if they want to allow it, they can do so within the context of their complexes. Thank you."

Representative Fox, in rebuttal, stated:

"The Chair of the Consumer Protection and Commerce Committee knows the bill very well and he's correct in the passages he quoted. However, he didn't quote the part about townhouses where it is mandated. And, of course, the fear of the condominium associations is that somebody who's doing child care in a condominium is going to come back next year and say: 'Hey, the townhouses do it. Why can't we?'

"Thank you, Mr. Speaker."

Representative Moses, in rebuttal, stated:

"If it is true that it is up to the majority of persons who belong to the association, then why are we making a law? They already have the right by majority rule to do that. So if it's not necessary to put that in the law, why are we doing it?"

"There's something else in that bill, Mr. Speaker, and I think you just heard it."

Representative Auwae then rose to speak in opposition to the measure, stating:

"Mr. Speaker, I understand the need for quality child care is one of the greatest needs that face young families in Hawaii. I also understand that the lack of accessibility and affordable child care is an unfortunate reality for parents. Furthermore, I recognize the need for parents to find a safe and nurturing child care environment for their children. I do not dispute these facts and I do not oppose helping these families fill their critical needs. I, too, have been faced with this issue and now I must watch my children, who are also parents, struggle with this concern.

"Mr. Speaker, I will leave the rest of my comments for the Journal," and the Chair "so ordered."

Representative Auwae's additional comments are as follows:

"However, Mr. Speaker, I must oppose this bill for several reasons. First, I believe the passage of this bill would undermine the Condominium Association's right to self-governance as outlined in HRS 514A. That statute was intended to minimize government intrusion and permit condominium associations to make their own decisions.

"Second, a residential unit should be used for residential purposes. An individual purchasing a townhome, apartment or condominium does not want increased traffic, noise, and congestion of recreations facilities, which commercial childcare facilities may create.

"Third, the Honolulu Fire Department has testified that the type of childcare facility that this bill would create would not be regulated by the building or fire codes. HRS 132-6 (a) excludes county fire departments from conducting fire code inspections in the interior dwellings of these facilities. This particular issue speaks directly to the safety concerns this may create.

"Finally, compliance with the American with Disabilities Act requirements may be quite costly. If a condominium has a fire alarm system, the Association may be responsible for replacing that system and any necessary improvements or remodeling to common areas may ultimately place an undue financial burden on all the owners within a complex. It is for these reasons that I must oppose SB 513, CD 1.

"Thank you, Mr. Speaker."

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

"When I first was elected to office, my daughter said to me, 'Mom, what are you going to do about child care in this State?' She was in the process of becoming a young mother. She was hapa'i, and she was saying it's one of the most serious problems that we have. It requires a body such as this to set a policy, and that's what we're doing today -- we are setting a policy. We're taking a step, we're recognizing that one of the most serious problems for young parents, single mothers, fathers, mothers, any young parent, they don't have safe and affordable child care. Then how do you go to work and how do you earn a living when you're worried about what's going on with your child?"

"This is one just tiny step, and I would think that we all would be very strongly in support of it. Those who are parents of young children certainly recognize the problem. I happen to be a grandmother and I recognize the problem. I think we've taken a step of which we should be proud today. I don't think the sky is going to fall, and I think the world will go on, but it will go on with safer child care in Hawaii because of this bill. I applaud those who are going to vote for this.

"Thank you, Mr. Speaker."

Representative Meyer then rose in support of the measure with reservations and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise in favor of S.B. 513, SD 2, HD 2, CD 1, but with a few reservations.

"Although I generally support the idea of family child care homes, I take exception to the final version of this bill for several reasons. The elimination of the liability for injuries to a child under the care in one of these homes seems dangerous to the child and its parents. The mandate that non-association shall prohibit the operation of a family child care home, leaving the association powerless if it truly is in its best interest not to have a family child care home in a certain townhouse."

Representative Rath then rose to speak in opposition to the measure, stating:

"I think we have 42 extra members here because County Councils generally have nine members, and I think we tend to be Honolulu-centric in this House. We have to realize that every county has a different council and they have different zoning codes. If there's anything that is obviously meant to be

dealt with, as a matter such as this is dealt with in the zoning codes, it's dealt with differently in every county. And I think when you start to make laws like this, you don't stop and think, what are the existing codes? What you're doing is you're changing property rights.

"When a person buys a townhouse, they have no expectation that a group of people in Honolulu are going to install a child care business right next door to them when they buy that. Now if that happens in a county where you know it's coming down the pike, it's in the paper, there's public hearings, and you know that something is being changed. In this instance, you're affecting the entire State.

"I think that when you start to look at bills like this, if you want to be on the Council, run for County Council, if you want to be a State Representative, stick with the issues. Thank you."

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

"Mr. Speaker, the need for safe and affordable child care is critical, as we all know. In this bill, we're talking about safe and licensed child care. Child care will go on in condominiums. It will go on in apartment buildings whether or not we pass this bill or not. The cost of child care in a child care facility can be as great as \$800 per child. The cost of family child care is much less. And that's why this kind of care is acceptable to our young people.

"I think an important point to be made is that no townhouse association testified against this measure. That may be because many young families live in townhouses.

"I think Representative Thielen was absolutely right when she said this is one small step in the right direction.

"Thank you very much."

Representative Whalen then rose to speak in opposition to the measure, stating:

"I looked at the bill and I generally accept what the Chairman of the Consumer Protection Committee tells me. It is my understanding the statement earlier was that we wouldn't be requiring any condo ownership organization to have a family child care home in there. But on page 4, lines 2 through 5, it seems to me that is what it's saying for a townhouse operation. So the way I read it is they require it. And although some have said that this is a great idea, it goes to ownership. You own something, you are an owner of a piece of property and the government is telling you how you can use it.

"For those of you who own single-family homes and have a yard, to make it comparable so that you can relate to it, we pass a law saying if there's a child care home opened up near you, they can use your yard, swimming pool, climb in your trees if they want, we kind of laugh -- it's ridiculous. Well, that is what we're doing here because for townhouses, they are the owners of these various whatever it is -- the horseshoe pit, the barbecue grill, the swimming pool, the yard area -- they own it, and we're telling them how they can use their property, that they have to allow things on there that they don't want.

"Secondly, the comment from some of the members here said this a great step, small step and all that, to provide safe and affordable child care. First of all, the requirements of the bill make it extremely expensive. They have to pay for any and all improvements, they have to have the insurances required, indemnify the association. This is an expensive proposition that won't be just done by someone trying to make ends meet, who decides instead of working I'll stay home and take care of kids as well as my own. It's not going to work that way because it's very, very expensive. So I don't think it's going to provide safe and affordable child care. And all of the testimony

was that having it in these kind of places is not necessarily safer.

"If our goal is to provide safe and affordable child care, which I agree it is, the testimony was also very clear, Mr. Speaker, that their very biggest problem is that the State regulates this to the nth degree. If a child care provider decides they would like to provide juice and cookies or some kind of snack during the day, they have to hire a \$40 an hour nutritionist to go over their menu repeatedly to authorize and to say yes, this okay. If you have lights in your house, which we all do, you have to have grids over them so they cannot be broken. All these different requirements that need to be done for child care, that if we really want to provide safe and affordable child care, we'd get rid of the extraneous things and focus on what is really necessary for the safety of these children and then stop regulating all the other things so that people can do this. Because right now, the way it stands, even though we say you can do it, it's still going to continue going on underground. I live in a rural community and it still goes on underground, so to speak, because nobody has the money to comply with all the regulations that the State -- the department -- puts on them.

"So that is where the focus should be -- not telling homeowners how they can use their yard, their walkways and everything else, how to use their own personal property, but to focus in at the real problem which is us, where we have already regulated it out of existence.

"Thank you, Mr. Speaker."

Representative Pendleton then rose to speak in support of the measure with strong reservations, stating:

"Mr. Speaker, I'd like to have the remarks of the Representative of South Kona, as well as the Representative from Waikiki, entered into the Journal as though they were my own," and the Chair "so ordered." (By reference only.)

"Representative Pendleton continued, stating:

"Briefly I'd like to add that I strongly support the goal and intent and purpose of this bill. I think we all understand, especially those of us with young children, understand the need for safe and affordable child care. My major reservation is I'm not sure this bill actually gets us there. So I'd like the stated destination, but I don't think that this is the vehicle that gets us there.

"The other concern I have has to do with the decision-making processes, whether or not this is really an issue appropriate for the State to deal with, or whether the county is probably more appropriate for making that kind of decision. And whether or not we're beginning to erode the decision-making power of smaller subsets of the government, private groups such as condominiums and townhome owners. I'm wondering if we really should be usurping that authority. So with those reservations noted, Mr. Speaker. Thank you."

Representative Stegmaier then rose and stated:

"While I am struggling with this particular one, I am going to voting in opposition. And what it boils down to, for me, is that I do not believe government should be telling residential communities what to do with their communities. Ultimately, we need to trust the individuals to provide for the people within their communities. And if there is an owner who desires to have a child care operation, he or she should be able, I would say, to go to the neighbors, as has been done in numerous locations throughout the State, and get their support. Ultimately I think that's the answer.

"Thank you, Mr. Speaker."

Representative Lee, in rebuttal, stated:

"If I could just make one additional comment. I think it's important to distinguish between child care facilities and family child care homes so that the requirement for a nutritionist to visit the home would not be appropriate for a family child care home. It's as if the child care was occurring in your own home. There are licensing requirements, but they're certainly far less than they are for child care facilities.

"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. 513, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Final Reading by a vote of 35 ayes to 14 noes, with Representatives Auwae, Fox, Goodenow, Halford, Leong, Marumoto, McDermott, Moses, Nakasone, Rath, Souki, Stegmaier, Whalen and Yamane voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 155 and S.B. No. 1032, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1032, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 156 and S.B. No. 1034, SD 1, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1034, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"Mr. Speaker, I would first of all like to thank all the members of the Health, the Human Services, and Finance Committees who heard the testimony on Senate Bill 1034 and moved it into conference, and to the conferees for their patience in the deliberations. I would also like to thank the representatives of the Coalition for Tobacco Free Hawaii, Representative Mark Takai and many, many other individuals who helped craft this bill.

"Senate Bill 1034 gives Hawaii a unique opportunity to save lives, reduce medical costs associated with tobacco-related illnesses, and provides additional funding for other health programs. It is a comprehensive bill that benefits all of Hawaii's residents.

"Late last year a settlement was reached with the tobacco industry that will result in over \$1.3 billion coming to Hawaii over the next 25 years. The settlement is a reimbursement for decades of tobacco industry practices that addicted millions of youngsters and resulted in tremendous health care costs to the State. While some would say this settlement is too little, the fact remains that we are now faced with the very real task of deciding how best to utilize these funds.

"Mr. Speaker, the tobacco industry spends approximately \$24 million in Hawaii each year on advertising alone. Their efforts have paid off. Almost 90 percent of smokers begin as kids. More than 4,000 youth in Hawaii become new daily smokers each year. Twenty-nine percent of high school students smoke, and over the past 10 years the number of youth under 18 who become daily smokers each year has increased more than 70 percent.

"Senate Bill 1034, Conference Draft 1, sets aside first, 25 percent of the tobacco settlement funds into a trust fund for

tobacco prevention and control programs. It is my deep hope and desire that this fund will exist in perpetuity, and it will be allowed to be built up so that its interest can be used to fund these programs.

"The second part puts aside 35 percent of the settlement funds for the State Department of Health for health programs and of that 35 percent, approximately 10 percent to the Department of Human Services for the child health insurance program. And number three, 40 percent of the settlement funds will be set aside for the Governor's emergency and budget reserve fund, sometimes referred to as a 'rainy day fund.' And although some would argue that it's pretty 'rainy' today, I'll leave that debate for another time.

"That debate notwithstanding, this bill provides the funds to combat decades of tobacco industry practices that addicted millions of kids and resulted in a tremendous cost to our Nation and our State. To date, only a few states have made substantive commitments to fund tobacco prevention, education and control programs, prompting our federal government to begin debating whether or not a minimal number, a minimal percentage number, should be set aside for these types of programs. That debate is continuing today.

"By supporting Senate Bill 1034, Hawaii can emerge once again as the Nation's leader, in terms of public health policy and education, while still setting aside money for emergencies in the future. Senate Bill 1034 has much to offer Hawaii's residents. It will help provide economic stability for the State through the Governor's emergency and budget reserve fund. It would also help effect long-term social change in our community through the establishment of a trust fund that will fund a variety of programs to reduce the burden of tobacco. It will also help to rebuild the public health infrastructure with a focus on health promotion and disease prevention.

"Mr. Speaker, if all goes as planned, someday when I look back on all the issues and measures I have had the privilege of being involved with, this measure, I believe, will be one of those that I will remember as being significant and very important with the resulting efforts to many individuals. I want to thank you, Mr. Speaker, for giving me the opportunity to manage and be involved with this measure.

"I urge you and all of our colleagues to support this bill and make a difference in the lives of Hawaii's people. Thank you."

Representative Arakaki then rose and stated:

"I would also like to thank our Health Committee Chair and also the Senate Health and Human Services Committee Chair for their work on this measure. I'd like to request that the words of the Health Committee Chair be entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only)

Representative Takai then rose in support of the measure and asked that the remarks of the Representative from the North Shore be entered into the Journal as if his own (by reference only), 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 this measure.

"Today marks a turning point in Hawaii's history. Senate Bill 1034 will place 25 percent of the State's tobacco settlement money into a trust fund that will support tobacco prevention and cessation programs.

"An additional 35 percent of the settlement funds will be used for health promotional activities, including possibly tobacco prevention.

"The bill will be our legacy. This bill will help fund programs that protect the future of our children and provide help for those who are already addicted. . . forever!

"Hawaii expects to receive a total of \$1.2 billion through 2025 or about \$43 million per year. Recently, State Attorney General Margery Bronster announced that Hawaii will be receiving an additional \$203 million of tobacco company money from a strategic contribution fund, to be distributed to the State over a period of 10 years, beginning in 2008.

"With the passage of this bill, we will make a decision that will save lives, save money and improve public health. This bill will positively impact every resident in Hawaii, especially our children.

"With the passage of this bill, Hawaii will become one of only five states that have made a commitment to fund tobacco prevention programs beyond a minimal level. Sixteen states have already decided to spend no money or less than two percent of the settlement dollars they receive on tobacco prevention efforts.

"Hawaii has once again placed itself on the map as one of the Nation's leaders in terms of public health and education. We now have the funds allocated to mount an effective education campaign against the tobacco industry, which for years has targeted our children."

Representative Thielen then rose and stated:

"Mr. Speaker, I'm also rising to speak in support of the bill. I have reservations only as to putting 40 percent of the settlement into the 'rainy day fund', and I would like to have those comments placed into the Journal, please.

"I certainly congratulate the Chair and all of those others who've worked so hard on this. Thank you."

The Chair "so ordered."

Representative Thielen's remarks are as follows:

"This bill proposes uses for the tobacco settlement. I object to the section that allocates 40 percent of the settlement fund to a 'rainy day fund.'

"The fund should be used for the children's health insurance program and programs relating to prevention and disease control. A comprehensive prevention and control program is necessary to fight tobacco. With the settlement, we have a great opportunity to utilize tobacco dollars for tobacco prevention.

"Every year, 1,100 people in Hawaii die from tobacco related illnesses. What is even more tragic, nearly 30 percent of Hawaii's youth take up the habit of smoking. Many of them will suffer and die from tobacco addiction. Annually, we spend \$320 million in health care costs directly related to smoking. Programs in Massachusetts and California have proved successful in reducing smoking among children. Again, I have reservations on this bill because I believe all of the tobacco moneys should be spent on children's health insurance and prevention and disease control programs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1034, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Rath voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 157 and S.B. No. 1229, SD 1, HD 3, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1229, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Herkes voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 158 and S.B. No. 844, SD 2, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 844, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Herkes voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 159 and S.B. No. 830, SD 1, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 830, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Nakasone and Yamane voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 160 and S.B. No. 1082, SD 2, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1082, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Leong, Marumoto, Pendleton, Rath and Stegmaier voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 161 and S.B. No. 1127, SD 1, HD 3, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1127, SD 1, HD 3, CD 1, pass Final Reading, seconded by Representative Yonamine.

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

"I'm almost through with my 'dead trees' for tonight so bear with me. This bill imposes a \$10,000 minimum annual assessment or tax on health insurers such as HMOs. That's pretty steep. However, it also imposes a one-time \$1 million tax that must be paid by September 30th of this year.

"This one-time tax is imposed regardless of whether the organization is for profit or not for profit, large or small, profitable or not profitable. This HMO tax will be passed on to the consumer, businesses and families that buy health plans. It will increase the cost of living and the cost of doing business in Hawaii. That's exactly what we need, isn't it, Mr. Speaker? Our economy needs to be stimulated, not strangled. I'm also concerned that the \$1 million assessment will make our smaller health care insurers to stop doing business in Hawaii. So we'll drive them out. The better approach would be to tie the fee to the number of persons insured.

"Finally, think about a mainland HMO that wants to start doing business in Hawaii in the year 2000. They were not here on September 30, 1999, and so did not pay the \$1 million assessment. Those who did pay the tax will feel they have not been treated fairly.

"Please defeat this bill, Mr. Speaker. Thank you."

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

"For the edification of the members, the actual bill states that it will be a 'one-time assessment in an aggregate amount not to exceed \$1 million to be credited to the insurance regulation fund; provided that the Insurance Commissioner may spread the total assessment required over several smaller assessments.' It might be one time, but it's time payment. And it's not \$1 million -- the \$1 million is the ceiling.

"For those of us who have been around for the last few years, all of you know that we have made several requirements of the insurance department -- lots of requirements -- ever since 1995 when I got in, especially on the health side, because there was no regulation before. We have not given the Insurance Commissioner any resources -- this will be the first. I'm not quite sure if he needs this much money, but I'm sure he needs resources because we haven't given him any over the last few years. So I think it's important that we do start this process, and if the limits are too high then they can be adjusted later, but he definitely needs resources.

"Thank you, Mr. Speaker."

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

"My understanding is the same as the previous speaker from Kaimuki that it is a total of \$1 million in this fund. But the way I see it, with about 10 small companies paying \$10,000, that leaves two large companies to pay \$900,000 -- the balance. Each of them may be assessed let's say, \$450,000. That's a lot of premiums being paid per family. So I really think that this is going to raise our premium cost for health insurance, therefore, I'm voting no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1127, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 39 ayes to 10 noes, with Representatives Fox, Halford, Leong, Marumoto, McDermott, Meyer, Moses, Pendleton, Rath and Stegmaier voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 162 and S.B. No. 1144, SD 1, HD 2, CD 1:

Representative Case moved that the report of the Committee be adopted and S.B. No. 1144, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Yonamine.

Representative Meyer rose in opposition to the measure and asked that her comments be inserted into the Journal, and the Chair "so ordered."

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise in opposition to S.B. 1144.

"This bill provides that 40 percent of the revenue from the franchise tax be deposited in the Financial Institution Examiners' Revolving Fund. Since the funds are being removed from the general fund, the expenditure of those funds will never be subject to the spending ceiling and taxpayer evaluation. In addition, there is not oversight as to whether those fees are appropriate to cover the cost of the function or whether they will produce a substantial surplus. That is why the appropriation process exists, to give lawmakers the oversight and means to hold bureaucrats accountable to those expenditures."

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

"This is relating to the franchise tax revenue. This is another in a long line of bills that diverts money from the general fund to a special fund. We have a constitutional duty to oversee the revenues and expenses of the State government. By passing this bill, we give up that duty. In a few years, there'll be no general revenues left. It'll be in some special fund targeted for a special purpose.

"The Hawaii Constitution requires that we return excess funds to the taxpayers. By putting every dollar in a special fund, we avoid ever having to give tax money back to the taxpayers. Sadly, this is a purely theoretical and constitutional argument. We are not going to have a surplus anytime soon.

"Thank you, Mr. Speaker. And by the way, for my colleagues, that was my last speech."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1144, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Final Reading by a vote of 42 ayes to 7 noes, with Representatives Fox, Halford, Marumoto, Meyer, Moses, Pendleton and Rath voting no, and Representatives Okamura and Takamine being excused.

Conf. Com. Rep. No. 163 and S.B. No. 1279, SD 2, HD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.B. No. 1279, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSAL SERVICE FUND," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 102, 513, 1032, 1034, 1229, 844, 830, 1082, 1127, 1144 and 1279 had passed Final Reading at 7:33 o'clock p.m.

Conf. Com. Rep. No. 195 and S.C.R. No. 184, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and S.C.R. No. 184, SD 1, HD 1, CD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF HAWAII'S LAWS RELATING TO DOMESTIC VIOLENCE," was adopted, with Representatives Okamura and Takamine being excused.

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 2024) recommending that H.R. No. 218, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 218, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT THE CONVENING OF A FATHERHOOD TASK FORCE BY THE HAWAII COALITION FOR DADS TO PROMOTE STRONG FAMILIES THROUGH POSITIVE FATHERING INITIATIVES," was adopted, with Representatives Okamura and Takamine being excused.

Representative Arakaki, for the Committee on Human Services and Housing, presented a report (Stand. Com. Rep. No. 2025) recommending that H.R. No. 219, as amended in HD 1, be adopted.

On motion by Representative Case, seconded by Representative Yonamine and carried, the report of the Committee was adopted and H.R. No. 219, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED NATIONS CHILDREN'S FUND (UNICEF) TO ESTABLISH A CENTER FOR THE HEALTH, WELFARE, AND RIGHTS OF CHILDREN AND YOUTH IN HAWAII, AND RESPECTFULLY REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE U.S. CONGRESS TO SUPPORT THE CENTER," was adopted, with Representatives Okamura and Takamine being excused.

At 7:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:36 o'clock p.m., the Speaker resumed the rostrum.

MATTERS DEFERRED TO THE END OF THE CALENDAR

Conf. Com. Rep. No. 72 and H.B. No. 945, HD 1, SD 1, CD 1:

Representative Case moved that the report of the Committee be adopted and H.B. No. 945, HD 1, SD 1, pass Final Reading, seconded by Representative Yonamine.

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

"To cut short the length of my speech, I'll read from a letter I received from the President of the Keahole Agriculture Park Association. This bill extensively allows agricultural park lessees to sell their products and value added products. The letter goes as follows:

'What happened? As President of Keahole Agricultural Park Association, I am leading the effort for the passage of H.B. 945, allowing value added processing of agricultural products and agriculture-related commercial activity in State ag parks for all lessees in all State ag parks. This activity is currently allowed in Hawaii County on agricultural zoned lands simply with a payment of a small fee for a permit. The State does not allow this activity in its agricultural parks even in a county that on all other agricultural lands it is allowed. We are seeking the same opportunities as other farmers not in State ag parks.

'H.B. 945 was doing pretty good with this intent until it went to conference and then it was integrately changed to allow ancillary and commercial activities on only two lots. This integral change favors an effort that started with a few wealthier lessees at Keahole Ag Park when they tried to pass S.B. No. 3223, S.D. 2, last session allowing similar activities as H.B. 945, but also envisioned in agriculture theme park to bring bus loads of tourists (basically a tourist attraction) on Lot #4 in Keahole Ag Park. The bill died. This activity is not wanted by the vast majority of the lessees. We just want to be able to sell our potted plants, leis, fruit, etc. and to be able to process our products on our lots. By changing the intent of the bill in conference you are not allowing the lessees to have the same abilities to be successful as other farmers not in State ag parks and are going to line the pockets of a few wealthy individuals. This needs to be changed back or kill the bill. We would rather have nothing than something wrong and immoral. What happened in conference? I need to know, our association is going to want to know why we were misled.' And that was signed by Mr. Mark Jernigan, President of the Keahole Ag Park Association.

"Mr. Speaker, what happened here I don't really know. The bill went through the House, the public process. There were lots of testimony on the bill. People flew over from Kona. It

went to the Senate and it was changed very little in the Senate. And then it went to conference.

"A bureaucrat who works for the Agriculture Department basically came in on the eleventh hour with everything that was in the previous Senate Bill. Now, the wealthy lessees that were referred to there had not come and testified or submitted testimony. At a meeting I was at, at the Ag Park, the vast majority of lessees, when I asked would they rather have the one lot or would they rather all be able to do like the rest of the farmers on the Big Island can do and sell their products to raise their hands, they all raised their hands except for about four.

"As a consequence, I worked with the Chair of Agriculture who was very magnanimous in helping with this. We took this process through to try to allow these people to make a living. For guys who grow plumerias, to be able to buy orchids and put them in their leis and sell them. That's value added. That's all they were looking for, and be able to sell just like everybody else on the Big Island can do directly on their lot.

"My suspicion is, and I don't know if this is correct, but I will be checking it out in future days, is that one or more of those wealthy landowners contacted a bureaucrat. And presto, a change in the eleventh hour -- it was changed back to the Senate Bill that died last year.

"Now, what's problematic with allowing one lot, as the Senate Bill did, is you now compete with private industry. There are lots of farmers' markets in Kona where they don't pay their paltry \$1,000 a year for five acres. They either have to buy or lease very expensive commercial land to put these farmers' markets and tourist attractions on it, where you can come by and buy Kona coffee and the rest of our agricultural products, macnuts and the like.

"So basically what this does is, it allows a few people to be able to go in, grab one lot and compete with private enterprise in an unfair advantage. What is even worse than that, Mr. Speaker, is that it keeps all the farmers in the ag lot from being able to compete with the other farmers in the private sector on an equal footing where they can sell value added products or processing, such as roast coffee or assemble fruit into baskets and add a couple of bananas to it if they don't grow bananas. That's what they were looking for.

"So here I am standing for a bill that I had hoped with all my heart would pass to help these people. And now it has been turned around into a very narrow special interest bill. Now my feeling is that bureaucrat talked to those wealthy owners, and I'll find this out, I don't know for certain, and in the eleventh hour completely changed this bill.

"The ag park lessees would rather see this bill killed than to go forward as it is. I can absolutely guarantee you the rest of the business community who have gone out and sweat and worked and paid to buy commercial property, they don't want to see this passed and have a theme park with bus loads of tourists coming in and unfairly competing with them.

"I'll be voting against this bill, Mr. Speaker, even though I originally was one of the framers of it. After seeing this occur and going through, as my good friend, the Representative from Kailua says about process, I've come to the conclusion that Hawaii might be an excellent place to form a democracy.

"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. 945, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," passed Final Reading by a vote of 39 ayes to 10 noes, with Representatives Auwae, Fox, Halford, Leong, Marumoto, Meyer, Moses, Pendleton, Rath and Whalen voting no, and Representatives Okamura and Souki being excused.

The Chair directed the Clerk to note that H.B. No. 945 had passed Final Reading at 8:45 o'clock p.m.

Conf. Com. Rep. No. 131 and H.B. No. 122, HD 2, SD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, Conf. Com. Rep. No. 131 and H.B. No. 122, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," were recommitted to the Committee on Conference. (Representatives Okamura and Souki were excused.)

Conf. Com. Rep. No. 164 and H.B. No. 162, HD 1, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, Conf. Com. Rep. No. 164 and H.B. No. 162, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," were recommitted to the Committee on Conference. (Representatives Okamura and Souki were excused.)

Conf. Com. Rep. No. 188 and H.B. No. 157, HD 2, SD 2, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, Conf. Com. Rep. No. 188 and H.B. No. 157, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," were recommitted to the Committee on Conference. (Representatives Okamura and Souki were excused.)

Conf. Com. Rep. No. 35 and S.B. No. 594, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, Conf. Com. Rep. No. 35 and S.B. No. 594, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," were recommitted to the Committee on Conference. (Representatives Okamura and Souki were excused.)

Conf. Com. Rep. No. 102 and S.B. No. 1256, SD 2, HD 1, CD 1:

Representative Case moved that Conf. Com. Rep. No. 102 and S.B. No. 1256, SD 2, HD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Yonamine.

Representative Halford then rose to disagree with the recommitment, stating:

"I disagree with the recommitment. I have no comment except to say 'no'. It's a good bill," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and Conf. Com. Rep. No. 102 and S.B. No. 1256, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM," were recommitted to the Committee on Conference, with Representative Halford voting no. (Representatives Okamura and Souki were excused.)

Conf. Com. Rep. No. 115 and S.B. No. 1235, SD 1, HD 1, CD 1:

On motion by Representative Case, seconded by Representative Yonamine and carried, Conf. Com. Rep. No. 115 and S.B. No. 1235, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," were recommitted to the Committee on Conference. (Representatives Okamura and Souki were excused.)

At 8:55 o'clock p.m., Representative Takai asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:56 o'clock p.m.

FINAL READING

The following bills were taken from the Clerk's desk and the following actions taken:

H.B. No. 7, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 7, and H.B. No. 7, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 8, HD 1, SD 2:

Representative Case moved that the House agree to the amendments proposed by the Senate to H.B. No. 8, HD 1, and H.B. No. 8, HD 1, SD 2, pass Final Reading, seconded by Representative Marumoto.

Representative Hiraki rose in support of the measure and asked that his comments be inserted into the Journal, and the Chair "so ordered."

Representative Hiraki's remarks are as follows:

"Mr. Speaker and members of the House, I would like to say a few words in favor of House Bill 8 -- Relating to Motor Vehicle Driver Licensing.

"Because Social Security numbers give people access to many sensitive pieces of personal information, there has been much discussion over the years about displaying Social Security numbers on Hawaii driver's licenses. As the Hawaii driver's license is considered to be one of the most reliable sources of identification, businesses and organizations will not hesitate to ask people to show their license, and every time we as consumers show our driver's license, we also reveal our Social Security number. Such a practice not only violates people's privacy, it also threatens their financial security.

"Social Security numbers identify a person's financial, educational, medical, as well as personal interests, and no one should have access to such private information. We all have heard horrifying stories about innocent citizens losing their life savings and control over their private matters because unscrupulous people have taken advantage of the ease with which Social Security numbers can now be obtained over the internet and so forth. Movies have even been made about this dilemma. By eliminating Social Security numbers from the face of the Hawaii driver's license, the State is taking one step towards protecting the interests of the people of Hawaii.

"I would like to thank the Chair of the Judiciary and Hawaiian Affairs Committee and the Chair of the Finance Committee for their cooperation in passing this necessary piece of legislation, as well as the Vice Chair of the Transportation Committee who served as a Co-Chair in the Conference Committee for his assistance in this matter."

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. 8, HD 1, and H.B. No. 8, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

At 8:58 o'clock p.m., Representative Yonamine asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:59 o'clock p.m.

H.B. No. 77, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 77, HD 1, and H.B. No. 77, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 98, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 98, HD 1, and H.B. No. 98, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Rath voting no, and Representatives Okamura and Souki being excused.

H.B. No. 248, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 248, HD 1, and H.B. No. 248, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 300, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 300, HD 1, and H.B. No. 300, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 310, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 310, HD 1, and H.B. No. 310, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND BUDGETING FOR NEW SCHOOLS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 314, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 314, and H.B. No. 314, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 328, HD 1, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 328, HD 1, and H.B. No. 328, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Final

Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 411, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 411, HD 1, and H.B. No. 411, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 424, HD 2, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 424, HD 2, and H.B. No. 424, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FOREST RESERVES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 440, HD 2, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 440, HD 2, and H.B. No. 440, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 519, SD 2:

Representative Case moved that the House agree to the amendments proposed by the Senate to H.B. No. 519, and H.B. No. 519, SD 2, pass Final Reading, seconded by Representative Marumoto.

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

"I hate to break us off this rhythm. Mr. Speaker, I question whether we need to keep the Teacher Standards Board. In the hearings that I was in on, there was no testimony as to how this Board actually was improving the quality of our teachers. In fact, I view it as more of a 'gatekeeper' to allowing teachers to teach within the State of Hawaii. I wasn't able to discern any of the testimony that would indicate that there's been an improvement.

"In fact, as a State, I think our citizens are very displeased, dissatisfied with the state of education, and that is the goal of this Board -- to see improvement. They've been in operation, they've been doing their thing for awhile, and I haven't heard anything positive about how it has improved the quality of our teachers.

"For those reasons, Mr. Speaker, I feel the experiment has not proven to be successful and we should get rid of it. Thank you."

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

"Mr. Speaker, this Teacher Standards Board -- it's about two years I think, and right now they're going through a process of getting the teachers into the system and getting the Board organized. Right now, they're also going to be working with other teachers in trying to articulate with the University College of Education working with the DOE. And from what I understand, it's going to be really a system where accountability is going to be factored in. Teachers that get licensed, they're going to be also teaching to the Standards.

"So all in all, I feel strongly that we should give the Teacher Standards Board a chance. It's going to sunset in the year 2010, and at that time we can look over the progress of the Teacher Standards Board, and at that time address if we should be certified or we should expire the Teacher Standards Board.

"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. 519, and H.B. No. 519, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Whalen voting no, and Representatives Okamura and Souki being excused.

H.B. No. 532, HD 3, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 532, HD 3, and H.B. No. 532, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GENDER EQUITY IN SPORTS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 582, HD 2, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 582, HD 2, and H.B. No. 582, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 715, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 715, and H.B. No. 715, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 746, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 746, HD 1, and H.B. No. 746, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HULA," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 753, HD 2, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 753, HD 2, and H.B. No. 753, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF SPECIAL IMPROVEMENT DISTRICTS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 797, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 797, HD 2, and H.B. No. 797, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR RECREATION," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 842, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 842, HD 2, and H.B. No. 842, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GLASS CONTAINER RECOVERIES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 980, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 980, HD 2, and H.B. No. 980, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 985, HD 2, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 985, HD 2, and H.B. No. 985, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 997, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 997, HD 1, and H.B. No. 997, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY LAUNDERING," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 999, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 999, HD 1, and H.B. No. 999, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

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

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1012, HD 1, and H.B. No. 1012, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII FUND," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1035, HD 1, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1035, HD 1, and H.B. No. 1035, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1079, HD 3, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1079, HD 3,

and H.B. No. 1079, HD 3, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF BUSINESS ENTITIES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1124, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1124, and H.B. No. 1124, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ADVISORY COUNCIL ON REHABILITATION," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1153, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1153, HD 1, and H.B. No. 1153, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL LIQUOR SALES TO MINORS," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1162, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1162, HD 2, and H.B. No. 1162, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY," passed Final Reading by a vote of 42 ayes to 7 noes, with Representatives Fox, Halford, Marumoto, Meyer, Pendleton, Rath and Whalen voting no, and Representatives Okamura and Souki being excused.

H.B. No. 1166, HD 1, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1166, HD 1, and H.B. No. 1166, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND PROGRAM," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1170, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1170, HD 2, and H.B. No. 1170, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COST-RECOVERY FEES FOR DELINQUENT LIBRARY ACCOUNTS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and Representatives Okamura and Souki being excused.

H.B. No. 1180, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1180, and H.B. No. 1180, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSE FOR IMPORTED MARINE LIFE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1186, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1186, and H.B. No. 1186, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE PENALTIES," passed Final

Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1188, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1188, and H.B. No. 1188, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1197, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1197, HD 2, and H.B. No. 1197, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1203, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1203, HD 1, and H.B. No. 1203, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

H.B. No. 1409, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1409, HD 2, and H.B. No. 1409, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Souki being excused.

The Chair directed the Clerk to note that H.B. Nos. 7, 8, 77, 98, 248, 300, 310, 314, 328, 411, 424, 440, 519, 532, 582, 715, 746, 753, 797, 842, 980, 985, 997, 999, 1012, 1035, 1079, 1124, 1153, 1162, 1166, 1170, 1180, 1186, 1188, 1197, 1203 and 1409 had passed Final Reading at 9:08 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Case, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of reconsidering action previously taken. (Representatives Okamura and Souki were excused.)

RECONSIDERATION OF ACTION TAKEN

On motion by Representative Case, seconded by Representative Marumoto and carried, the House reconsidered its action taken in disagreeing to the amendments proposed by the Senate to the following House Bills:

April 7, 1999: H.B. Nos. 970, HD 1 (SD 1); 971, HD 1 (SD 1); 972, HD 1 (SD 1); 973, HD 1 (SD 1); 1257, HD 1 (SD 1); 1616, HD 1 (SD 1); 1617, HD 1 (SD 1) and 1621, HD 1 (SD 1).

April 8, 1999: H.B. No. 877, HD 1 (SD 1).

April 15, 1999: H.B. Nos. 898, HD 2 (SD 1); 1008 (SD 2) and 1037 (SD 1). (Representatives Okamura and Souki were excused.)

At 9:10 o'clock p.m., Representative Meyer asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:12 o'clock p.m.

FINAL READING

H.B. No. 877, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 877, HD 1, and H.B. No. 877, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 898, HD 2, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 898, HD 2, and H.B. No. 898, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN AGRICULTURAL WATER SYSTEM FOR UPCOUNTRY MAUI," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 970, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 970, HD 1, and H.B. No. 970, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

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

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 971, HD 1, and H.B. No. 971, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 972, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 972, HD 1, and H.B. No. 972, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 973, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 973, HD 1, and H.B. No. 973, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL

PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 1008, SD 2:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1008, and H.B. No. 1008, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO LIABILITY," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives McDermott and Whalen voting no, and Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 1037, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1037, and H.B. No. 1037, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 1257, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1257, HD 1, and H.B. No. 1257, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 1616, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1616, HD 1, and H.B. No. 1616, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 1617, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1617, HD 1, and H.B. No. 1617, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

H.B. No. 1621, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1621, HD 1, and H.B. No. 1621, HD 1, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Final Reading by a vote of 48 ayes, with Representatives Goodenow, Okamura and Souki being excused.

The Chair directed the Clerk to note that H.B. Nos. 877, 898, 970, 971, 972, 973, 1008, 1037, 1257, 1616, 1617 and 1621 had passed Final Reading at 9:15 o'clock p.m.

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

H.C.R. No. 4, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 4, HD 1, and H.C.R. No. 4, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO EXPAND AND MAKE PERMANENT THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 6, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 6, and H.C.R. No. 6, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALTERNATIVE ACCESS ROUTES TO MAJOR COMMUNITIES CURRENTLY SERVED BY A SINGLE ACCESS ROADWAY," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 9, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 9, HD 1, and H.C.R. No. 9, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO VIGOROUSLY PURSUE CIVIL LITIGATION OF THE GASOLINE CASE, AND TO EXPRESS THE LEGISLATURE'S SUPPORT FOR THIS EFFORT," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 47, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 47, and H.C.R. No. 47, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU CITY COUNCIL TO ADOPT RESOLUTION NO. 98-226, PROPOSING AMENDMENTS TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, RELATING TO ZONING OF ADULT ESTABLISHMENTS," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 64, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 64, HD 1, and H.C.R. No. 64, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION'S SUPPORT FOR THE DESIGNATION AND ESTABLISHMENT OF A NATIONAL GUARD RAPID ASSESSMENT AND INITIAL DETECTION TEAM IN HAWAII TO ASSIST THE STATE IN RESPONDING TO NUCLEAR, BIOLOGICAL, OR CHEMICAL THREATS," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 94, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 94, and H.C.R. No. 94, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALL SCHOOLS IN HAWAII TO INCLUDE MUSIC AS A REGULAR AND INTEGRAL PART OF THEIR CORE CURRICULUM," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 220, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 220, HD 1, and H.C.R. No. 220, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE AIRPORT DIVISION OF THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF BUDGET AND FINANCE TO WORK CLOSELY WITH AIR CARRIERS SERVING HAWAII TO DEVELOP STRATEGIES TO EFFECTIVELY REDUCE AIRPORT SYSTEM COSTS TO ACHIEVE LOW AND STABLE AIRPORT LANDING FEES, RATES, AND CHARGES," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 232, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 232, HD 1, and H.C.R. No. 232, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ADOPT INFANT AND CHILD CARDIOPULMONARY RESUSCITATION, RESPIRATORY RESUSCITATION, AND FIRST AID TRAINING IN THEIR ADMINISTRATIVE RULES GOVERNING LICENSURE AND REGISTRATION OF CHILD CARE PROVIDERS," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 236, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 236, HD 1, and H.C.R. No. 236, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO INCREASE EFFORTS TO RECRUIT NON-RESIDENT STUDENTS TO STUDY MEDICINE AT THE JOHN A. BURNS SCHOOL OF MEDICINE AND TO SECURE RESEARCH FUNDS FOR THE JOHN A. BURNS SCHOOL OF MEDICINE," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

H.C.R. No. 237, HD 1, SD 1:

On motion by Representative Case, seconded by Representative Marumoto and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 237, HD 1, and H.C.R. No. 237, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A TEMPORARY ADVISORY COMMISSION TO RECOMMEND A NEW FINANCIAL STRUCTURE FOR LOWER EDUCATION THAT IS COORDINATED WITH EDUCATION GOALS," was Finally adopted, with Representatives Nakasone, Okamura and Souki being excused.

At this time, Representative Takamine rose and stated:

"The Committee on Finance waives the referral of S.C.R. No. 85, requesting the extension of the Commission to establish the Hawaii Sports Hall of Fame. Said concurrent resolution was referred to the Committee on Finance on April 13, 1999."

The Chair stated:

"The Chair thanks you for this accommodation Chair Takamine, that the referral of S.C.R. No. 85 has been waived, placing said measure before this body. Pursuant to House Rules 39.3 and 39.4, the Clerk is hereby directed to place S.C.R. No. 85 on today's calendar for consideration and adoption. Members, please note that the companion measure -- H.C.R. No. 111 -- was heard by the Committee on Finance on April 12, 1999."

S.C.R. No. 85:

On motion by Representative Case, seconded by Representative Yonamine and carried, S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE COMMISSION TO ESTABLISH THE HAWAII SPORTS HALL OF FAME," was adopted, with Representatives Nakasone, Okamura and Souki being excused.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 253 through 257) were announced by the Clerk and the following actions taken:

H.R. No. 253, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO EXPEND SUCH SUMS TO COMPLETE THE WORK OF THE TWENTIETH LEGISLATURE, REGULAR SESSION OF 1999, INCLUDING THE CARRYING OUT OF ANY OFFICIAL LEGISLATIVE BUSINESS IN THE INTERIM BETWEEN THE 1999 AND 2000 SESSIONS," was jointly offered by Representatives Say, M. Oshiro, Case and Marumoto.

On motion by Representative Case, seconded by Representative Marumoto and carried, H.R. No. 253 was adopted.

H.R. No. 254, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 60TH DAY," was jointly offered by Representatives Say, M. Oshiro, Case and Marumoto.

On motion by Representative Case, seconded by Representative Marumoto and carried, H.R. No. 254 was adopted.

H.R. No. 255, 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 1999, was jointly offered by Representatives Say, M. Oshiro, Case and Marumoto.

On motion by Representative Case, seconded by Representative Marumoto and carried, H.R. No. 255 was adopted.

H.R. No. 256, 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 FURTHER AUTHORIZING THE SPEAKER TO DETERMINE THE PERIOD OF EMPLOYMENT," was jointly offered by Representatives Say, M. Oshiro, Case and Marumoto.

On motion by Representative Case, seconded by Representative Marumoto and carried, H.R. No. 256 was adopted.

H.R. No. 257, entitled: "HOUSE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1999 AND THE CONVENING OF THE REGULAR SESSION OF 2000," was offered by Representative Say.

On motion by Representative Case, seconded by Representative Marumoto and carried, H.R. No. 257 was adopted.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 787 through 795) were received and were placed on file:

Sen. Com. No. 787, returning H.B. No. 801, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," which passed Third Reading in the Senate on May 4, 1999.

Sen. Com. No. 788, returning H.B. No. 1064, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND BONDS," which passed Third Reading in the Senate on May 4, 1999.

Sen. Com. No. 789, returning H.B. No. 1286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NORTH HAWAII COMMUNITY HOSPITAL, INC.," which passed Third Reading in the Senate on May 4, 1999.

Sen. Com. No. 790, returning H.B. No. 1287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE GAS UTILITY SERVING THE GENERAL PUBLIC," which passed Third Reading in the Senate on May 4, 1999.

Sen. Com. No. 791, returning H.B. No. 1595, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE GAS UTILITY SERVING THE GENERAL PUBLIC," which passed Third Reading in the Senate on May 4, 1999.

Sen. Com. No. 792, informing the House that the following bills passed Final Reading in the Senate on May 4, 1999:

H.B. No. 100, HD 1, SD 1, CD 1, entitled: "RELATING TO THE STATE BUDGET";

S.B. No. 21, SD 1, HD 1, entitled: "RELATING TO ATHLETIC CONTEST OFFICIALS";

S.B. No. 46, SD 2, HD 2, entitled: "RELATING TO SCHOOL-BASED BUDGETING";

S.B. No. 550, SD 2, HD 1, entitled: "RELATING TO EDUCATION";

S.B. No. 588, SD 1, HD 1, entitled: "RELATING TO SEX OFFENDERS";

S.B. No. 591, SD 1, HD 1, entitled: "RELATING TO CUSTODY AND VISITATION";

S.B. No. 592, SD 1, HD 1, entitled: "RELATING TO FIREARMS";

S.B. No. 631, SD 1, HD 1, entitled: "RELATING TO POLITICAL PARTIES";

S.B. No. 663, SD 1, HD 1, entitled: "RELATING TO MOTOR VEHICLE REGISTRATIONS";

S.B. No. 776, HD 1, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

S.B. No. 779, SD 2, HD 2, entitled: "RELATING TO DENTAL HYGIENISTS";

S.B. No. 829, SD 1, HD 1, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

S.B. No. 896, SD 1, HD 1, entitled: "RELATING TO GUARDIANSHIP PROCEEDINGS";

S.B. No. 901, SD 2, HD 1, entitled: "RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND";

S.B. No. 949, SD 1, HD 2, entitled: "RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION";

S.B. No. 1016, SD 1, HD 1, entitled: "RELATING TO ADMINISTRATIVE RULES";

S.B. No. 1021, HD 1, entitled: "RELATING TO CLINICAL LABORATORY PERSONNEL";

S.B. No. 1026, HD 1, entitled: "RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL";

S.B. No. 1049, SD 2, HD 1, entitled: "RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS";

S.B. No. 1055, SD 1, HD 1, entitled: "RELATING TO UNCLAIMED FINANCIAL ASSISTANCE BENEFITS";

S.B. No. 1071, SD 1, HD 2, entitled: "RELATING TO SECURITIES";

S.B. No. 1101, SD 1, HD 2, entitled: "RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES";

S.B. No. 1102, SD 1, HD 2, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

S.B. No. 1130, SD 1, HD 1, entitled: "RELATING TO HEALTH MAINTENANCE ORGANIZATIONS";

S.B. No. 1131, SD 1, HD 2, entitled: "RELATING TO INSURANCE";

S.B. No. 1136, SD 2, HD 2, entitled: "RELATING TO REGULATION OF OSTEOPATHY";

S.B. No. 1139, SD 1, HD 2, entitled: "RELATING TO LIMITED LIABILITY COMPANIES";

S.B. No. 1140, SD 2, HD 2, entitled: "RELATING TO BUSINESS REGISTRATION";

S.B. No. 1142, SD 2, HD 1, entitled: "RELATING TO THE NAMES OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES";

S.B. No. 1155, SD 1, HD 2, entitled: "RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS";

S.B. No. 1163, SD 1, HD 2, entitled: "RELATING TO THE RELEASE OF PRE-TRIAL INMATES";

S.B. No. 1178, SD 2, HD 2, entitled: "RELATING TO THE GENERAL EXCISE TAXATION OF RELATED ENTITIES";

S.B. No. 1261, SD 1, HD 1, entitled: "RELATING TO CAPTIVE INSURANCE";

S.B. No. 1282, SD 2, HD 2, entitled: "RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM";

S.B. No. 1421, SD 1, HD 2, entitled: "RELATING TO TAXATION";

S.B. No. 1512, SD 1, HD 1, entitled: "RELATING TO THE UNIFORM PARTNERSHIP ACT";

S.B. No. 809, SD 2, HD 1, CD 1, entitled: "RELATING TO BOATING";

S.B. No. 942, SD 1, HD 1, CD 1, entitled: "RELATING TO HUNTING";

S.B. No. 1270, SD 1, HD 2, CD 1, entitled: "RELATING TO EDUCATION";

S.B. No. 1307, SD 1, HD 1, CD 1, entitled: "RELATING TO SCHOOL PERFORMANCE";

S.B. No. 1091, SD 1, HD 2, CD 1, entitled: "RELATING TO AQUATIC RESOURCES";

S.B. No. 528, SD 2, HD 1, CD 1, entitled: "RELATING TO HEALTH INSURANCE";

S.B. No. 1125, HD 1, CD 1, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";

S.B. No. 957, SD 2, HD 1, CD 1, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

S.B. No. 1262, HD 1, CD 1, entitled: "RELATING TO CAPTIVE INSURANCE";

S.B. No. 1036, SD 3, HD 1, CD 1, entitled: "RELATING TO PERSONS WITH DISABILITIES";

S.B. No. 1024, SD 3, HD 1, CD 1, entitled: "RELATING TO ENVIRONMENT";

S.B. No. 1079, SD 1, HD 3, CD 1, entitled: "RELATING TO PERMIT PROCESSING";

S.B. No. 1638, SD 2, HD 1, CD 1, entitled: "RELATING TO EDUCATIONAL OFFICERS";

S.B. No. 1519, SD 3, HD 2, CD 1, entitled: "RELATING TO HOUSING";

S.B. No. 1149, SD 1, HD 2, CD 1, entitled: "RELATING TO ENFORCEMENT OF WAGE LAWS";

S.B. No. 40, HD 2, CD 1, entitled: "RELATING TO PHYSICIAN ASSISTANTS";

S.B. No. 236, SD 1, HD 1, CD 1, entitled: "RELATING TO UNFAIR AND DECEPTIVE PRACTICES";

S.B. No. 664, SD 1, HD 1, CD 1, entitled: "RELATING TO SPECIAL NUMBER PLATES";

S.B. No. 709, SD 1, HD 2, CD 1, entitled: "RELATING TO TRAFFIC ENFORCEMENT";

S.B. No. 27, HD 1, CD 1, entitled: "RELATING TO MOTOR VEHICLE REGISTRATION";

- S.B. No. 676, SD 1, HD 2, CD 1, entitled: "RELATING TO COMMERCIAL DRIVER'S LICENSES";
- S.B. No. 700, SD 2, HD 1, CD 1, entitled: "RELATING TO LOW-SPEED VEHICLES";
- S.B. No. 823, SD 1, HD 2, CD 1, entitled: "RELATING TO SENTENCING";
- S.B. No. 1502, SD 1, HD 1, CD 1, entitled: "RELATING TO CAMPAIGN SPENDING";
- S.B. No. 777, SD 2, HD 1, CD 1, entitled: "RELATING TO FORECLOSURES";
- S.B. No. 365, SD 1, HD 1, CD 1, entitled: "RELATING TO CONSUMER PROTECTION";
- S.B. No. 947, SD 2, HD 1, CD 1, entitled: "RELATING TO TELEMARKETING FRAUD";
- S.B. No. 630, SD 1, HD 1, CD 1, entitled: "RELATING TO CAMPAIGN CONTRIBUTIONS";
- S.B. No. 1119, SD 1, HD 1, CD 1, entitled: "RELATING TO HOMICIDE";
- S.B. No. 1485, SD 1, HD 1, CD 1, entitled: "RELATING TO MINORS";
- S.B. No. 285, SD 1, HD 1, CD 1, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";
- S.B. No. 628, SD 1, HD 1, CD 1, entitled: "RELATING TO ELECTIONS";
- S.B. No. 616, SD 1, HD 1, CD 1, entitled: "RELATING TO PROSTITUTION";
- S.B. No. 1003, SD 1, HD 1, CD 1, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";
- S.B. No. 186, SD 1, HD 1, CD 1, entitled: "RELATING TO TORT LIABILITY";
- S.B. No. 919, SD 1, HD 1, CD 1, entitled: "RELATING TO ROBBERY";
- S.B. No. 590, SD 1, HD 1, CD 1, entitled: "RELATING TO RESTRAINING AND PROTECTIVE ORDERS";
- S.B. No. 1118, SD 1, HD 1, CD 1, entitled: "RELATING TO HABITUAL CRIMINAL BEHAVIOR";
- S.B. No. 36, SD 2, HD 1, CD 1, entitled: "RELATING TO CONDOMINIUMS";
- S.B. No. 1160, SD 2, HD 2, CD 1, entitled: "RELATING TO CONTROLLED SUBSTANCES";
- S.B. No. 822, SD 2, HD 2, CD 1, entitled: "RELATING TO HEALTH INSURANCE";
- S.B. No. 1018, SD 1, HD 2, CD 1, entitled: "RELATING TO THE DRUG FORMULARY";
- S.B. No. 1128, SD 2, HD 1, CD 1, entitled: "RELATING TO INSURANCE";
- S.B. No. 1145, SD 2, HD 2, CD 1, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";
- H.B. No. 1178, HD 1, SD 1, CD 1, entitled: "RELATING TO ENFORCEMENT";
- H.B. No. 1296, HD 1, SD 1, CD 1, entitled: "RELATING TO KANEOHE BAY";
- H.B. No. 1020, HD 2, SD 2, CD 1, entitled: "RELATING TO THE HAWAII CAPITAL LOAN PROGRAM";
- H.B. No. 1142, HD 3, SD 2, CD 1, entitled: "RELATING TO ENVIRONMENT";
- H.B. No. 1548, HD 1, SD 1, CD 1, entitled: "RELATING TO WASTEWATER REUSE";
- H.B. No. 1177, HD 2, SD 1, CD 1, entitled: "RELATING TO ABANDONED VESSELS";
- H.B. No. 1181, HD 1, SD 2, CD 1, entitled: "RELATING TO AQUATIC RESOURCES";
- H.B. No. 1086, SD 1, CD 1, entitled: "RELATING TO EDUCATION";
- H.B. No. 1028, HD 1, SD 1, CD 1, entitled: "RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION";
- H.B. No. 1711, HD 2, SD 1, CD 1, entitled: "RELATING TO KANEOHE BAY";
- H.B. No. 4, HD 1, SD 1, CD 1, entitled: "RELATING TO POLICE ROADBLOCK PROGRAMS";
- H.B. No. 500, HD 3, SD 1, CD 1, entitled: "RELATING TO FIREARMS";
- H.B. No. 806, HD 2, SD 2, CD 1, entitled: "RELATING TO LAND EXCHANGE";
- H.B. No. 1522, HD 1, SD 1, CD 1, entitled: "RELATING TO REAL PROPERTY APPRAISALS";
- H.B. No. 602, SD 1, CD 1, entitled: "RELATING TO REGISTRATION OF A TRAILER";
- H.B. No. 719, HD 2, SD 1, CD 1, entitled: "RELATING TO ABANDONED MOTOR VEHICLES";
- H.B. No. 221, HD 2, SD 1, CD 1, entitled: "RELATING TO THE HAWAII TOURISM AUTHORITY";
- H.B. No. 827, HD 3, SD 1, CD 1, entitled: "RELATING TO PUBLIC LANDS";
- H.B. No. 1277, HD 1, SD 1, CD 1, entitled: "RELATING TO WASTEWATER TREATMENT FACILITIES";
- H.B. No. 138, HD 2, SD 1, CD 1, entitled: "RELATING TO AGRICULTURAL GOODS";
- H.B. No. 562, SD 2, CD 1, entitled: "RELATING TO MEASUREMENT STANDARDS";
- H.B. No. 945, HD 1, SD 1, CD 1, entitled: "RELATING TO AGRICULTURAL PARKS";
- H.B. No. 1628, SD 2, CD 1, entitled: "RELATING TO AGRICULTURAL LOANS";
- H.B. No. 1637, HD 2, SD 2, CD 1, entitled: "RELATING TO SCHOOL BUSES";
- H.B. No. 167, HD 3, SD 2, CD 1, entitled: "RELATING TO MOTOR VEHICLE DRIVER LICENSING";
- H.B. No. 32, HD 2, SD 2, CD 1, entitled: "RELATING TO AGRICULTURE";

H.B. No. 212, HD 1, SD 1, CD 1, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR";

H.B. No. 1401, HD 2, SD 1, CD 1, entitled: "RELATING TO MOTOR VEHICLE TOWING";

H.B. No. 273, HD 2, SD 2, CD 1, entitled: "RELATING TO CHILDREN";

H.B. No. 171, HD 2, SD 2, CD 1, entitled: "RELATING TO HEALTH CARE DECISIONS";

H.B. No. 325, HD 2, SD 1, CD 1, entitled: "RELATING TO HEALTH";

H.B. No. 72, HD 2, SD 1, CD 1, entitled: "RELATING TO ELECTIONS";

H.B. No. 160, SD 1, CD 1, entitled: "RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY";

H.B. No. 161, HD 1, SD 2, CD 1, entitled: "RELATING TO SEARCH AND RESCUE COSTS";

H.B. No. 165, HD 1, SD 1, CD 1, entitled: "RELATING TO ELECTIONS";

H.B. No. 177, HD 1, SD 1, CD 1, entitled: "RELATING TO HARASSMENT";

H.B. No. 955, HD 1, SD 1, CD 1, entitled: "RELATING TO CRIME";

H.B. No. 1496, HD 1, SD 1, CD 1, entitled: "RELATING TO DEADLY OR DANGEROUS WEAPONS";

H.B. No. 1497, HD 1, SD 1, CD 1, entitled: "RELATING TO SENTENCING";

H.B. No. 266, HD 2, SD 2, CD 1, entitled: "RELATING TO NEW MOTHERS BREASTFEEDING PROMOTION AND PROTECTION ACT";

H.B. No. 1622, HD 1, SD 1, CD 1, entitled: "RELATING TO INTOXICATING LIQUOR";

H.B. No. 351, HD 2, SD 1, CD 1, entitled: "RELATING TO PRIVACY OF HEALTH CARE INFORMATION";

H.B. No. 1115, HD 2, SD 1, CD 1, entitled: "RELATING TO FOSTER BOARDING HOMES";

H.B. No. 1117, HD 3, SD 2, CD 1, entitled: "RELATING TO THE CHILD PROTECTIVE ACT";

H.B. No. 1088, HD 2, SD 2, CD 1, entitled: "RELATING TO SCHOOL ATTENDANCE";

H.B. No. 1119, HD 1, SD 1, CD 1, entitled: "RELATING TO CHILD PROTECTIVE SERVICES";

H.B. No. 154, HD 1, SD 1, CD 1, entitled: "RELATING TO PUBLIC TELEVISION";

H.B. No. 307, HD 2, SD 1, CD 1, entitled: "RELATING TO HIGHER EDUCATION";

S.B. No. 798, SD 2, HD 2, CD 1, entitled: "RELATING TO NOISE";

S.B. No. 223, SD 2, HD 1, CD 1, entitled: "RELATING TO A CANINE CORPS IN THE DEPARTMENT OF PUBLIC SAFETY";

S.B. No. 889, SD 1, HD 1, CD 1, entitled: "RELATING TO THE JUDICIARY";

S.B. No. 921, HD 1, CD 1, entitled: "RELATING TO DISTRICT COURT";

S.B. No. 1274, HD 1, CD 1, entitled: "RELATING TO PUBLIC SAFETY";

S.B. No. 238, SD 1, HD 2, CD 1, entitled: "RELATING TO REAL ESTATE BROKERS AND SALESPERSONS";

S.B. No. 1124, SD 2, HD 1, CD 1, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";

S.B. No. 1294, SD 1, HD 2, CD 1, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

S.B. No. 450, SD 1, HD 2, CD 1, entitled: "RELATING TO STATE GOVERNMENT";

S.B. No. 1129, SD 2, HD 2, CD 1, entitled: "RELATING TO INSURANCE";

S.B. No. 1235, SD 1, HD 1, CD 1, entitled: "RELATING TO CONSUMER PROTECTION";

S.B. No. 1238, SD 2, HD 2, CD 1, entitled: "RELATING TO PROFESSIONS AND OCCUPATIONS";

S.B. No. 1157, SD 1, HD 1, CD 1, entitled: "RELATING TO THE STATE LIBRARIAN";

S.B. No. 1501, SD 3, HD 3, CD 1, entitled: "RELATING TO EDUCATION";

S.B. No. 1452, HD 3, CD 1, entitled: "RELATING TO HEALTH";

S.B. No. 1583, SD 2, HD 2, CD 1, entitled: "RELATING TO TECHNOLOGY";

S.B. No. 951, SD 1, HD 1, CD 1, entitled: "RELATING TO EMPLOYEE BENEFIT PLANS";

H.B. No. 294, HD 1, SD 2, CD 1, entitled: "RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS";

H.B. No. 661, HD 3, SD 2, CD 1, entitled: "RELATING TO ENHANCED WIRELESS EMERGENCY 911 SERVICE";

H.B. No. 743, HD 3, SD 1, CD 1, entitled: "RELATING TO ADVANCED PRACTICE REGISTERED NURSES";

H.B. No. 895, HD 2, SD 2, CD 1, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES";

H.B. No. 122, HD 2, SD 1, CD 1, entitled: "RELATING TO PUBLIC CONTRACTS";

H.B. No. 850, HD 1, SD 1, CD 1, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

H.B. No. 460, HD 2, SD 1, CD 1, entitled: "RELATING TO CHECK CASHING";

H.B. No. 1361, HD 2, SD 2, CD 1, entitled: "RELATING TO CHARTER TOUR OPERATORS";

H.B. No. 252, HD 3, SD 2, CD 1, entitled: "RELATING TO DEGREE GRANTING INSTITUTIONS";

H.B. No. 1660, HD 2, SD 1, CD 1, entitled: "RELATING TO HIGHER EDUCATION";

H.B. No. 1471, HD 1, SD 1, CD 1, entitled: "RELATING TO ELECTIONS";

H.B. No. 978, SD 1, CD 1, entitled: "RELATING TO AGRICULTURE";

H.B. No. 1095, HD 1, SD 2, CD 1, entitled: "RELATING TO THE REVIEW OF THE SALARIES OF TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS";

H.B. No. 1111, HD 2, SD 2, CD 1, entitled: "RELATING TO YEAR 2000 ERRORS BY COMPUTER-BASED SYSTEMS";

S.B. No. 953, SD 2, HD 2, CD 1, entitled: "RELATING TO NATURAL AND CULTURAL RESOURCES";

S.B. No. 102, SD 3, HD 2, CD 1, entitled: "RELATING TO HEALTH";

S.B. No. 513, SD 2, HD 2, CD 1, entitled: "RELATING TO FAMILY CHILD CARE";

S.B. No. 1032, SD 1, HD 2, CD 1, entitled: "RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT";

S.B. No. 844, SD 2, HD 2, CD 1, entitled: "RELATING TO HEALTH INSURANCE";

S.B. No. 830, SD 1, HD 2, CD 1, entitled: "RELATING TO HEALTH INSURANCE REIMBURSEMENT";

S.B. No. 1082, SD 2, HD 2, CD 1, entitled: "RELATING TO THE BUREAU OF CONVEYANCES";

H.B. No. 1454, HD 2, SD 2, CD 1, entitled: "RELATING TO FEES";

H.B. No. 1146, SD 2, CD 1, entitled: "RELATING TO VITAL RECORD FEES";

H.B. No. 170, HD 2, SD 1, CD 1, entitled: "RELATING TO LONG-TERM CARE TAX BENEFITS";

H.B. No. 172, HD 1, SD 2, CD 1, entitled: "RELATING TO HOSPICE SERVICES";

H.B. No. 260, HD 2, SD 1, CD 1, entitled: "RELATING TO EARLY CHILDHOOD";

H.B. No. 274, HD 3, SD 2, CD 1, entitled: "RELATING TO FAMILIES";

H.B. No. 326, HD 1, SD 1, CD 1, entitled: "RELATING TO HEALTH INSURANCE";

H.B. No. 1663, HD 2, SD 2, CD 1, entitled: "RELATING TO HEALTH";

H.B. No. 1664, HD 3, SD 1, CD 1, entitled: "RELATING TO HEALTH";

H.B. No. 1675, HD 1, SD 1, CD 1, entitled: "RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS";

H.B. No. 634, HD 1, SD 1, CD 1, entitled: "ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF THE PUERTO RICANS TO HAWAII";

H.B. No. 522, HD 3, SD 2, CD 1, entitled: "RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES PILOT PROJECT";

H.B. No. 1649, HD 2, SD 1, CD 1, entitled: "RELATING TO THE CONVEYANCE TAX";

H.B. No. 104, HD 1, SD 2, CD 1, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

H.B. No. 499, HD 2, SD 2, CD 1, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

H.B. No. 1416, HD 2, SD 2, CD 1, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

S.B. No. 5, SD 2, HD 2, CD 1, entitled: "RELATING TO AGRICULTURAL LOANS";

S.B. No. 788, SD 2, HD 2, CD 1, entitled: "RELATING TO TAXATION";

S.B. No. 392, SD 2, HD 2, CD 1, entitled: "RELATING TO TRANSPORTATION";

H.B. No. 1183, HD 2, SD 2, CD 1, entitled: "RELATING TO BEACH LANDS";

H.B. No. 377, HD 2, SD 2, CD 1, entitled: "RELATING TO ECONOMIC DEVELOPMENT";

S.B. No. 1256, SD 2, HD 1, CD 1, entitled: "RELATING TO AN INTERISLAND FERRY SYSTEM";

S.B. No. 1158, SD 1, HD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS";

S.B. No. 1518, HD 1, CD 1, entitled: "RELATING TO GOVERNMENT OPERATIONS";

S.B. No. 816, SD 1, HD 2, CD 1, entitled: "RELATING TO THE CONVENTION CENTER";

S.B. No. 1499, SD 1, HD 2, CD 1, entitled: "RELATING TO THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT";

S.B. No. 131, SD 3, HD 3, CD 1, entitled: "RELATING TO LONG-TERM CARE";

S.B. No. 646, SD 2, HD 3, CD 1, entitled: "RELATING TO GOVERNMENT";

S.B. No. 1635, SD 2, HD 2, CD 1, entitled: "RELATING TO PUBLIC LAND TRUST";

H.B. No. 635, HD 2, SD 1, CD 1, entitled: "RELATING TO HEALTH";

H.B. No. 1085, HD 1, SD 1, CD 1, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR EDUCATION";

H.B. No. 988, HD 2, SD 2, CD 1, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR STATE GOVERNMENT TO IMPLEMENT YEAR 2000 COMPLIANCE EFFORTS";

H.B. No. 1450, HD 1, SD 2, CD 1, entitled: "RELATING TO THE JUDICIARY";

H.B. No. 700, HD 1, SD 2, CD 1, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

H.B. No. 86, SD 1, CD 1, entitled: "RELATING TO STATE BONDS";

H.B. No. 333, HD 2, SD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR AGRICULTURE";

H.B. No. 336, HD 1, SD 1, CD 1, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

H.B. No. 1280, HD 2, SD 2, CD 1, entitled: "RELATING TO AGRICULTURE";

H.B. No. 20, HD 2, SD 2, CD 1, entitled: "RELATING TO THE JUDICIARY";

S.B. No. 1470, HD 2, CD 1, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";

S.B. No. 1034, SD 1, HD 2, CD 1, entitled: "RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND";

S.B. No. 1229, SD 1, HD 3, CD 1, entitled: "RELATING TO HOUSING";

S.B. No. 1127, SD 1, HD 3, CD 1, entitled: "RELATING TO INSURANCE";

S.B. No. 1144, SD 1, HD 2, CD 1, entitled: "RELATING TO FINANCIAL INSTITUTIONS";

S.B. No. 1279, SD 2, HD 2, CD 1, entitled: "RELATING TO THE UNIVERSAL SERVICE FUND";

H.B. No. 162, HD 1, SD 2, CD 1, entitled: "RELATING TO PUBLIC SERVICE";

H.B. No. 1138, HD 1, SD 2, CD 1, entitled: "RELATING TO EPIDEMIOLOGIC INVESTIGATIONS";

H.B. No. 547, HD 3, SD 2, CD 1, entitled: "RELATING TO ANATOMICAL GIFTS";

H.B. No. 1594, HD 1, SD 1, CD 1, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES";

H.B. No. 1693, HD 1, SD 1, CD 1, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

H.B. No. 1017, HD 1, SD 2, CD 1, entitled: "RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM";

H.B. No. 1575, HD 2, SD 1, CD 1, entitled: "MAKING AN APPROPRIATION FOR THE MILLENNIUM YOUNG PEOPLE'S CONGRESS";

H.B. No. 854, SD 1, CD 1, entitled: "RELATING TO EDUCATION";

H.B. No. 765, HD 1, SD 2, CD 1, entitled: "RELATING TO MOTOR VEHICLE RENTAL INDUSTRY";

H.B. No. 1198, HD 1, SD 1, CD 1, entitled: "RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION";

H.B. No. 989, HD 1, SD 2, CD 1, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

H.B. No. 990, HD 1, SD 1, CD 1, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW"; and

H.B. No. 1038, HD 1, SD 2, CD 1, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS".

Sen. Com. No. 793, informing the House that the Senate has reconsidered its action in disagreeing to the amendments proposed by the House to the following Senate bills and have moved to agree to the amendments. The Senate further informs the House that said bills have passed Final Reading on May 4, 1999:

S.B. No. 21, SD 1, HD 1, entitled: "RELATING TO ATHLETIC CONTEST OFFICIALS";

S.B. No. 44, SD 1, HD 2, entitled: "RELATING TO TAXATION";

S.B. No. 46, SD 2, HD 2, entitled: "RELATING TO SCHOOL-BASED BUDGETING";

S.B. No. 207, HD 2, entitled: "RELATING TO WASTEWATER";

S.B. No. 550, SD 2, HD 1, entitled: "RELATING TO EDUCATION";

S.B. No. 570, SD 1, HD 2, entitled: "RELATING TO THE WAIANAE COAST COMMUNITY BENCHMARKING PILOT PROJECT AND APPROPRIATING FUNDS TO SUPPORT THE PROJECT";

S.B. No. 588, SD 1, HD 1, entitled: "RELATING TO SEX OFFENDERS";

S.B. No. 591, SD 1, HD 1, entitled: "RELATING TO CUSTODY AND VISITATION";

S.B. No. 592, SD 1, HD 1, entitled: "RELATING TO FIREARMS";

S.B. No. 631, SD 1, HD 1, entitled: "RELATING TO POLITICAL PARTIES";

S.B. No. 635, SD 1, HD 2, entitled: "RELATING TO SUBSTANCE ABUSE TESTING";

S.B. No. 638, SD 1, HD 2, entitled: "RELATING TO TAXATION";

S.B. No. 663, SD 1, HD 1, entitled: "RELATING TO MOTOR VEHICLE REGISTRATIONS";

S.B. No. 776, HD 1, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

S.B. No. 779, SD 2, HD 2, entitled: "RELATING TO DENTAL HYGIENISTS";

S.B. No. 829, SD 1, HD 1, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

S.B. No. 896, SD 1, HD 1, entitled: "RELATING TO GUARDIANSHIP PROCEEDINGS";

S.B. No. 901, SD 2, HD 1, entitled: "RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND";

S.B. No. 949, SD 1, HD 2, entitled: "RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION";

S.B. No. 1011, HD 2, entitled: "RELATING TO STATE FOUNDATION ON CULTURE AND THE ARTS";

S.B. No. 1016, SD 1, HD 1, entitled: "RELATING TO ADMINISTRATIVE RULES";

S.B. No. 1021, HD 1, entitled: "RELATING TO CLINICAL LABORATORY PERSONNEL";

S.B. No. 1026, HD 1, entitled: "RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL";

S.B. No. 1049, SD 2, HD 1, entitled: "RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS";

S.B. No. 1055, SD 1, HD 1, entitled: "RELATING TO UNCLAIMED FINANCIAL ASSISTANCE BENEFITS";

S.B. No. 1071, SD 1, HD 2, entitled: "RELATING TO SECURITIES";

S.B. No. 1101, SD 1, HD 2, entitled: "RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES";

S.B. No. 1102, SD 1, HD 2, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

S.B. No. 1130, SD 1, HD 1, entitled: "RELATING TO HEALTH MAINTENANCE ORGANIZATIONS";

S.B. No. 1131, SD 1, HD 2, entitled: "RELATING TO INSURANCE";

S.B. No. 1132, HD 1, entitled: "RELATING TO THE INSURANCE CODE";

S.B. No. 1136, SD 2, HD 2, entitled: "RELATING TO REGULATION OF OSTEOPATHY";

S.B. No. 1139, SD 1, HD 2, entitled: "RELATING TO LIMITED LIABILITY COMPANIES";

S.B. No. 1140, SD 2, HD 2, entitled: "RELATING TO BUSINESS REGISTRATION";

S.B. No. 1142, SD 2, HD 1, entitled: "RELATING TO THE NAMES OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES";

S.B. No. 1143, HD 1, entitled: "RELATING TO CORPORATIONS";

S.B. No. 1147, SD 2, HD 2, entitled: "RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL";

S.B. No. 1155, SD 1, HD 2, entitled: "RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS";

S.B. No. 1163, SD 1, HD 2, entitled: "RELATING TO THE RELEASE OF PRE-TRIAL INMATES";

S.B. No. 1177, SD 1, HD 1, entitled: "RELATING TO THE GENERAL EXCISE TAX";

S.B. No. 1178, SD 2, HD 2, entitled: "RELATING TO THE GENERAL EXCISE TAXATION OF RELATED ENTITIES";

S.B. No. 1180, SD 1, HD 1, entitled: "RELATING TO INCOME TAXATION OF NONRESIDENTS";

S.B. No. 1261, SD 1, HD 1, entitled: "RELATING TO CAPTIVE INSURANCE";

S.B. No. 1282, SD 2, HD 2, entitled: "RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM";

S.B. No. 1325, SD 1, HD 2, entitled: "RELATING TO TAXATION";

S.B. No. 1421, SD 1, HD 2, entitled: "RELATING TO TAXATION"; and

S.B. No. 1512, SD 1, HD 1, entitled: "RELATING TO THE UNIFORM PARTNERSHIP ACT".

Sen. Com. No. 794, informing the House that the following Senate Concurrent Resolution was adopted on May 4, 1999:

S.C.R. No. 184, SD 1, HD 1, CD 1, entitled: "REQUESTING A STUDY OF HAWAII'S LAWS RELATING TO DOMESTIC VIOLENCE".

Sen. Com. No. 795, informing the House that the Senate has reconsidered its action taken on April 27, 1999, in disagreeing to the amendments proposed by the House and has adopted the following Senate Concurrent Resolutions on May 4, 1999:

S.C.R. No. 4, SD 1, HD 1, entitled: "OBSERVING 1999 AS THE INTERNATIONAL YEAR OF OLDER PERSONS";

S.C.R. No. 64, SD 1, HD 1, entitled: "REQUESTING A HAWAII STATE LAW ON EMPLOYMENT OF SEVERELY DISABLED PERSONS";

S.C.R. No. 77, HD 1, entitled: "REQUESTING THE CHILD PROTECTION LEGISLATIVE ROUNDTABLE AND THE APPLESEED PUBLIC INTEREST LAW FOUNDATION TO EXAMINE AND DISCUSS SELECTED ISSUES RELATING TO CHILD ABUSE";

S.C.R. No. 91, SD 1, HD 1, entitled: "URGING THE DEPARTMENT OF HEALTH TO FOSTER AN IMPROVED PARTNERSHIP WITH THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH"; and

S.C.R. No. 194, SD 1, HD 1, entitled: "URGING THE COLLABORATION OF THE DEPARTMENT OF HEALTH, DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII, COUNTY DEPARTMENTS OF PARKS AND RECREATION, AND OTHER AGENCIES AND ORGANIZATIONS TO IMPROVE THE FITNESS AND PHYSICAL ACTIVITY OF HAWAII'S CHILDREN AND YOUTH".

ANNOUNCEMENTS

Representative Kanoho rose and stated:

"Mr. Speaker and members, shortly after this session convened in January, your members who were somewhat thick to extra thick around the middle decided to enter into a contest to improve their appearance and to lose weight. So it was that 13 members engaged in a weight loss contest with each participant rendering a \$50 registration fee, so that there was a total of \$650 in the kitty.

"The contest was to be based on weight loss percentage with the five recording the best results declared the winners. In this contest, every participant had an opportunity to realize a return on their investment by registering a certain percent weight loss without being in the top five. It meant that anyone who registered a 3 percent weight loss would receive a 25 percent return on their investment and anyone registering a 5 percent weight loss would earn a 50 percent return of their registration fee.

"Now from the beginning of the session to today, in some respects it seemed so quick because time has gone by so quickly and yet it seems like an eternity because so much has transpired. So it's understandable that some confusion reigned among some contestants in that perhaps some misplaced their rules, and it appears that some mistakenly thought it ended up being a weight gain contest, as evidenced by the results.

"Of the 13 contestants, only five registered weight losses. Some have offered a plausible explanation that with all the talk of budgetary constraints and reduction of funds that we had to add something someplace. So it was not only the Senate who were guilty of add-ons.

"Well, anyway, here are the winners. In fifth place, with a 1 pound reduction, from 185 to 184 pounds, the Chairman of the Education Committee, Representative Ken Ito. His reward is 30 points -- each point is a dollar.

"Fourth place, registering a loss of 3 pounds, from 228 to 225, and simply because he was so busy he didn't have time to eat was our Finance Chair, Dwight Takamine. The reward for his good efforts, 60 points.

"In third place, with a loss of 6-1/2 pounds, from 183 to 176 -- yours truly. That netted me 88 points plus because I registered a 3.5 percent weight loss and was eligible for 25 percent return on that investment, so I accumulated a total of 100 points."

Representative Case interrupted Representative Kanoho on a point of personal privilege, saying:

"Would the member from Kapaa please cease the personal information and statements and perhaps generalize for the next two members?"

At this point, Representative Cachola yielded his time to Representative Kanoho.

Representative Kanoho thanked the Chair and continued, stating:

"Well, in second place, setting an example befitting of leadership, resulting and registering a 17-1/2 pound loss, from 242 to 224-1/2, that represents a 7.23 percent reduction in weight loss, our Majority Leader, Ed Case. And his reward for that effort, 147 points plus 25 for registering more than a 5 percent reduction, and therefore a 50 percent return on his investment.

"And in first place, with a net loss of 31 pounds, from 235 to 204, who better than the Chairman of our Health Committee, Alexander Santiago. His reward -- 265 points plus a 50 percent return on his investment gets him 290 points. Congratulations, Alex!

"Just as a reminder to all of the contest participants, our rules specifically stated that should anyone gain a pound, every pound gained between now and the next session would result in a penalty. This is primarily to provide continued investment and to prevent putting it all back on again. A 25 percent penalty for each pound gained, made payable to each of the other contestants, so that if anybody put on 10 pounds, it would mean a \$2.50 payment to each member or a total of \$30 to all 12. And we did have fun and was good comradery. Congratulations to all the participants and all the winners.

"Thank you, Mr. Speaker."

Representative Kaho'ohalahala then rose and stated:

"I would just like to announce that we are going to end our session tonight, but the Lana'i physical fitness team is scheduled to go to the National competitions tomorrow night so they would have liked to have been invited here to the

Legislature to be recognized. They are going to try and stop here at the State Capitol for any of you that may be here tomorrow. And I think it would be worth our while to acknowledge that this is their 25th consecutive State and National competition. And they're taking back with them the National women's participant as well as the girls team who are National Champions to San Diego tomorrow night. So if you have an opportunity, please give them congratulations and encouragement because they've been doing this for 25 years and have represented us for 25 years. Thank you."

Representative Takai then rose and stated:

"I just wanted to remind the members and you of the unofficial end of session party on May 17, at Rumour's at Ala Moana Hotel. And the tickets are available in my office for \$7 and that covers heavy pupus and a couple of drinks. And at the bottom of the flier it says: 'Ticket holder assumes all responsibility.' So let's be responsible, and maybe the winners of the contest can gain a little weight. Thank you, Mr. Speaker."

The Chair then proffered the following closing remarks:

"To begin with, I would like to say to my fellow House members, as we conclude the 1999 session of the Legislature, I would like to offer some personal observations and reflections.

"When we all began back in January, we did so with much uncertainty. I, myself, as a first-term Speaker, and there were many new faces in leadership roles as well as in the Committee Chair and Vice Chair positions. We all had a test, as a team, which has only begun. There were a few things we knew that we wanted to do. We wanted to create an open atmosphere of free sharing of knowledge and ideas. And we wanted to invest in our younger members by giving them responsibilities and entrusting them to do the right thing in the knowledge that it is they who will lead us into the future.

"We also wanted to take advantage of the experience of our veteran legislators to help advise our younger colleagues. And that is one reason why Representative Joe Souki agreed to be the Speaker Emeritus. But most of all, we wanted to develop legislation to help the people of Hawaii in this crucial time. As I look at the product of our efforts, I feel proud of what we have accomplished. Each and every one of you made an important contribution to our success this year; each and every one of you should be gratified for the major steps we have made.

"Like you, I also recognize that we are capable of doing so much more and there are many more areas that need our attention. But I believe that we have all come to realize that unless our economy is healthy, we are seriously limited in the kinds of services that we can provide.

"This session has been a learning process for all of us. As we close this chapter of the legislative process, I ask you to think back to the beginning. You may recall a little gift to you, an autobiography account of the life of Nana Veary, which I hoped would help you to embrace the spirit of this land -- the Aloha Spirit -- and thus guide you safely through the legislative session.

"My fellow House members, I am happy to see that you have arrived safely at this end. I thank you for your commitment to our shared principles and for your devotion to the people of the State of Hawaii. I truly believe we have laid down a strong foundation upon which we can build for the future.

"I would like to acknowledge, at this time, the Vice Chairs who were Conference co-chairs, which is unusual for freshmen to be co-chairs of conferences. We will now use the interim period to our best advantage and prepare the House of Representatives for challenges of the year 2000 session. On behalf of myself, aloha and mahalo. Thank you.

"As a tidbit, let me share a note that I read, a memo from the Vice Speaker's notes -- 'May the force be with you!'"

ADJOURNMENT

Representative Case moved that the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, adjourn Sine Die, seconded by Representative Marumoto and carried. (Representatives Nakasone, Okamura, Souki and Yamane were excused.)

At 9:35 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 219, transmitting copies of the 1998 Annual Report of the Small Business Task Force on Regulatory Relief prepared by the Business Support Division of the Department of Business, Economic Development, and Tourism pursuant to Act 272, SLH 1996, and Act 348, SLH 1997.

Gov. Msg. No. 220, informing the House that on May 13, 1999, he signed the following bills into law:

House Bill No. 1 as Act 56, entitled: "RELATING TO CHILD PASSENGER SAFETY";

Senate Bill No. 737 as Act 57, entitled: "RELATING TO NOISE"; and

Senate Bill No. 738 as Act 58, entitled: "RELATING TO NOISE POLLUTION".

Gov. Msg. No. 221, transmitting copies of the Annual Report for Fiscal Years 1997 and 1998 prepared by the Office of Youth Services, pursuant to Section 352D - 6(11), Hawaii Revised Statutes and Section 4 of Act 151, SLH 1991.

Gov. Msg. No. 222, transmitting copies of the 1998 annual report to the Governor on the State Department of Defense, Hawai'i National Guard, prepared by the Public Affairs Office, State of Hawai'i, Department of Defense, pursuant to Section 373F-6, Hawai'i Revised Statutes, as amended.

Gov. Msg. No. 223, transmitting copies of the following: Report to the Twentieth Legislature, State of Hawai'i, 1999, Act 3, Session Laws of Hawaii, 1999, Making an Emergency Appropriation for the Child and Adolescent Mental Health Division.

Gov. Msg. No. 224, returning House Bill No. 1660, without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 24, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1660

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. 1660, entitled, 'A Bill for an Act Relating to Higher Education.'

The purpose of House Bill No. 1660 is to authorize the University of Hawaii to carry over for one fiscal year any unexpended and unencumbered general fund appropriation. In addition, the bill exempts the University of Hawaii from the allotment controls of chapter 37, Hawaii Revised Statutes.

The intent of this bill, to give the University of Hawaii more budgetary flexibility, has some merit in light of the autonomy granted to the University. However, if general revenues are lower than expected and the University of Hawaii is free from budgetary adjustments through allotment controls, every other state department and program will have to bear a greater burden of adjustments. This is not fair or reasonable.

For the foregoing reasons, I am returning House Bill No. 1660 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. 1660, entitled, 'A Bill for an Act Relating to Higher Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1660 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. 1660 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 24th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 225, returning Senate Bill Nos. 223, 450 and 921 without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 24, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 223

Honorable Members
Twentieth 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. 223, entitled, 'A Bill for an Act Relating to a Canine Corps in the Department of Public Safety.'

The purpose of the bill is to establish a canine corps to reduce, if not eliminate, illegal drugs in state correctional facilities. This bill requires the Department of Public Safety to establish a canine corps. Under the Director of Public Safety's existing general authority set forth in section 352C-2, Hawaii Revised Statutes, the department has already established canine units with granted funds. Since this bill provides no additional funding for the maintenance or expansion of the canine corps, this bill is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 223 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. 223, entitled, 'A Bill for an Act Relating to a Canine Corps in the Department of Public Safety,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 223 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. 223 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 24th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 24, 1999

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 450

Honorable Members
Twentieth 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. 450, entitled, 'A Bill for an Act Relating to State Government.'

The purpose of Senate Bill No. 450 is to revise provisions of Act 230, Session Laws of Hawaii 1998, to (1) convert the ad hoc committee, established last year for the sole purpose of developing a managed process for the Legislature's consideration and adoption, into a permanent state committee; (2) expand the responsibilities of the committee to include operationalizing the managed process statewide; and (3) require all contracts entered into on or after July 20, 1998, to a one-time review against the requirements of the yet-to-be-developed managed process.

I understand that the managed process committee of state and county officials, private and public sector labor leaders, and

profit and nonprofit business persons that we established pursuant to Act 230 late last year, is well on its way to completing the assignment it undertook pursuant to Act 230. It appreciates the need for the managed process to include cost data and has taken steps to ensure that their proposal addresses this need. The committee also recognizes that once a process is established, policy and procedure manuals, guidelines, and training must be available to support its continued and successful implementation. Clearly, the committee has already taken the initiative and addressed much of what this bill proposes to add to Act 230. Many of this bill's provisions are unnecessary.

Moreover, the revisions this bill makes convert what was originally a one-time development effort into a continuing operational program that is to be managed by a board composed of volunteers, and applied both prospectively and retrospectively.

For the foregoing reasons, I am returning Senate Bill No. 450 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. 450, entitled, 'A Bill for an Act Relating to State Government,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 450 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. 450 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 24th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 24, 1999

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 921

Honorable Members
Twentieth 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. 921, entitled, 'A Bill for an Act Relating to District Court.'

The purpose of Senate Bill No. 921 is to amend section 291D-10, Hawaii Revised Statutes, to create a procedure for the issuance of penal summons and bench warrants when any person fails to pay a monetary assessment for a traffic violation. Senate Bill No. 921, however, imposes a process prior to referral to the Department of the Attorney General for collection that is unnecessary, because the monetary assessments have already been reduced to judgment. Furthermore, this bill will disrupt the collection procedures already established between the Judiciary and the Department of the Attorney General, which have been very successful, and will require additional resources to implement, because additional hearings will be required. Without this bill, post-judgment remedies can be utilized and recovery of the monetary assessments can occur earlier and at less cost.

For the foregoing reasons, I am returning Senate Bill No. 921 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. 921, entitled, 'A Bill for an Act Relating to District Court,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 921 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. 921 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 24th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 226, informing the House that on May 26, 1999, he signed the following bills into law:

House Bill No. 1037 as Act 59, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM"; and

House Bill No. 1038 as Act 60, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS".

Gov. Msg. No. 227, informing the House that on May 26, 1999, he signed the following bill into law:

House Bill No. 988 as Act 61, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR STATE GOVERNMENT TO IMPLEMENT YEAR 2000 COMPLIANCE EFFORTS".

Gov. Msg. No. 228, informing the House that on May 27, 1999, he signed the following bill into law:

Senate Bill No. 1501 as Act 62, entitled: "RELATING TO EDUCATION".

Gov. Msg. No. 229, informing the House that on May 28, 1999, he signed the following bill into law:

House Bill No. 154 as Act 63, entitled: "RELATING TO PUBLIC TELEVISION".

Gov. Msg. No. 230, returning Senate Bill Nos. 21, 46, 102, 560, 777 and 1499 without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 21

Honorable Members
Twentieth 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. 21, entitled, 'A Bill for an Act Relating to Athletic Contest Officials.'

The purpose of Senate Bill No. 21 is to expand the scope of assault in the second degree to include within the definition of 'educational worker' any person who is employed by the Department of Education on a contractual basis, not only for carrying out an education function, but for a school program, activity, or function that is established, sanctioned, or approved by the Department of Education.

As drafted, the bill will expand assault in the second degree to include within the definition of 'educational worker' a very large number of individuals in many capacities, including individuals not employed as athletic contest officials. Although this bill has merit, the subject of this bill as expressed in its title is 'athletic contest officials.' Section 14 of Article III of the State Constitution requires that '[e]ach law shall embrace but one subject, which shall be expressed in its title.' Since the amendment made by this bill will affect many individuals who are not athletic contest officials, this bill is in violation of Section 14 of Article III of the State Constitution.

For the foregoing reasons, I am returning Senate Bill No. 21 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. 21, entitled, 'A Bill for an Act Relating to Athletic Contest Officials,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 21 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. 21 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 46

Honorable Members
Twentieth 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. 46, entitled, 'A Bill for an Act Relating to School-Based Budgeting.'

The purpose of Senate Bill No. 46 is to require the Department of Education to provide the schools and the Legislature, by the opening day of each regular legislative session, reports on its proposed school-by-school budget allocation and give each school maximum flexibility in the expenditure of its allocation.

While I support the intent of this bill, the measure is unnecessary and overburdensome and does not carry out the intent of the bill. School-by-school allocations for the over 250 schools statewide are an incredible burden for which the schools and the department do not have the capacity nor resources to accomplish. Furthermore, there is no provision for increasing the flexibility in expenditures. The Department of Education has worked hard to preserve the equitable allocation among all schools while balancing the individual needs of the schools.

For the foregoing reasons, I am returning Senate Bill No. 46 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 46, entitled, 'A Bill for an Act Relating to School-Based Budgeting,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 46 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. 46 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 102

Honorable Members
Twentieth 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. 102, entitled, 'A Bill for an Act Relating to Health.'

The purposes of Senate Bill No. 102 are to establish a statewide rural health plan for the Island of Hawaii, to create a rural health fund in an effort to qualify the State of Hawaii for federal Medicare rural hospital flexibility grants, and to create a position in each county for a rural transportation coordinator.

While I support the intent of this bill, this measure is unnecessary because the Department of Health is already establishing a process that accomplishes the goals of this bill.

For the foregoing reasons, I am returning Senate Bill No. 102 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 102, entitled, 'A Bill for an Act Relating to Health,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 102 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. 102 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 24, 1999

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 560

Honorable Members
Twentieth 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. 560, entitled, 'A bill for an Act Relating to Special Management Areas.'

The purpose of this bill is to halt the long-term degradation of natural resources by providing guidance in determining what constitutes substantial adverse environmental or ecological effect in terms of the coastal zone management law. Before approving development within a special management area (SMA), county planning authorities must make a finding that the development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

This bill, however, does not achieve its purpose because it establishes unnecessary standards for SMA permit reviews. Currently, all major SMA permits involve extensive agency reviews for compliance with applicable requirements and also must go through public hearings before county planning commissions; provide notification to surrounding property owners of the proposed action and public hearing dates; and go through a contested case hearing. The current SMA permit review process is adequate and does not need additional standards.

In addition, this bill would impose potentially high costs on applicants for SMA permits that are unnecessary in the vast majority of instances. These costs would involve additional technical studies such as air quality, noise, and water pollution baseline studies. The determination as to whether these additional studies are necessary should be done on a case-by-case basis.

This bill will overly complicate the SMA permit review process and increase costs for county planning departments by requiring additional staff.

For the foregoing reasons, I am returning Senate Bill No. 560 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. 560, entitled, 'A Bill for an Act Relating to Special Management Areas,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 560 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. 560 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 24th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 777

Honorable Members
Twentieth 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. 777, entitled, 'A Bill for an Act Relating to Foreclosures.'

The purpose of Senate Bill No. 777 is to clarify and streamline the alternate power of sale foreclosure process.

While I support the intent of the bill, it does not provide adequate protection for the consumer from losing his or her home. The shortened timelines do not provide the consumer sufficient time to negotiate a possible payment plan or correct the default. This measure unfairly favors lenders over consumers rather than provide a balanced approach.

For the foregoing reasons, I am returning Senate Bill No. 777 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 777, entitled, 'A Bill for an Act Relating to Foreclosures,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 777 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. 777 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 24, 1999

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1499

Honorable Members
Twentieth 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. 1499, entitled, 'A Bill for an Act Relating to the Randolph-Sheppard Revolving Account.'

The purposes of Senate Bill No. 1499 are to require the Department of Human Services (DHS) to expend \$30,000 from the state Randolph-Sheppard revolving account (the 'special fund') each year if an authorization or allocation is received; to require DHS to deposit this money into a separate account for the State Committee of Blind Vendors (the 'Committee'); to authorize the Committee to spend \$30,000 each year from the special fund without necessarily receiving an appropriation or allocation from the Legislature; and to authorize the Committee to hire independent legal counsel.

The bill contains several serious problems. First, sections 2 and 3 of the bill amend chapter 347 and section 28-8.3, Hawaii

Revised Statutes, in order to authorize the Committee to hire attorneys. Pursuant to Section 14 of Article III of the State Constitution, 'Each law shall embrace but one subject, which shall be expressed in its title.' Even though the constitutional requirement is to be interpreted liberally, there are still limits. In this case, the title of the bill is 'Relating to the Randolph-Sheppard Revolving Account.' The Committee's authority to hire attorneys is independent of any use of the Randolph-Sheppard Revolving Account. One might argue that the bill's provisions should be interpreted as requiring that counsel be paid with only special fund moneys in order to remain within the scope of the bill's title. But the title of the bill does not appear in the statutory provisions that will be codified in the Hawaii Revised Statutes. The necessity for this interpretation in order to avoid an unconstitutional result, therefore, would not be apparent to any reader of the statute. Accordingly, sections 2 and 3 of the bill appear to violate Section 14 of Article III of the State Constitution.

Second, although DHS must receive an appropriation by the Legislature before transferring moneys from the special fund to a separate account of the Committee, section 4 of the bill apparently authorizes the Committee to spend \$30,000 from the special fund each year without any appropriation. By authorizing the Committee to make this expenditure without an appropriation, this bill may violate Section 5 of Article VII of the State Constitution, which prohibits the expenditure of any public moneys except pursuant to appropriations made by law. The federal Randolph-Sheppard Act requires that the Committee be a state entity, and the Committee can trace its creation to state rules. The moneys are obviously state moneys. Accordingly, the proposed amendment allowing the Committee to simply spend \$30,000 each year from the special fund without a biennial appropriation authorizing the Committee to spend the money violates the Hawaii State Constitution.

Finally, the bill authorizes the Committee to hire independent counsel whenever the Committee finds the representation from the Department of the Attorney General to be inadequate. As a general matter, the hiring of private counsel can be an expensive and often unnecessary expenditure of public moneys. The Department of the Attorney General is uniquely situated to understand those special defenses and claims that can be asserted by state entities. There are relatively few private attorneys who fully understand issues relating to the Eleventh Amendment, sovereign immunity, the Sunshine Law, the Uniform Information Practices Act (Modified), and government procurement practices. The use of deputy attorneys general also reduces state costs, develops in-house expertise, and ensures continuity in legal advice and consistency in legal interpretations among all state agencies. Allowing any state agency to hire separate counsel simply because the agency finds the representation to be 'inadequate' merely allows the agency to forum shop for a preferred, but not necessarily correct, legal opinion and takes away the Department of the Attorney General's authority to determine the course of litigation.

For the foregoing reasons, I am returning Senate Bill No. 1499 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 1499, entitled, 'A Bill for an Act Relating to the Randolph-Sheppard Revolving Account,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1499 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. 1499 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 24th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 231, returning House Bill Nos. 221, 260, 310, 806 and 990, without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 221

Honorable Members
Twentieth 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. 221, entitled, 'A Bill for an Act Relating to the Hawaii Tourism Authority.'

This bill requires the Hawaii Tourism Authority (HTA) to submit a long-term policy plan to the Legislature by January 1, 2000, and specifies that the strategic tourism marketing plan shall be updated every two years and implement the recommendations of the long-term policy plan. The bill also allows the HTA board to withhold from public inspection and copying any consultant's report and internal analysis related to the formulation of the strategic tourism marketing plan if, in the opinion of at least two-thirds of the HTA board members, public disclosure of the documents would frustrate the ability of HTA to implement its strategic tourism marketing plan and maximize the economic benefit of its expenditures, contracts, and agreements. The bill allows the HTA board to discuss such documents in executive session.

The provisions allowing HTA to withhold consultant reports and internal analysis from public inspection and to go into executive session to discuss such documents were added to the bill on April 29, 1999, by the Committee on Conference. Thus, neither the Office of Information Practices (OIP), which is the agency charged with administering the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes, nor members of the general public had an opportunity to testify on this bill, which affects both the Uniform Information Practices Act (Modified) and the Sunshine Law, Part I of chapter 92, Hawaii Revised Statutes.

Both chapters 92 and 92F promote the policies of open government and public participation in government. As such,

exemptions from the requirements of these laws must be carefully tailored to balance the interests of the public and the legitimate concerns of governmental agencies. The exemptions to these laws for HTA made by this bill were not subjected to public comment and scrutiny, but were included in this bill after the opportunity for testimony had passed. A more thorough exposition of the competing interests at issue here is necessary before it is clear that these exemptions are warranted.

For the foregoing reasons, I am returning House Bill No. 221 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. 221, entitled, 'A Bill for an Act Relating to the Hawaii Tourism Authority,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 221 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. 221 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 260

Honorable Members
Twentieth 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. 260, entitled, 'A Bill for an Act Relating to Early Childhood.'

The purpose of House Bill No. 260 is to provide a means for early childhood screening when a child reaches the age of three.

I am returning this measure because while I support the intent of the bill, the measure is redundant and unnecessary.

The Department of Education already has in place a 'Child Find' effort to fulfill the federal mandate to screen for children ages three to five who have disabilities. Furthermore, early childhood experts caution against formal screening that may inadvertently label a child as developmentally delayed or disabled, when, in fact, such is not the case.

For the foregoing reasons, I am returning House Bill No. 260 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. 260, entitled, 'A Bill for an Act Relating to Early Childhood,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 260 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. 260 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 310

Honorable Members
Twentieth 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. 310, entitled, 'A Bill for an Act Relating to Planning and Budgeting for New Schools.'

The purpose of House Bill No. 310 is to require the Director of Finance, in consultation with the Superintendent of Education, to include funding for athletics when budgeting for new schools. In addition, this bill requires the Department of Education to study the setting of coaches' salaries.

While this bill specifically provides that budgeting for new schools include athletic costs, this action undermines the authority of the Board of Education in setting the educational goals of the Department of Education by singling out athletics as a curriculum priority. Further, since the State and the Department of Education must accomplish their budgeted objectives within the limitations of available revenues, the enactment of this bill would reduce the options available to them to address changing fiscal conditions.

For the foregoing reasons, I am returning House Bill No. 310 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. 310, entitled, 'A Bill for an Act Relating to Planning and Budgeting for New Schools,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 310 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. 310 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 27, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 806

Honorable Members
Twentieth 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. 806, entitled, 'A Bill for an Act Relating to Land Exchange.'

The purpose of House Bill No. 806 is to provide legislative pre-approval of a proposed land exchange of public lands in North Kona for private lands, yet to be acquired, along the

Kona Coast. The purpose of the exchange is to develop a new motor speedway.

This bill sets a bad precedent of approving a 'land exchange' where; (1) the proposed exchange of party has not purchased nor even identified the lands to be exchanged; (2) the identities of the private real parties in interest are not even known; (3) no one knows the value of the lands to be exchanged; and (4) the Board of Land and Natural Resources has not yet reviewed and approved the proposed exchange. Normally, a land exchange is subject to legislative disapproval when all of this information has been disclosed and the transaction has been approved by the Board of Land and Natural Resources.

For the foregoing reasons, I am returning House Bill No. 806 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. 806, entitled, 'A Bill for an Act Relating to Land Exchange,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 806 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. 806 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 27th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 28, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 990

Honorable Members
Twentieth 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. 990, entitled, 'A Bill for an Act Making an Emergency Appropriation for Legal Services for

Department of Hawaiian Home Lands Individual Claims Review.'

The purpose of this bill is to appropriate additional general fund moneys on an emergency basis for fiscal year 1998-1999 to allow the Department of the Attorney General to continue its legal representation of the Department of Hawaiian Home Lands under chapter 674, Hawaii Revised Statutes.

Unfortunately, this bill will take effect on July 1, 1999. The authorization to expend funds appropriated for fiscal year 1998-1999 will expire at the end of that fiscal period on June 30, 1999. Because the authorization to expend the funds will expire on the day before this bill becomes effective, this bill will not accomplish its purpose and need not become law.

For the foregoing reasons, I am returning House Bill No. 990 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. 990, entitled, 'A Bill for an Act Making an Emergency Appropriation for Legal Services for Department of Hawaiian Home Lands Individual Claims Review,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 990 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. 990 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 28th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 28, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 827

Honorable Members
Twentieth Legislature
State of Hawaii

Gov. Msg. No. 232, returning House Bill Nos. 827 and 1711, without his approval and with his statement of objections relating to the measures, as follows:

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. 827, entitled, 'A Bill for an Act Relating to Public Lands.'

The purpose of House Bill No. 827 is to stimulate tourism in Hilo, Hawaii, by authorizing the Department of Land and Natural Resources to issue new, up to fifty-year leases to existing lessees in the Banyan Drive resort area. The bill also provides that if another bidder is interested in the property the successful bidder must pay the existing lessee the replacement value of the improvements.

While I support the intent of the bill and am sympathetic with the concerns of the present lessees, I cannot support a measure that does not uphold equal treatment and good faith competition. This measure attempts to address the concerns of the lessees by treating the lessees differently than all other lessees of state lands, and virtually shutting out competition by requiring a competitor to pay the replacement value of the improvements rather than the residual value.

For the foregoing reasons, I am returning House Bill No. 827 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. 827, entitled, 'A Bill for an Act Relating to Public Lands,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 827 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. 827 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 28th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

May 28, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1711

Honorable Members
Twentieth 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. 1711, entitled, 'A Bill for an Act Relating to Kaneohe Bay.'

The purpose of House Bill No. 1711 is to protect residential noncommercial piers at Kaneohe Bay and Kahaluu from fully complying with chapter 183C, Hawaii Revised Statutes, regardless of when the pier was built and to establish a lease rent moratorium on those piers until the Department of Land and Natural Resources (DLNR) adopts a private residential noncommercial pier lease rent formula.

Section 14 of Article III of the State Constitution requires that '[e]ach law shall embrace but one subject, which shall be expressed in its title.' The subject of this bill, as expressed in its title, is 'Kaneohe Bay.' However, this bill exempts all residential noncommercial piers, and all docks, public or private, commercial or non-commercial, regardless of location, from prior legislative and gubernatorial approval under Section 171-53, Hawaii Revised Statutes. Because Section 3 of the bill exempts all residential non-commercial piers and all docks from the requirements for a lease of submerged lands under Section 171-53, Hawaii Revised Statutes, not just those located in Kaneohe Bay, this bill violates Section 14 of Article III of the State Constitution.

Additionally, this bill establishes a lease moratorium on submerged lands and private piers until DLNR adopts a residential lease rent formula. This moratorium is unnecessary. DLNR by statute is required to charge fair market rent and should not be additionally required to adopt a special 'residential lease rent formula' prior to collecting any fair market rent owed. The moratorium to stay collection of lease rents does not serve any public purpose and is not in the public interest. The bill also provides for a credit for owners of legal piers who have paid rent in the past for the use of submerged lands. Crediting moneys paid to DLNR for the use of submerged lands is a windfall to private parties and serves no public purpose.

The bill would restrict access to piers in Kaneohe Bay where no restriction currently exists. This restriction is not in the public interest. The bill appears to favor owners of illegal piers by allowing those piers to be considered non-conforming uses in the conservation district and by forgiving any past rent that may be owed for the use of submerged lands. The bill would also prohibit the assessment of any fines against owners of illegal piers. It is inequitable for the owners of piers in Kaneohe Bay who have complied with the laws and paid for the use of submerged lands to be placed at a disadvantage over those that have violated the law.

For the foregoing reasons, I am returning House Bill No. 1711 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. 1711, entitled, 'A Bill for an Act Relating to Kaneohe Bay,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1711 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. 1711 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 28th day of May, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 233, informing the House that on June 7, 1999, he signed the following bill into law:

House Bill No. 72 as Act 64, entitled: "RELATING TO ELECTIONS".

Gov. Msg. No. 234, returning House Bill Nos. 98 and 661, without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 7, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 98

Honorable Members
Twentieth 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. 98, entitled, 'A Bill for an Act Relating to Pensioners' Bonus.'

The purpose of House Bill No. 98 is to extend the sunset date of the pensioners' retirement bonus adopted in 1990 for another two years, until June 30, 2001. Retirees who have been retired for a minimum of five years and have at least ten years of credited service are eligible for the pensioners' bonus. This bonus provides an incremental adjustment every five years with a progressively larger bonus for those retired the longest. The bonus is in addition to the 2.5 percent annual post retirement increase that is automatically provided every July 1.

The pensioners' bonuses are funded on a pay-as-you-go basis with State and county appropriations to the Employees' Retirement System's (ERS) pension accumulation fund. The ERS's actuary reports that extending the pensioners' bonus as provided in this bill would increase the ERS's unfunded liability by \$37,500,000 and annual State and county governments' appropriations to the ERS by \$3,700,000. Of the \$3,700,000, the State's share would be \$2,200,000. I believe that it is not appropriate, when fiscal and budgetary restraints need to be exercised, to permit enhancement of retirement benefits in this manner. This bill permanently raises employer pension costs and increases the retirement benefits for those retirees with ten years of service and who have been retired for at least five years over and above the existing statutory cost of

living pension increases. Furthermore, this additional benefit is inconsistent with the Legislature's action, in Senate Bill No. 1518, to prohibit any pay increase for current employees during the fiscal biennium ending June 30, 2001.

For the foregoing reasons, I am returning House Bill No. 98 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. 98, entitled, 'A Bill for an Act Relating to Pensioners' Bonus,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 98 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. 98 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 7th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 7, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 661

Honorable Members
Twentieth 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. 661, entitled, 'A Bill for an Act Relating to Enhanced Wireless Emergency 911 Service.'

The purpose of House Bill No. 661 is to encourage enhanced wireless emergency 911 service as required by the Federal Communication Commission ('FCC'). Enhanced wireless emergency 911 service would provide automatic caller number identification and caller location to the public safety agency that receives 911 calls from wireless telephones and dispatches safety, health, or fire responders. This bill would subsidize the development and implementation of the enhanced wireless 911 service through a monthly surcharge of 30 to 50 cents imposed

upon all cellular telephone users. Providers and resellers of cellular telephone services would bill for, collect, and deposit the surcharge into the wireless enhanced 911 fund. The fund would be administered by the Wireless Enhanced 911 Board ('Board'), which would be administratively attached to the Department of Health. The Board would set the amount of the monthly surcharge. Providers and public safety agencies would apply to the Board to recover the costs of development and implementation of wireless enhanced 911 services from the fund.

The Department of Health does not have sufficient information and staff expertise to proceed with administering this project at this time. At the present time, the costs to establish and operate the system proposed by this bill are uncertain and the surcharges collected may not be sufficient to cover these system costs. Finally, although it requires a cost recovery system for enhanced wireless 911 service, the FCC has set no deadline for the establishment of such a system. Accordingly, this bill is premature at this time.

For the foregoing reasons, I am returning House Bill No. 661 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. 661, entitled, 'A Bill for an Act Relating to Enhanced Wireless Emergency 911 Service,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 661 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. 661 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 7th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 235, returning Senate Bill Nos. 570, 953, 1032 and 1519 without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 7, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 570

Honorable Members
Twentieth 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. 570, entitled, 'A Bill for an Act Relating to the Waianae Coast Community Benchmarking Pilot Project and Appropriating Funds to Support the Project.'

The purposes of Senate Bill No. 570 are to extend the Waianae Coast Community Benchmarking Pilot Project from June 30, 2000, to June 30, 2003, and to appropriate \$2 for fiscal year 1999-2000 to support the work of the project.

This community benchmarking project, intended to improve the quality of life on the Waianae coast, involves setting community goals and establishing indicators or benchmarks to show movement toward those goals. This project was started several years ago by private agencies and much of its goal setting and visioning have already been accomplished. In 1997, proponents sought funding to implement some of its subprojects; however, no funding was provided. Instead, the Legislature acknowledged their efforts by formally establishing the Waianae Coast Benchmarking Pilot Project.

This year, proponents once again sought funding for six subprojects, including a culture and arts program, a communications infrastructure project, a health academy, managed care for the elderly, a pre-school program, and an ethno-botanical Hawaiian garden. The project's request was for \$350,000 in general funds, \$50,000 for each of six subprojects and an additional \$50,000 as a grant to the Hawaii Community Services Council for overall technical support services to the project. However, this bill will appropriate only \$2 to the project.

This bill is unnecessary, especially with the insignificant appropriation. Even without this bill, the project has one more year before its automatic repeal date of June 30, 2000.

For the foregoing reasons, I am returning Senate Bill No. 570 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. 570, entitled, 'A Bill for an Act Relating to the Waianae Coast Community Benchmarking Pilot Project and Appropriating Funds to Support the Project,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 570 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. 570 with my

objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 7th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 7, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 953

Honorable Members
Twentieth 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. 953, entitled, 'A Bill for an Act Relating to Natural and Cultural Resources.'

The purposes of Senate Bill No. 953 are to (1) establish a stewardship and partnering program to protect and enhance natural and cultural resources, (2) exempt a new environmental special fund for the program from the five percent central services fee and pro rata administrative expenses, and to preserve those exemptions after certain session law repeal dates, and (3) change the Environmental Council from fifteen to the Council (the Chair of the Board of Land and Natural Resources, the Director of State Planning, a landowner, and a Native Hawaiian), and increase the Council's duties.

The stewardship and partnering program is to be headed by an administrator with broad powers who will be appointed by the Environmental Council, which is administratively attached to the Department of Health, and the program enjoys many special provisions under the bill. Among other things, the bill authorizes the administrator to acquire real property, contract for grants and accept gifts, award grants and loans, 'leverage' State resources with private funding and in-kind matches, and facilitate land acquisition for various natural and cultural resource purposes, and authorizes the program to acquire real property for temporary purposes with the consent of the Council.

The bills' provisions are too broad. For example, the bill directs the administrator to create partnerships, support innovative approaches to integrate human activities and natural and cultural resources, and enhance and develop locally owned businesses.

The bill duplicates functions of the Department of Land and Natural Resources (DLNR), such as preserve coastlines and forests, and restore wildlife habitats. Under Section 171-3, Hawaii Revised Statutes (HRS), DLNR already has authority to manage, administer, and exercise control over public lands, water resources, ocean waters, navigable streams, and coastal areas. Under Section 171-3, the DLNR also manages and administers the State parks, historical sites, forests, forest reserves, aquatic life and aquaculture programs, aquatic life sanctuaries, public fishing areas, boating, ocean recreation, and coastal programs, wildlife, wildlife sanctuaries, game management areas, public hunting areas, and natural area reserves. The bill also appears to overlap with some of the powers and duties of the Board of Land and Natural Resources under Sections 171-6 and 171-7, HRS, such as establishing restrictions, requirements, and conditions on certain land

dispositions, and conducting sales pertaining to the disposition of public lands and other property authorized by the board. DLNR already administers two programs -- natural area partnership and forest stewardship -- which overlap with the proposed stewardship and partnering program.

The bill creates an environmental special fund to be used for salaries and expenses of the program, but the fund will be unable to meet the Legislative Auditor's criteria on self-sustainability, because no regular source of revenue, such as specific fees, is identified for this special fund. Instead, the program will be supported by general fund appropriations, private gifts, and interest deposited in the special fund. Since no source of revenue is identified and no appropriation of general funds is made, this bill establishes a program that is unfunded and cannot be implemented.

Finally, the program is exempt from taxation, the procurement code, and the grants and subsidies law, but no justification was provided for these exemptions.

For the foregoing reasons, I am returning Senate Bill No. 953 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. 953, entitled, 'A Bill for an Act Relating to Natural and Cultural Resources,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 953 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. 953 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 7th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 7, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1032

Honorable Members
Twentieth 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 Involuntary Psychiatric Treatment.'

The purpose of Senate Bill No. 1032 is to require the Department of Health to convene a task force to study and recommend to the Legislature a process, and the necessary criteria, to authorize the administration of involuntary psychoactive medication to patients committed to inpatient psychiatric facilities.

This bill is not necessary for two reasons. First, it makes no statutory change or appropriation. Second, the Department of Health has already convened an informal, *ad hoc* task force, the composition of which closely mirrors the membership proposed in the bill. The informal task force has met in the past year, and the Department of Health is willing to continue the meetings in the coming year in order to address the issues noted in the bill and to report findings and recommendations to the Legislature prior to the convening of the regular session of 2000.

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 Involuntary Psychiatric Treatment,' 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 by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 7th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 7, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1519

Honorable Members
Twentieth 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. 1519, entitled, 'A Bill for an Act Relating to Housing.'

The purpose of Senate Bill No. 1519 is to require assisted housing development owners to give one year's advance notice to tenants of their intent to terminate the provision of assisted housing under various specified programs. Senate Bill No. 1519 also gives tenant associations and certain nonprofit organizations priority opportunities to purchase the affected development. If enacted, this bill would place substantial administrative burdens on the Housing and Community Development Corporation of Hawaii without the necessary additional funding to accommodate these additional obligations. Senate Bill No. 1519, is also duplicative of the protections afforded by federal law under Section 549 of the Quality Housing and Work Responsibility Act of 1998. If this federal law changes, the State law will also need to be amended, thereby wasting administrative and legislative time and money.

For the foregoing reasons, I am returning Senate Bill No. 1519 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. 1519, entitled, 'A Bill for an Act Relating to Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1519 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. 1519 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 7th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 236, informing the House that on June 10, 1999, he signed the following bills into law:

House Bill No. 20 as Act 65, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 161 as Act 66, entitled: "RELATING TO SEARCH AND RESCUE COSTS";

House Bill No. 898 as Act 67, entitled: "RELATING TO THE ESTABLISHMENT OF AN AGRICULTURAL WATER SYSTEM FOR UPCOUNTRY MAUI";

House Bill No. 1203 as Act 68, entitled: "RELATING TO THE COLLECTION OF TAXES";

House Bill No. 1622 as Act 69, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 44 as Act 70, entitled: "RELATING TO TAXATION";

Senate Bill No. 638 as Act 71, entitled: "RELATING TO TAXATION";

Senate Bill No. 1147 as Act 72, entitled: "RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL";

Senate Bill No. 1270 as Act 73, entitled: "RELATING TO EDUCATION"; and

Senate Bill No. 1307 as Act 74, entitled: "RELATING TO SCHOOL PERFORMANCE".

Gov. Msg. No. 237, returning House Bill No. 100, without his approval and with the proclamation and his statement of objections relating to certain appropriation items, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 100

Honorable Members
Twentieth 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. 100, entitled, 'A Bill for an Act Relating to the State Budget.'

The purpose of House Bill No. 100 is to appropriate funds for the fiscal biennium July 1, 1999, to June 30, 2001, for the operating expenditures of the various executive branch agencies and programs and capital improvement projects. While the bill as a whole has merit, the appropriations for the operating expenses of the Department of Transportation at Kaunapali Harbor in item C-25 of section 3 on page 15 of this bill for fiscal years 1999-2000 and 2000-2001 are negative amounts. In addition, the appropriations for the State's contribution to the Employees' Retirement System for retirement costs for fiscal years 1999-2000 and 2000-2001 in item K-24 of Section 3 on page 49 of this bill, and the related proviso in Section 62 on page 83, do not take into account the reduction in contributions that will result from Senate Bill No. 1518, which was also passed this session by the Legislature.

Consequently, I have indicated my objections to the appropriations in item C-25 of Section 3 on page 15 of this bill by striking out '-5654B' for each fiscal year. Furthermore, I have indicated my objections to the retirement appropriations in item K-24 of Section 3 on page 49 by reducing the general fund appropriation for fiscal year 1999-2000 from \$189,228,048 to \$106,425,888 and reducing the general fund appropriation for fiscal year 2000-2001 from \$192,131,046 to \$162,111,766. I have also made the same reductions in the same amounts stated

on lines 12 and 13 in the related proviso, Section 62 at page 83 of the bill. Finally, to be consistent, I have reduced the amounts specified for pension accumulation at line 16 of Section 62 on page 83 from \$86,435,920 to \$3,633,760 for fiscal year 1999-2000 and from \$87,810,000 to \$57,790,720 for fiscal year 2000-2001.

For the foregoing reasons, I am returning House Bill No. 100 only with the negative amounts stricken from item C-25 of Section 3 and the general fund appropriations reduced as indicated above in item K-24 of Section 3 and the related proviso in section 62 of this bill by \$82,802,160 for fiscal year 1999-2000 and \$30,019,280 for fiscal year 2000-2001.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 100, entitled, 'A Bill for an Act Relating to the State Budget,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III, the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes; and

WHEREAS, House Bill No. 100 appropriates money for specific purposes and certain appropriation items in House Bill No. 100 are 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. 100 with my objections, as indicated, to certain appropriation items contained therein, as provided by said Section 16 of Article III of the Constitution of the State of Hawaii.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 238, returning House Bill Nos. 104, 273, 300, 499, 522, 532, 895, 1088 and 1416 without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 8, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 104

Honorable Members

Twentieth 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. 104, entitled, 'A Bill for an Act Relating to the Public Employees Health Fund.'

The purpose of this bill is to amend Act 309, Session Laws of Hawaii 1996, which authorized the establishment of a committee comprised of representatives from State and county public employer and public employee unions to develop, recommend, and implement an employer-union trust concept for determining and administering employee and retiree health benefits, by changing the composition of the committee and its purpose. Act 309 was enacted to establish a timetable to proceed with the conversion to an employer-union trust concept for determining and administering public employee and retiree health benefits, and to mandate that public employers and employee organizations work together on this effort.

This bill is objectionable, first because it amends Act 309 by deleting the references to 'employer-union trust concept' and replacing it with 'alternative concepts,' which redirects the committee to explore other concepts and obscures the purpose of Act 309. Second, the bill is unclear and ambiguous about whether it authorizes the appointment of two, three, or more co-chairs to lead the committee. Third, the bill proposes an amendment to Section 2 of Act 309, which allows 'any committee member or group of members [to] finalize a proposal to replace the existing public employees health fund with a system based on alternative concepts in the form of proposed legislation.' This provision undermines the objective of the Employer-Union Trust Concept Committee because (1) it promotes dissension among committee members and diverts the focus of the committee from its primary mission; and (2) it would inadvertently permit the submission to the Legislature of a proposal from any committee member or any group of committee members, which may not be the proposal supported by the overall committee.

For the foregoing reasons, I am returning House Bill No. 104 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. 104, entitled, 'A Bill for an Act Relating to the Public Employees Health Fund,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 104 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. 104 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 8th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 273

Honorable Members
Twentieth 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. 273, entitled, 'A Bill for an Act Relating to Children.'

The purpose of House Bill No. 273 is to amend chapter 707, Hawaii Revised Statutes, to create three new sections for the offenses of child abuse in the first, second, and third degrees, which are classified as A, B, and C felony offenses, respectively. The graduation for these offenses is based on the defendant's state of mind and the extent of the injury caused to the minor victim, who must be twelve years old or younger. This bill also amends Sections 707-710 and 707-711, Hawaii Revised Statutes, relating to the offenses of assault in the first and second degrees, which are classified as B and C felony offenses, respectively, by adding the provision that the victim be thirteen years old or older. Lastly, the bill adds the three new child abuse offenses to section 706-622, Hawaii Revised Statutes, which sets out the criteria for extended terms of imprisonment.

I understand that this measure was passed at least partially in response to a few cases widely reported in the media. However, the prohibited conduct covered by the newly created offenses is already punishable under our existing assault statutes. Consequently, the real impact of this bill is simply to elevate the criminal penalties that are presently prescribed in our statutes when the assaults are committed against a person who is twelve years old or younger. It is unnecessary to create new child abuse offenses and redefine our existing assault offenses when the only effect is the increase of possible penalties when the assault is committed against a minor under the age of thirteen years.

Furthermore, the new child abuse offenses or the redefined assault offenses will not be lesser included offenses in the offense of attempted murder. Lesser included offenses must meet the requirements listed in Section 701-109(4), Hawaii Revised Statutes. Because the new and redefined offenses will require proof of the victim's age and the offense of attempted murder does not require proof of the victim's age, the new child abuse and redefined assault offenses will require proof of more facts than those required to establish attempted murder. Since the other requirements of section 701-109(4), Hawaii Revised Statutes, are not met, the new and redefined offenses will not be lesser included offenses of attempted murder. This change to be effectuated by this bill will seriously disadvantage both the prosecution and the defense in criminal prosecutions. The Legislature has inserted age requirements in two particular offenses in the Hawaii Penal Code and in three newly created offenses, apparently without being cognizant that the Penal Code has internal consistency and amending one statute may have significant incongruous consequences in another context.

For the foregoing reasons, I am returning House Bill No. 273 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. 273, entitled, 'A Bill for an Act Relating to Children,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 273 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. 273 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 300

Honorable Members
Twentieth 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. 300, entitled, 'A Bill for an Act Relating to the Penal Code.'

The purpose of House Bill No. 300 is to create a new offense of assault against a police officer in the first degree. Under this bill, any person who intentionally or knowingly causes bodily injury to a police officer who is engaged in the performance of duty would be guilty of a class C felony. In addition, the bill renames the current offense of 'assault against a police officer' to 'assault against a police officer in the second degree' and penalizes any person who recklessly causes bodily injury to a police officer engaged in the performance of duty.

The intent of this bill is to enhance the penalty for assaulting a police officer in order to deter suspects who might otherwise escalate encounters with police officers into physical confrontations. However, the practical effect of this bill is the opposite. As passed, this bill creates a situation where a person

committing the less serious misdemeanor offense of assault against a police officer in the second degree would receive a penalty of a mandatory thirty days in prison while another person who commits the more serious felony offense of assault against a police officer in the first degree would not. Instead, the convicted felon may receive a sentence of probation without any prison term imposed.

Furthermore, although Senate Standing Committee Report No. 1493 on this bill noted that 359 cases of assaults against police officers were filed in 1997, it has been reported that the incidents of assaults against police officers have been decreasing. For example, in 1995, there were 372 reported cases of assaults against police officers of the Honolulu Police Department. Two years later in 1997, the number of assault cases involving Honolulu police officers dropped nearly twenty-five percent to 284. I am concerned that, with these significant decreasing figures, the added costs of felony prosecution of such offenses may be an unnecessary additional expenditure.

Moreover, if a significant number of the 359 cases of assaults against police officers are prosecuted as felonies, the circuit courts of Hawaii will be inundated with these felony cases and these cases may severely impact a system already straining to keep up with its responsibilities with respect to defendants charged with violating felony laws. Yet, no additional resources are provided in this bill either to the criminal justice system or to the correctional system to address these additional costs.

In the same vein, the legislative committee reports do not cite any data that indicate that an enhancement on reducing the number of assaults against police officers. Indeed, no data are cited as to whether the current authority to impose a term of imprisonment of up to one year, in conjunction with the thirty days mandatory imprisonment, would not provide an adequate and sufficient deterrent effect.

Additionally, this bill will set the threshold trigger in the felony assault against a police officer to only require 'bodily injury' to a police officer. We all recognize that police officers are our front-line protection against crime and are called upon to handle volatile situations. However, this bill will allow a felony prosecution when a police officer suffered the slightest pain during an arrest in which the arrestee may have resisted arrest. The conduct sought to be proscribed by the new felony offense created in this bill is similar to and overlaps the conduct attendant to the misdemeanor offense of resisting arrest.

The legislative committee reports noted that existing laws upgrade misdemeanor assaults to class C felony offenses when committed against correctional and educational workers. This bill apparently seeks to extend equivalent protection to police officers. However, educational workers are afforded special protection because they are unarmed and not trained to deal with aggressive persons. Similarly, while correctional workers may receive some training in handling difficult persons, this training is offset by the fact that correctional workers are unarmed and work in daily close contact with the inmates they supervise. It is reasonable and understandable that the law must provide educational and correctional workers with added protection through enhanced penalties, but the circumstances of those workers are not the same as those of police officers.

For the foregoing reasons, I am returning House Bill No. 300 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. 300, entitled, 'A Bill for an Act Relating to the Penal Code,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 300 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. 300 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 499

Honorable Members
Twentieth 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. 499, entitled, 'A Bill for an Act Relating to the Employees' Retirement System.'

The purpose of House Bill No. 499 is to provide conservation and resources law enforcement (DOCARE) officers in the Department of Land and Natural Resources retirement benefits similar to police officers. Currently, the DOCARE officers' retirement benefits are the same as most State employees. This bill allows DOCARE officers the option to convert from class C (noncontributory) membership to class A (contributory) membership effective July 1, 1999, provided that any credited class C service prior to July 1, 1999, will remain class C. New DOCARE officers who are hired after June 30, 1999, are required to become class A members.

I believe that it is not appropriate, when fiscal and budgetary restraint needs to be exercised, to permit such enhancement of retirement benefits. Depending upon the number of class C DOCARE officers who elect to convert to class A membership, the Employees' Retirement System's actuary has determined that this bill would increase the unfunded actuarial accrued liability of the Employees' Retirement System between \$3,700,000 and \$6,500,00, and increase annual State general fund appropriations to the Employees' Retirement System pension accumulation fund to between \$800,000 and \$1,000,000.

For the foregoing reasons, I am returning House Bill No. 499 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. 499, entitled, 'A Bill for an Act Relating to the Employees' Retirement System,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 499 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. 499 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 522

Honorable Members
Twentieth 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. 522, entitled, 'A Bill for an Act Relating to the School-to-Work Opportunities Pilot Project.'

The purpose of House Bill No. 522 is to amend Act 343, Session Laws of Hawaii 1997, to codify the school-to-work opportunities pilot project into permanent law by creating a new part of chapter 302A, Hawaii Revised Statutes, that will make the School-to-Work Opportunities Executive Council advisory in nature, and transfer management of the school-to-work opportunities staff to the Department of Education (DOE). This bill requires the DOE to employ an executive director for the school-to-work opportunities pilot project, who will be nominated by the Superintendent and approved by the school-to-work system. In addition, this bill requires Council members to pay their own travel expenses, unless actually engaged in Council business, and requires the Council and the

Superintendent to develop a transition plan by July 1, 1999, to be implemented by September 1, 1999.

However, the bill includes a grandfather clause that allows the DOE to place employees into civil service positions and requires that the employees be retained if the program or position is abolished. Furthermore, there is no appropriation to implement the provisions of the bill. Consequently, this bill is contrary to the civil service reforms in progress and lacks the legislative funding commitment necessary to implement its provisions.

For the foregoing reasons, I am returning House Bill No. 522 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. 522, entitled, 'A Bill for an Act Relating to the School-to-Work Opportunities Pilot Project,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 522 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. 522 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 532

Honorable Members
Twentieth 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. 532, entitled, 'A Bill for an Act Relating to Gender Equity in Sports.'

The purpose of this bill is to ensure high school compliance with the gender equity provisions of the Title IX of the United

States Code. This bill will add a new subpart to chapter 302A, Hawaii Revised Statutes, to establish an advisory commission on gender equity sports and require rules and a three-year strategic plan to implement recommendations.

This bill is unnecessary. The Department of Education (DOE) is currently in compliance with basic Title IX requirements and will continue to promote its short- and long-term compliance efforts. Furthermore, the Superintendent has stated that he is committed to continuing the DOE's short- and long-term compliance efforts. As proponents of the bill testified, this bill would be unnecessary if they had DOE's assurance on increased compliance efforts.

For the foregoing reasons, I am returning House Bill No. 532 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. 532, entitled, 'A Bill for an Act Relating to Gender Equity in Sports,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 532 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. 532 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 8, 1999

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 895

Honorable Members
Twentieth 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. 895, entitled, 'A Bill for an Act Relating to Emergency Medical Services.'

The purpose of House Bill No. 895 is to further the development of immediate critical care and transport by fixed- or rotary-wing aircraft of a patient to a specialized medical care facility (emergency aeromedical services or EAS) by, among other things, authorizing the Department of Health to include EAS as part of the statewide emergency medical services system, requiring the Department of Health to establish an emergency aeromedical medical services information system (EAMSIS) to collect specified data to help determine the effectiveness of the aeromedical quality improvement program and to identify EAS system strengths and weaknesses, and requiring the Department of Health to establish an emergency aeromedical services quality improvement advisory committee (advisory committee) with specified membership to analyze EAMSIS information.

The bill appears to be unnecessary, because the functions required by this bill can be implemented administratively by the Department of Health. Moreover, the advisory committee would be required to analyze EAMSIS data, but the advisory committee would exclude Department of Health representation. Analysis of EAMSIS data and development of recommendations, as well as cost implications, to improve the EAS system should be functions of the Department of Health.

For the foregoing reasons, I am returning House Bill No. 895 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. 895, entitled, 'A Bill for an Act Relating to Emergency Medical Services,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 895 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. 895 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 8th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS

TO HOUSE BILL NO. 1088

Honorable Members
Twentieth 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. 1088, entitled, 'A Bill for an Act Relating to School Attendance.'

The purpose of House Bill No. 1088 is to have the Board of Education conduct a study examining the minimum age that children should attain to attend kindergarten. The study is to include the establishment of readiness standards for entering kindergartners and the procedure to assess children by these standards. No appropriation is made for the study.

I support the goal of the bill to improve education. However, establishing readiness standards for entrance and assessing children by such standards risk excluding children who most need to have educational experiences to support their intellectual, language, and social development. A better approach is to improve accountability at each grade level and prohibit social promotion. Furthermore, this bill lacks the legislative funding commitment to conduct the study.

For the foregoing reasons, I am returning House Bill No. 1088 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. 1088, entitled, 'A Bill for an Act Relating to School Attendance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1088 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. 1088 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1416

Honorable Members
Twentieth 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. 1416, entitled, 'A Bill for an Act Relating to the Employees' Retirement System.'

The purpose of House Bill No. 1416 is to provide deputy sheriffs in the Department of Public Safety with the option to have retirement benefits similar to other high-risk occupations such as police officers. Currently, the deputy sheriffs' retirement benefits are the same as most State employees. This bill allows deputy sheriffs the option to convert from class C (noncontributory) membership to class A (contributory) membership effective July 1, 1999, provided that any credited class C service prior to July 1, 1999, will remain class C. New deputy sheriffs who are hired after June 30, 1999, are required to become class A members.

I believe that it is not appropriate, when fiscal and budgetary restraint needs to be exercised, to permit such enhancement of retirement benefits. Depending upon the number of class C deputy sheriffs who elect to convert to class A membership, the Employees' Retirement Systems actuary has determined that this bill would increase the unfunded actuarial accrued liability of the Employees' Retirement System between \$200,000 and \$3,200,000, and increase annual State general fund appropriations to the Employees' Retirement System pension accumulation fund to between \$500,000 and \$800,000.

For the foregoing reasons, I am returning House Bill No. 1416 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. 1416, entitled, 'A Bill for an Act Relating to the Employees' Retirement System,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1416 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. 1416 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 239, returning Senate Bill Nos. 788, 919, 1119, 1635 and 1638 without his approval and with his statement of objections relating to the measures, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 788

Honorable Members
Twentieth 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. 788, entitled, 'A Bill for an Act Relating to Taxation.'

The purpose of Senate Bill No. 788 is to establish a mandatory cigarette tax stamp system as a means to assess, collect, and enforce the cigarette tax. The bill is intended to reduce the loss of cigarette tax revenue to the State from the illegal sale of untaxed cigarettes.

The Department of Health's discussions with the United States Customs Service, the Bureau of Alcohol, Tobacco and Firearms, and representatives of military exchanges indicated that there is no evidence of large-scale black market cigarette sales. The Department of Taxation also has repeatedly requested actual proof of cigarette smuggling, but no such information has been provided.

Even if such a problem exists, this bill will not solve the problem without appropriate monitoring and enforcement. Since this bill requires enforcement by county liquor commissions, which do not have the requisite expertise to enforce cigarette tax violations, it is doubtful that this bill could accomplish its objective of preventing the sale of black market cigarettes.

Furthermore, this bill will be costly to implement and will require additional administrative rules. Given the lack of concrete evidence that large-scale smuggling of cigarettes exists, it is uncertain whether the State will be able to recoup these costs. Moreover, this bill requires the use of tax stamps beginning December 1, 1999, which is too short a period for adopting the rules necessary to implement such an ambitious tax collection system. Before implementing this collection system, stamps and tax forms would have to be designed and printed and a system for distribution, collection, reporting, and enforcement would have to be created.

Finally, the conference committee report on this bill is misleading, because it states that a cigarette tax stamp system is necessary to share in the proceeds from recent tobacco litigation. In actuality, a cigarette tax stamp system is not required to meet the terms of the tobacco litigation and to share in the proceeds.

For the foregoing reasons, I am returning Senate Bill No. 788 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 788, entitled, 'A Bill for an Act Relating to Taxation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 788 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. 788 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 9, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 919

Honorable Members
Twentieth 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. 919, entitled, 'A Bill for an Act Relating to Robbery.'

The purpose of Senate Bill No. 919 is to amend the statutes for robbery in the first and second degrees to permit a robbery conviction even though the victim was unaware that a theft had been committed and to amend the definition of 'dangerous instrument' to include the term 'an animal.'

Permitting a robbery conviction even though the victim was unaware of the theft would overturn the recent Hawaii Supreme Court decision in *State v. Mitsuda*, 86 Haw. 37, 947 P.2d 349 (1997). This requirement that the victim of a robbery be aware of the theft comes from a fundamental notion regarding robbery -- that robbery is in essence a forcible theft from the person.

The definition of robbery in the Hawaii Penal Code embodies this concept of forcible theft from the person by requiring that the person threatened during the robbery be present and that the threat be made with the intent 'to compel acquiescence to the taking of or escaping with the property.' In *Mitsuda*, the Hawaii Supreme Court found that the requirement that the person be aware of the theft is consistent with the law defining the offense of robbery in Hawaii even before the adoption of the Hawaii Penal Code. It is for this reason, as noted by the Hawaii Supreme Court, that robbery is punished more severely than its component parts, assault and theft,

because of the heightened sense of danger to a victim who is aware of having possessions taken through the use or threat of force. Deleting the requirement that the victim be aware of the theft undermines the rationale for punishing robbery more severely than its component parts.

Furthermore, the amendments to the robbery offense, as proposed in this bill, were prompted by a unique case. The facts in *Mitsuda* were unusual, because a defendant rarely is charged with a robbery offense when the victim of the robbery is unaware of the theft. Moreover, the defendant in the *Mitsuda* case did not go unpunished, because the defendant was convicted of burglary and theft. The robbery offense should not be rewritten because of one unusual case, especially when there are historical and cogent reasons in support of the Supreme Court's decision in the *Mitsuda* case.

This bill also adds 'an animal' to the definition of 'dangerous instrument' in section 708-840, Hawaii Revised Statutes. However, the current definition of 'dangerous instrument' already includes 'any . . . weapon, device, instrument, material, or substance, whether animate or inanimate.' 'Animate' would of course include 'an animal.' Since the existing statute already defines 'dangerous instrument' to include 'an animal,' this bill's amendment to the definition is superfluous.

For the foregoing reasons, I am returning Senate Bill No. 919 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 919, entitled, 'A Bill for an Act Relating to Robbery,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 919 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. 919 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS

TO SENATE BILL NO. 1119

Honorable Members
Twentieth 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. 1119, entitled, 'A Bill for an Act Relating to Homicide.'

The purpose of Senate Bill No. 1119 is to change the burden of proof of the extreme mental or emotional disturbance (EMED) defense of manslaughter by placing the burden on the defendant and not on the prosecution. The bill seeks to achieve this change by labeling the EMED defense as an 'affirmative defense.'

The major impetus of this legislation appears to be a misunderstanding of the current law that resulted from widespread media coverage of a homicide case. The EMED defense in its current form has been part of Hawaii law for nearly thirty years and has been clarified and explained through a number of well-reasoned appellate cases. The Hawaii Penal Code's formulation of the EMED defense was adopted from, and is consistent with, the Model Penal Code.

Shifting the burden on the EMED defense to the defendant will have the unintended effect of denying the defense under some circumstances to persons, such as battered women, who should be legitimately entitled to its benefit. It is not uncommon for a battered woman to kill her abuser when he is sleeping or not posing an immediate threat. Under this bill, in order to successfully raise the EMED defense, a battered woman will be required to prove by a preponderance of the evidence that she acted under an extreme mental or emotional disturbance for which there is a reasonable explanation, although the circumstances may show no immediate threat -- and, by inference, little reason for a disturbance. This may impose on the battered woman an evidentiary burden that may be difficult or impossible to meet.

Additionally, restructuring the extreme mental or emotional disturbance manslaughter ('voluntary manslaughter') defense into an affirmative defense, thereby requiring the defendant to prove by a preponderance of the evidence that he or she was under extreme mental or emotional distress for which there is a reasonable explanation, raises due process concerns because of the unique nature of the offense of 'voluntary' manslaughter in Hawaii.

This bill will consequently not only require the defendant to come forward with evidence, it will likely compel the defendant to testify in order to prove the defense. Indeed, this bill assumes that the defendant will invariably be able to establish the 'affirmative defense' to the satisfaction of the jury when it exists in fact. However, this is not necessarily true, because the defendant may not be able to establish the 'affirmative defense,' even when the prosecutor acknowledges its applicability. The burden, therefore, should properly remain on the prosecution.

It is not surprising that the vast majority of jurisdictions nationwide, including the federal jurisdiction, do not require the defendant to prove the EMED defense; instead, they place the burden on the prosecution, as the law in Hawaii currently provides. Such an overwhelming lack of endorsement of the use of the affirmative defense as applied to the EMED defense is not a good indication of the viability of its use.

For the foregoing reasons, I am returning Senate Bill No. 1119 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 1119, entitled, 'A Bill for an Act Relating to Homicide,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1119 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. 1119 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1635

Honorable Members
Twentieth 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. 1635, entitled, 'A Bill for an Act Relating to Public Land Trust.'

The purpose of Senate Bill No. 1635 is to facilitate the resolution of public land trust issues. This bill requires completion of an inventory of the lands subject to the public trust imposed by Section 5(f) of the Admission Act and provides an alternative funding mechanism for transferring a portion of the income and proceeds from the lands of the public trust to the Office of Hawaiian Affairs for an additional year.

This bill has the same purpose as Act 329, Session Laws of Hawaii 1997, whose principal purpose also was to fashion a comprehensive, just, and lasting or global resolution of all controversies relating to the proper management and disposition of the public land trust and the income and proceeds the trust generates. However, this bill neither extends the life of the executive-legislative committee that Act 329 established for gathering information, facilitating discussion, and formulating recommendations for a global resolution of all public land trust-related controversies, nor establishes an alternative mechanism for furthering and securing this bill's stated purpose.

In addition, the trustees of the Office of Hawaiian Affairs have discontinued our earlier settlement efforts and asked me to veto this bill. I understand further that the trustees prefer that the differences between the State and OHA presently pending before the Hawaii Supreme Court in the State's appeal in OHA v. State, S.Ct. No. 20281, be decided by the Court. I must assume that the trustees are aware that federal legislation precludes the State's airports system from paying for the use of public land trust lands with airport revenue, and that without the \$16,060,000 appropriation this bill would make, there will be no non-airport revenue appropriation to pay for the airport system's use.

Given OHA's request, the State's pressing need to apply its limited general revenues as productively as possible, and the fact that this bill provides no concrete means for furthering the effort toward a global resolution of all outstanding issues relating to the public land trust, I am not convinced of the necessity of this bill.

For the foregoing reasons, I am returning Senate Bill No. 1635 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 1635, entitled, 'A Bill for an Act Relating to Public Land Trust,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1635 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. 1635 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU

June 8, 1999

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1638

Honorable Members
Twentieth 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. 1638, entitled, 'A Bill for an Act Relating to Educational Officers.'

The purpose of Senate Bill No. 1638 is to require the Department of Education (DOE) and the exclusive representative for bargaining unit 6 to study possible inequities in pay for educational officers within the DOE and report to the Legislature before the convening of the regular session of 2000.

However, the DOE is able to pursue an internal review of the matter without this legislation. Moreover, some of the requirements of this bill are duplicated by a proviso contained in House Bill No. 100, the bill that will enact the General Appropriations Act of 1999, which requires the Auditor to conduct a study of the compensation of DOE personnel. The Auditor's office is in a better position to conduct an impartial review because the Auditor has no vested interest in the results of the study.

For the foregoing reasons, I am returning Senate Bill No. 1638 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 1638, entitled, 'A Bill for an Act Relating to Education Officers,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1638 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. 1638 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 8th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 240, returning Senate Bill No. 1518 without his approval and with the proclamation and his statement of objections relating to certain appropriation items, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS

TO SENATE BILL NO. 1518

Honorable Members
Twentieth 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. 1518, entitled, 'A Bill for an Act Relating to Government Operations.'

The purpose of Senate Bill No. 1518 is to allow the actuarial investment earnings in excess of a ten percent actuarial investment yield from fiscal years 1996-1997 and 1997-1998 from the Employees' Retirement System be used to reduce the State's and the counties' contribution to the Employees' Retirement System for retirement costs for fiscal years 1999-2000 and 2000-2001. In addition, this bill appropriates State general funds to the counties for fiscal years 1998-1999, 1999-2000, and 2000-2001 for the collective bargaining costs of agreements negotiated with the Hawaii Government Employees Association and the United Public Workers. Moreover, this bill requires all State departments and agencies to identify their goals, objectives, and policies to provide a basis for determining priorities and allocating limited public funds and human resources.

While this bill as a whole has merit, I object to the general fund appropriations made to the counties in Section 4 of this bill for fiscal years 1998-1999, 1999-2000, and 2000-2001 to assist the counties with their collective bargaining costs. The counties will realize a tremendous, one-time savings from the reduction in the amounts that they would have to pay to the Employees' Retirement System for the retirement costs. As a matter of policy, it is wrong to use State tax dollars from the general fund to pay for county employees' raises. Counties are responsible for funding collective bargaining costs for their employees. Furthermore, the general fund appropriations for fiscal year 1998-1999 have an effective date of July 1, 1999. Since the authorization to expend funds appropriated for fiscal year 1998-1999 expires at the end of that fiscal period on June 30, 1999, the authorization to expend the funds will expire on the day before these appropriations become effective.

Consequently, I have indicated my objections to the appropriations in Section 4 of this bill by striking out the general fund appropriations for fiscal year 1998-1999 of \$2,133,499 for Maui County and \$154,500 for Kauai County; the general fund appropriations for fiscal year 1999-2000 of \$11,059,400 for the City and County of Honolulu, \$2,065,600 for Hawaii County, \$2,701,400 for Maui County, and \$858,900 for Kauai County; and the general fund appropriations for fiscal year 2000-2001 of \$11,059,400 for the City and County of Honolulu, \$2,065,600 for Hawaii County, \$2,701,400 for Maui County, and \$858,900 for Kauai County.

For the foregoing reasons, I am returning Senate Bill No. 1518 with the appropriations set forth above totaling \$2,287,999 for fiscal year 1998-1999, \$16,685,300 for fiscal year 1999-2000, and \$16,685,300 for fiscal year 2000-2001 stricken from Section 4 of the bill.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 1518, entitled, 'A Bill for an Act Relating to Government Operations,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, Senate Bill No. 1518 appropriates money for specific purposes and certain appropriation items in that bill are 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. 1518 with my objections to certain appropriation items contained therein, to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 241, returning House Bill No. 1675, without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS
HONOLULU

June 10, 1999

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1675

Honorable Members
Twentieth 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. 1675, entitled, 'A Bill for an Act Relating to Hawaiian Home Lands Trust Individual Claims.'

The purpose of this bill is to extend the individual claims review process for one more year, without correcting the applicable criteria and formula for damages. This bill will also create a compensation commission to develop proposals for alternative means of compensating claimants who have received a favorable ruling from the Hawaiian Home Lands Individual Trust Claims Review Panel ('Panel').

By way of background, the individual claims review process was established by the Legislature in 1991 and it has been in operation for the last eight years. Moreover, after being established, the Panel took six long years before it finally submitted its first report to the Legislature with its recommended damage awards. This occurred in 1997. To date, the Panel has reviewed less than half of the more than 4000 claims filed. At this pace, it would certainly take more than 'one more year' for the Panel to complete its review of all the claims. This is totally unacceptable. The claimants as well as the State have been dragged through this process long enough, and this bill does nothing to expedite the matter.

Moreover, throughout the Panel's administrative review process, the Panel has continually misapplied the claims' criteria and formula for damages. For example, the Panel has improperly included 'wait list' claims as viable claims under chapter 674, Hawaii Revised Statutes. The problem of beneficiaries 'waiting' too long for a homestead was intended to be remedied by Act 14, Session Laws of Hawaii 1995, and not be the individual claims review process under chapter 674. Yet, under the currently applied criteria and formula, the Panel has deemed waiting list claims to be compensable. This bill fails to correct the Panel's erroneous inclusion of wait list claims as compensable claims.

Furthermore, in response to the Panel's first report to the Legislature containing recommended damages, the Legislature in 1997 enacted Act 382, which created a Working Group consisting of the Attorney General, the Director of Finance, the Chairperson of the Hawaiian Homes Commission, and the Chairperson of the Panel. This Working Group was created because the Legislature specifically found that there was 'disagreement between the parties over the formula utilized by the [Panel] to arrive at award amounts.' Accordingly, the Working Group was directed to discuss and formulate 'an appropriate formula and any criteria necessary to qualify and resolve all claims made under chapter 674, Hawaii Revised Statutes.' Upon approval by the Governor, the recommendations of the Working Group were to be applied by the Panel. Unfortunately, due to a civil lawsuit brought by several of the claimants, the Panel was enjoined from considering the twenty-five recommendations of the Working Group. Notwithstanding the injunction, this Legislature was still free to correct the disagreement over the claims' criteria and formula. The Legislature, having the opportunity this past legislative session to correct this matter, nevertheless failed to do this.

Other concerns with the validity of the Panel's recommended awards were further identified by the Attorney General in her response to the Panel's Report to the Governor and the 1999 Hawaii Legislature. Concerns were also raised by the Attorney General relative to the Panel's bias and conflicts of interests. None of these concerns are addressed by this bill.

Consequently, not only has the Legislature failed to clarify the disagreement over the criteria and formula for damages for these claims, but the Legislature is also responsible, in part, for the two-year delay, caused by the litigation, in processing these claims. Now, this bill will perpetuate the same erroneous standards for another year. This, in turn, will perpetuate the beneficiaries' misunderstanding that the Panel's recommended awards are valid. This misunderstanding by the beneficiaries cannot be allowed to continue.

For the foregoing reasons, I am returning House Bill No. 1675 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii

PROCLAMATION

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. 1675, entitled, 'A Bill for an Act Relating to Hawaiian Home Lands Trust Individual

Claims,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1675 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. 1675 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 10th day of June, 1999

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor of Hawaii"

Gov. Msg. No. 242, returning House Bill No. 1296, without his approval and with his statement of objections relating to the measure, as follows:

"EXECUTIVE CHAMBERS HONOLULU

June 15, 1999

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1296

Honorable Members
Twentieth 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. 1296, entitled, 'A Bill for an Act Relating to Kaneohe Bay.'

The purpose of House Bill No. 1296 is to require administrative rules governing commercial operations at Kaneohe Bay to be based on the provisions of the original Kaneohe Bay Master Plan, instead of a master plan as it may be amended by the Kaneohe Bay Regional Council, unless a rule is required to protect public health or safety or to ensure resource preservation or protection.

This bill is unnecessary, because the Kaneohe Bay Master Plan is in the process of being updated under the current raised in the committee reports on this bill regarding preserving the long-term integrity and beauty of Kaneohe Bay while addressing the needs of the commercial operators who utilize Kaneohe Bay as their place of business.

For the foregoing reasons, I am returning House Bill No. 1296 without my approval.

Respectfully,

/s/ Mazie K. Hirono

MAZIE K. HIRONO
Acting Governor of Hawaii

PROCLAMATION

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. 1296, entitled, 'A Bill for an Act Relating to Kaneohe Bay,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1296 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. 1296 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 15th day of June, 1999

/s/ Mazie K. Hirono

MAZIE K. HIRONO
Acting Governor of Hawaii"

Gov. Msg. No. 243, informing the House that on June 17, 1999, he signed the following bill into law:

Senate Bill No. 1157 as Act 75, entitled: "RELATING TO THE STATE LIBRARIAN".

Gov. Msg. No. 244, informing the House that on June 18, 1999, he signed the following bill into law:

House Bill No. 634 as Act 76, entitled: "ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF THE PUERTO RICANS TO HAWAII".

Gov. Msg. No. 245, informing the House that on June 22, 1999, he signed the following bills into law:

House Bill No. 172 as Act 77, entitled: "RELATING TO HOSPICE SERVICES";

House Bill No. 212 as Act 78, entitled: "RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR";

House Bill No. 1575 as Act 79, entitled: "MAKING AN APPROPRIATION FOR THE MILLENNIUM YOUNG PEOPLE'S CONGRESS"; and

Senate Bill No. 1011 as Act 80, entitled: "RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS".

Gov. Msg. No. 246, informing the House that on June 22, 1999, he signed the following bills into law:

House Bill No. 307 as Act 81, entitled: "RELATING TO HIGHER EDUCATION";

House Bill No. 562 as Act 82, entitled: "RELATING TO MEASUREMENT STANDARDS";

House Bill No. 746 as Act 83, entitled: "RELATING TO HULA";

House Bill No. 1183 as Act 84, entitled: "RELATING TO BEACH LANDS"; and

Senate Bill No. 1091 as Act 85, entitled: "RELATING TO AQUATIC".

Gov. Msg. No. 247, informing the House that on June 23, 1999, he signed the following bills into law:

House Bill No. 326 as Act 86, entitled: "RELATING TO HEALTH INSURANCE";

House Bill No. 351 as Act 87, entitled: "RELATING TO PRIVACY OF HEALTH CARE INFORMATION";

House Bill No. 547 as Act 88, entitled: "RELATING TO ANATOMICAL GIFTS";

Senate Bill No. 829 as Act 89, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE"; and

Senate Bill No. 40 as Act 90, entitled: "RELATING TO PHYSICIAN ASSISTANTS".

Gov. Msg. No. 248, transmitting copies of the 1998 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. 249, transmitting copies of the 1998 Report on the Juvenile Justice State Advisory Council prepared by the Office of Youth Services, pursuant to Section 223 (a) (3) (D) (ii) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Gov. Msg. No. 250, informing the House that on June 24, 1999, he signed the following bills into law:

House Bill No. 100 as Act 91, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 1454 as Act 92, entitled: "RELATING TO FEES";

Senate Bill No. 131 as Act 93, entitled: "RELATING TO LONG-TERM CARE";

Senate Bill No. 365 as Act 94, entitled: "RELATING TO CONSUMER PROTECTION";

Senate Bill No. 588 as Act 95, entitled: "RELATING TO SEX OFFENDERS";

Senate Bill No. 628 as Act 96, entitled: "RELATING TO ELECTIONS";

Senate Bill No. 779 as Act 97, entitled: "RELATING TO DENTAL HYGIENISTS";

Senate Bill No. 816 as Act 98, entitled: "RELATING TO THE CONVENTION CENTER";

Senate Bill No. 830 as Act 99, entitled: "RELATING TO HEALTH INSURANCE REIMBURSEMENT"; and

Senate Bill No. 1518 as Act 100, entitled: "RELATING TO GOVERNMENT OPERATIONS".

Gov. Msg. No. 251, informing the House that on June 25, 1999, he signed the following bills into law:

House Bill No. 160 as Act 101, entitled: "RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY";

House Bill No. 248 as Act 102, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 314 as Act 103, entitled: "RELATING TO THE STATE AQUARIUM";

House Bill No. 333 as Act 104, entitled: "MAKING AN APPROPRIATION FOR AGRICULTURE";

House Bill No. 377 as Act 105, entitled: "RELATING TO ECONOMIC DEVELOPMENT";

House Bill No. 582 as Act 106, entitled: "RELATING TO LANDOWNER LIABILITY";

House Bill No. 753 as Act 107, entitled: "RELATING TO THE ESTABLISHMENT OF SPECIAL IMPROVEMENT DISTRICTS";

House Bill No. 842 as Act 108, entitled: "RELATING TO GLASS CONTAINER RECOVERIES";

House Bill No. 850 as Act 109, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

House Bill No. 854 as Act 110, entitled: "RELATING TO EDUCATION";

House Bill No. 989 as Act 111, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSON'S CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 1012 as Act 112, entitled: "RELATING TO THE CLEAN HAWAII FUND";

House Bill No. 1020 as Act 113, entitled: "RELATING TO THE HAWAII CAPITAL LOAN PROGRAM";

House Bill No. 1085 as Act 114, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR EDUCATION";

House Bill No. 1111 as Act 115, entitled: "RELATING TO YEAR 2000 ERRORS BY COMPUTER-BASED SYSTEMS";

House Bill No. 1119 as Act 116, entitled: "RELATING TO CHILD PROTECTIVE SERVICES";

House Bill No. 1280 as Act 117, entitled: "RELATING TO AGRICULTURE";

House Bill No. 1637 as Act 118, entitled: "RELATING TO SCHOOL BUSES";

House Bill No. 1663 as Act 119, entitled: "RELATING TO HEALTH";

House Bill No. 1664 as Act 120, entitled: "RELATING TO HEALTH";

Senate Bill No. 844 as Act 121, entitled: "RELATING TO HEALTH INSURANCE";

Senate Bill No. 942 as Act 122, entitled: "RELATING TO HUNTING";

Senate Bill No. 951 as Act 123, entitled: "RELATING TO EMPLOYEE BENEFIT PLANS";

Senate Bill No. 1049 as Act 124, entitled: "RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS";

Senate Bill No. 1082 as Act 125, entitled: "RELATING TO THE BUREAU OF CONVEYANCES";

Senate Bill No. 1102 as Act 126, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 1127 as Act 127, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1131 as Act 128, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1145 as Act 129, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

Senate Bill No. 1155 as Act 130, entitled: "RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS";

Senate Bill No. 1158 as Act 131, entitled: "MAKING AN APPROPRIATION OF COMPENSATION OF CRIME VICTIMS";

Senate Bill No. 1163 as Act 132, entitled: "RELATING TO THE RELEASE OF PRE-TRIAL INMATES";

Senate Bill No. 1229 as Act 133, entitled: "RELATING TO HOUSING";

Senate Bill No. 1274 as Act 134, entitled: "RELATING TO PUBLIC SAFETY";

Senate Bill No. 1279 as Act 135, entitled: "RELATING TO THE UNIVERSAL SERVICE FUND";

Senate Bill No. 1294 as Act 136, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 1452 as Act 137, entitled: "RELATING TO HEALTH";

Senate Bill No. 1470 as Act 138, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS";

Senate Bill No. 1485 as Act 139, entitled: "RELATING TO MINORS"; and

Senate Bill No. 1502 as Act 140, entitled: "RELATING TO CAMPAIGN SPENDING".

Gov. Msg. No. 252, informing the House that on June 28, 1999, he signed the following bills into law:

House Bill No. 1471 as Act 141, entitled: "RELATING TO ELECTIONS";

Senate Bill No. 957 as Act 142, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

House Bill No. 177 as Act 143, entitled: "RELATING TO HARASSMENT";

House Bill No. 424 as Act 144, entitled: "RELATING TO FOREST RESERVES";

House Bill No. 440 as Act 145, entitled: "RELATING TO CONTROLLED SUBSTANCES";

House Bill No. 460 as Act 146, entitled: "RELATING TO CHECK CASHING";

House Bill No. 700 as Act 147, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

House Bill No. 978 as Act 148, entitled: "RELATING TO AGRICULTURE";

House Bill No. 985 as Act 149, entitled: "RELATING TO PROCUREMENT";

House Bill No. 1028 as Act 150, entitled: "RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION";

House Bill No. 1064 as Act 151, entitled: "RELATING TO HAWAII HURRICANE RELIEF FUND BONDS";

House Bill No. 1115 as Act 152, entitled: "RELATING TO FOSTER BOARDING HOMES";

House Bill No. 1117 as Act 153, entitled: "RELATING TO THE CHILD PROTECTIVE ACT";

House Bill No. 1124 as Act 154, entitled: "RELATING TO THE STATE ADVISORY COUNCIL ON REHABILITATION";

House Bill No. 1198 as Act 155, entitled: "RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION";

House Bill No. 1450 as Act 156, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 5 as Act 157, entitled: "RELATING TO AGRICULTURAL LOANS";

Senate Bill No. 392 as Act 158, entitled: "RELATING TO TRANSPORTATION";

Senate Bill No. 528 as Act 159, entitled: "RELATING TO HEALTH INSURANCE";

Senate Bill No. 646 as Act 160, entitled: "RELATING TO GOVERNMENT";

Senate Bill No. 949 as Act 161, entitled: "RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION";

Senate Bill No. 1101 as Act 162, entitled: "RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES";

Senate Bill No. 1129 as Act 163, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1139 as Act 164, entitled: "RELATING TO LIMITED LIABILITY";

Senate Bill No. 1178 as Act 165, entitled: "RELATING TO THE GENERAL EXCISE TAXATION OF RELATED ENTITIES";

Gov. Msg. No. 253, informing the House that on June 29, 1999, he signed the following bills into law:

House Bill No. 86 as Act 166, entitled: "RELATING TO STATE BONDS";

House Bill No. 1035 as Act 167, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM"; and

Senate Bill No. 1282 as Act 168, entitled: "RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM".

Gov. Msg. No. 254, transmitting copies of the following: Report to the Twentieth Legislature, State of Hawaii, 1999, on Act 146, Session Laws of Hawaii 1997, Requesting the Department of Health to establish an Advisory Task Force to Conduct an Air Quality Assessment of Campbell Industrial Park and Kahe Valley.

Gov. Msg. No. 255, informing the House that on July 1, 1999, he signed the following bills into law:

House Bill No. 171 as Act 169, entitled: "RELATING TO HEALTH CARE DECISIONS";

Senate Bill No. 947 as Act 170, entitled: "RELATING TO TELEMARKETING FRAUD";

House Bill No. 252 as Act 171, entitled: "RELATING TO DEGREE GRANTING INSTITUTIONS";

House Bill No. 266 as Act 172, entitled: "RELATING TO NEW MOTHERS BREASTFEEDING PROMOTION AND PROTECTION ACT";

Senate Bill No. 1177 as Act 173, entitled: "RELATING TO THE GENERAL EXCISE TAX";

Senate Bill No. 1261 as Act 174, entitled: "RELATING TO CAPTIVE INSURANCE";

House Bill No. 167 as Act 175, entitled: "RELATING TO MOTOR VEHICLE DRIVER LICENSING";

Senate Bill No. 1321 as Act 176, entitled: "RELATING TO OCEAN LEASING";

House Bill No. 336 as Act 177, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

Senate Bill No. 1583 as Act 178, entitled: "RELATING TO TECHNOLOGY";

House Bill No. 971 as Act 179, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

House Bill No. 972 as Act 180, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES"; and

House Bill No. 973 as Act 181, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES".

Gov. Msg. No. 256, informing the House that on July 1, 1999, he signed the following bill into law:

Senate Bill No. 1144 as Act 182, entitled: "RELATING TO FINANCIAL INSTITUTIONS".

Gov. Msg. No. 257, informing the House that on July 2, 1999, he signed the following bills into law:

House Bill No. 4 as Act 183, entitled: "RELATING TO POLICE ROADBLOCK PROGRAMS";

House Bill No. 7 as Act 184, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 77 as Act 185, entitled: "RELATING TO REAL PROPERTY ENCROACHMENT";

House Bill No. 138 as Act 186, entitled: "RELATING TO AGRICULTURAL GOODS";

House Bill No. 165 as Act 187, entitled: "RELATING TO ELECTIONS";

House Bill No. 1008 as Act 188, entitled: "RELATING TO TOBACCO LIABILITY";

House Bill No. 1017 as Act 189, entitled: "RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM";

House Bill No. 1086 as Act 190, entitled: "RELATING TO EDUCATION";

House Bill No. 1095 as Act 191, entitled: "RELATING TO THE REVIEW OF THE SALARIES OF THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS";

House Bill No. 1138 as Act 192, entitled: "RELATING TO EPIDEMIOLOGIC INVESTIGATIONS";

House Bill No. 1142 as Act 193, entitled: "RELATING TO ENVIRONMENT";

House Bill No. 1146 as Act 194, entitled: "RELATING TO VITAL RECORD FEES";

House Bill No. 1181 as Act 195, entitled: "RELATING TO AQUATIC RESOURCES";

House Bill No. 1186 as Act 196, entitled: "RELATING TO WILDLIFE PENALTIES";

House Bill No. 1188 as Act 197, entitled: "RELATING TO THE STATE WATER CODE";

House Bill No. 1197 as Act 198, entitled: "RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE";

Senate Bill No. 550 as Act 199, entitled: "RELATING TO EDUCATION";

Senate Bill No. 590 as Act 200, entitled: "RELATING TO RESTRAINING AND PROTECTIVE ORDERS";

Senate Bill No. 591 as Act 201, entitled: "RELATING TO CUSTODY AND VISITATION";

Senate Bill No. 592 as Act 202, entitled: "RELATING TO FIREARMS";

Senate Bill No. 616 as Act 203, entitled: "RELATING TO PROSTITUTION";

Senate Bill No. 630 as Act 204, entitled: "RELATING TO CAMPAIGN CONTRIBUTIONS";

Senate Bill No. 631 as Act 205, entitled: "RELATING TO POLITICAL PARTIES";

Senate Bill No. 635 as Act 206, entitled: "RELATING TO SUBSTANCE ABUSE TESTING";

Senate Bill No. 663 as Act 207, entitled: "RELATING TO MOTOR VEHICLE REGISTRATION";

Senate Bill No. 664 as Act 208, entitled: "RELATING TO SPECIAL NUMBER PLATES";

Senate Bill No. 1018 as Act 209, entitled: "RELATING TO THE DRUG FORMULARY";

Senate Bill No. 1021 as Act 210, entitled: "RELATING TO CLINICAL LABORATORY PERSONNEL";

Senate Bill No. 1024 as Act 211, entitled: "RELATING TO ENVIRONMENT";

Senate Bill No. 1026 as Act 212, entitled: "RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL";

Senate Bill No. 1055 as Act 213, entitled: "RELATING TO UNCLAIMED FINANCIAL ASSISTANCE BENEFITS"; and

Senate Bill No. 1071 as Act 214, entitled: "RELATING TO SECURITIES".

Gov. Msg. No. 258, informing the House that on July 2, 1999, he signed the following bills into law:

House Bill No. 328 as Act 215, entitled: "RELATING TO SUBSTANCE ABUSE";

House Bill No. 411 as Act 216, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 500 as Act 217, entitled: "RELATING TO FIREARMS";

House Bill No. 519 as Act 218, entitled: "RELATING TO THE HAWAII TEACHER STANDARDS BOARD";

House Bill No. 602 as Act 219, entitled: "RELATING TO REGISTRATION OF A TRAILER";

House Bill No. 635 as Act 220, entitled: "RELATING TO HEALTH";

House Bill No. 715 as Act 221, entitled: "RELATING TO REGISTRATION OF VEHICLES";

House Bill No. 743 as Act 222, entitled: "RELATING TO ADVANCED PRACTICE REGISTERED NURSES";

House Bill No. 765 as Act 223, entitled: "RELATING TO MOTOR VEHICLE RENTAL INDUSTRY";

House Bill No. 797 as Act 224, entitled: "RELATING TO OUTDOOR RECREATION";

House Bill No. 980 as Act 225, entitled: "RELATING TO IRRIGATION WATER DEVELOPMENT";

House Bill No. 997 as Act 226, entitled: "RELATING TO MONEY LAUNDERING";

House Bill No. 999 as Act 227, entitled: "RELATING TO ORGANIZED CRIME";

House Bill No. 1153 as Act 228, entitled: "RELATING TO RETAIL LIQUOR SALES TO MINORS";

House Bill No. 1162 as Act 229, entitled: "RELATING TO SAFETY";

House Bill No. 1166 as Act 230, entitled: "RELATING TO THE EMPLOYMENT AND TRAINING FUND PROGRAM";

House Bill No. 1170 as Act 231, entitled: "RELATING TO COST-RECOVERY FEES FOR DELINQUENT LIBRARY ACCOUNTS";

House Bill No. 1177 as Act 232, entitled: "RELATING TO ABANDONED VESSELS";

House Bill No. 1178 as Act 233, entitled: "RELATING TO ENFORCEMENT";

House Bill No. 1180 as Act 234, entitled: "RELATING TO THE LICENSE FOR IMPORTED MARINE LIFE";

Senate Bill No. 27 as Act 235, entitled: "RELATING TO MOTOR VEHICLE REGISTRATION";

Senate Bill No. 36 as Act 236, entitled: "RELATING TO CONDOMINIUMS";

Senate Bill No. 186 as Act 237, entitled: "RELATING TO TORT LIABILITY";

Senate Bill No. 207 as Act 238, entitled: "RELATING TO WASTEWATER";

Senate Bill No. 236 as Act 239, entitled: "RELATING TO UNFAIR AND DECEPTIVE PRACTICES";

Senate Bill No. 238 as Act 240, entitled: "RELATING TO REAL ESTATE BROKERS AND SALESPERSONS";

Senate Bill No. 285 as Act 241, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

Senate Bill No. 513 as Act 242, entitled: "RELATING TO FAMILY CHILD CARE";

Senate Bill No. 1079 as Act 243, entitled: "RELATING TO PERMIT PROCESSING";

Senate Bill No. 1118 as Act 244, entitled: "RELATING TO HABITUAL CRIMINAL BEHAVIOR";

Senate Bill No. 1125 as Act 245, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";

Senate Bill No. 1128 as Act 246, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1130 as Act 247, entitled: "RELATING TO HEALTH MAINTENANCE ORGANIZATIONS";

Senate Bill No. 1136 as Act 248, entitled: "RELATING TO REGULATION OF OSTEOPATHY";

Senate Bill No. 1140 as Act 249, entitled: "RELATING TO BUSINESS REGISTRATION";

Senate Bill No. 1142 as Act 250, entitled: "RELATING TO THE NAMES OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES";

Senate Bill No. 1149 as Act 251, entitled: "RELATING TO ENFORCEMENT OF WAGE LAWS";

Senate Bill No. 1160 as Act 252, entitled: "RELATING TO CONTROLLED SUBSTANCES";

Senate Bill No. 1180 as Act 253, entitled: "RELATING TO THE INCOME TAXATION OF NONRESIDENTS"; and

Senate Bill No. 1238 as Act 254, entitled: "RELATING TO PROFESSIONS AND OCCUPATIONS".

Gov. Msg. No. 259, informing the House that on July 6, 1999, he signed the following bills into law:

House Bill No. 1277 as Act 255, entitled: "RELATING TO WASTEWATER TREATMENT FACILITIES";

House Bill No. 1286 as Act 256, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NORTH HAWAII COMMUNITY HOSPITAL, INC.";

House Bill No. 1287 as Act 257, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE GAS UTILITY SERVING THE GENERAL PUBLIC";

House Bill No. 1361 as Act 258, entitled: "RELATING TO CHARTER TOUR OPERATORS";

House Bill No. 1401 as Act 259, entitled: "RELATING TO MOTOR VEHICLE TOWING";

House Bill No. 1409 as Act 260, entitled: "RELATING TO THE LAND USE COMMISSION";

Senate Bill No. 676 as Act 261, entitled: "RELATING TO COMMERCIAL DRIVER'S LICENSES";

Senate Bill No. 700 as Act 262, entitled: "RELATING TO LOW-SPEED VEHICLES";

Senate Bill No. 709 as Act 263, entitled: "RELATING TO TRAFFIC ENFORCEMENT";

Senate Bill No. 776 as Act 264, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

Senate Bill No. 798 as Act 265, entitled: "RELATING TO NOISE";

Senate Bill No. 809 as Act 266, entitled: "RELATING TO BOATING";

Senate Bill No. 822 as Act 267, entitled: "RELATING TO HEALTH INSURANCE";

Senate Bill No. 823 as Act 268, entitled: "RELATING TO SENTENCING";

House Bill No. 8 as Act 269, entitled: "RELATING TO MOTOR VEHICLE DRIVER LICENSING";

House Bill No. 170 as Act 270, entitled: "RELATING TO LONG-TERM CARE TAX BENEFITS";

House Bill No. 274 as Act 271, entitled: "RELATING TO FAMILIES";

House Bill No. 294 as Act 272, entitled: "RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS";

House Bill No. 325 as Act 273, entitled: "RELATING TO HEALTH";

House Bill No. 719 as Act 274, entitled: "RELATING TO ABANDONED MOTOR VEHICLES";

House Bill No. 801 as Act 275, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES";

House Bill No. 877 as Act 276, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER";

House Bill No. 945 as Act 277, entitled: "RELATING TO AGRICULTURAL PARKS";

House Bill No. 955 as Act 278, entitled: "RELATING TO CRIME";

House Bill No. 970 as Act 279, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

House Bill No. 1079 as Act 280, entitled: "RELATING TO THE CONVERSION OF BUSINESS ENTITIES";

House Bill No. 1257 as Act 281, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

Senate Bill No. 1036 as Act 282, entitled: "RELATING TO PERSONS WITH DISABILITIES";

Senate Bill No. 1124 as Act 283, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS"; and

Senate Bill No. 1512 as Act 284, entitled: "RELATING TO THE UNIFORM PARTNERSHIP ACT".

Gov. Msg. No. 260, informing the House that on July 6, 1999, he signed the following bills into law:

House Bill No. 1496 as Act 285, entitled: "RELATING TO DEADLY OR DANGEROUS WEAPONS";

House Bill No. 1497 as Act 286, entitled: "RELATING TO SENTENCING";

House Bill No. 1522 as Act 287, entitled: "RELATING TO REAL PROPERTY APPRAISALS";

House Bill No. 1548 as Act 288, entitled: "RELATING TO WASTEWATER REUSE";

House Bill No. 1594 as Act 289, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES";

House Bill No. 1595 as Act 290, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WASTE PROCESSING ENTERPRISES";

House Bill No. 1616 as Act 291, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

House Bill No. 1617 as Act 292, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

House Bill No. 1621 as Act 293, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

House Bill No. 1628 as Act 294, entitled: "RELATING TO AGRICULTURAL LOANS";

House Bill No. 1649 as Act 295, entitled: "RELATING TO THE CONVEYANCE TAX";

House Bill No. 1693 as Act 296, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

Senate Bill No. 889 as Act 297, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 896 as Act 298, entitled: "RELATING TO GUARDIANSHIP";

Senate Bill No. 901 as Act 299, entitled: "RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND";

Senate Bill No. 1003 as Act 300, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";

Senate Bill No. 1016 as Act 301, entitled: "RELATING TO ADMINISTRATIVE RULES";

Senate Bill No. 1262 as Act 302, entitled: "RELATING TO CAPTIVE INSURANCE"; and

Senate Bill No. 1421 as Act 303, entitled: "RELATING TO TAXATION".

Gov. Msg. No. 261, informing the House that on July 7, 1999, he signed the following bills into law:

Senate Bill No. 1034 as Act 304, entitled: "RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND"; and

House Bill No. 32 as Act 305, entitled: "RELATING TO AGRICULTURE".

Gov. Msg. No. 262, informing the House that after considerable study and reflection, he decided to permit the following measure to become law on July 9, 1999, without his signature, pursuant to Section 16 of Article III of the State Constitution:

Senate Bill No. 1325 as Act 306, entitled: "RELATING TO TAXATION".

Gov. Msg. No. 263, transmitting copies of the following: Report to the Twentieth Legislature, State of Hawaii, 1999, on Act 3, Session Laws of Hawaii, 1999, Making an Emergency Appropriation for the Child and Adolescent Mental Health Division, Report #2.

Gov. Msg. No. 264, transmitting copies of the Department of Transportation's Annual Report for fiscal year ending June 30, 1998.

Gov. Msg. No. 265, transmitting copies of the 1999 Legislation Affecting Hawai'i's Older Adults, prepared by the Executive Office on Aging.

Gov. Msg. No. 266, transmitting copies of the 1998 State Energy Resources Coordinator's Annual Report, pursuant to Section 196-4(11), Hawaii Revised Statutes.

Gov. Msg. No. 267, transmitting copies of the HCDCH Funds report prepared by Grant Thornton, Certified Public Accountants and the Housing and Community Development Corporation of Hawaii, Department of Business, Economic Development, and Tourism, to satisfy the requirements of Section 201G-21, Hawaii Revised Statutes.

Gov. Msg. No. 268, transmitting copies of the following: Report to the Twentieth Legislature, State of Hawaii, 1999, on Act 3, Session Laws of Hawaii, 1999, Making an Emergency Appropriation for the Child and Adolescent Mental Health Division, Report #3.

DEPARTMENTAL COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Dept. Com. No. 13 from Marion M. Higa, State Auditor, Office of the Auditor, transmitting a copy of a report, Actuarial Study and Operational Audit of the Hawaii Public Employees Health Fund.

Dept. Com. No. 14 from Seiji F. Naya, Director, Department of Business, Economic Development and Tourism, transmitting copies of the March 1999 issue of the Quarterly Statistical & Economic Report.

Dept. Com. No. 15 from Robert J. Fishman, Chief Executive Officer, Hawaii Tourism Authority, transmitting copies of "Ke Kumu" (Draft Tourism Strategic Plan) and copies of the Executive Summaries of the Competitive Analysis and Product Assessments Studies which were conducted by PricewaterhouseCoopers, LLP and KPMG LLP.

Dept. Com. No. 16 from Todd Boulanger, Planner, Department of Health, Health Resources Administration, Family Health Systems Division, transmitting copies of the 1998 Primary Care Needs Assessment Databook. The Databook serves as a source of comparative health statistics on 28 primary care service areas across the State.

Dept. Com. No. 17 from Lynn Y. Wakatsuki, Commissioner, Division of Financial Institutions, Department of Commerce and Consumer Affairs, transmitting copies of the 1998 Annual Report of the Division of Financial Institutions, Department of Commerce and Consumer Affairs. The Report identifies all institutions and branches which are regulated by the Division of Financial Institutions, including a listing of foreign lenders and escrow depositories. The Report provides a broad overview of the state-chartered institutions which are presently competing in the State's communities.

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 23 from Daniel W. Burkhardt, Special Assistant to the President, Director of Correspondence and Presidential Messages, acknowledging receipt of certain resolutions adopted by the Twentieth Legislature, Regular Session of 1999.

Misc. Com. No. 24 from Paul G. LeMahieu, Ph.D., Superintendent of Education, State of Hawaii, transmitting copies of The Superintendent's Eighth Annual Report on School Performance and Improvement in Hawaii, required by Section 302A-1004, Hawaii Revised Statutes. The report provides information on education in the public schools of Hawaii during the 1996-97 school year. It includes multi-year data wherever relevant and possible, and also takes account of context, process, and outcomes in reporting and analyzing educational indicators. The report also includes data on other states for comparative analyses of Hawaii's educational system.