

## TWENTY-EIGHTH DAY

## Thursday, March 8, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:50 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Chris Halford, after which the Roll was called showing all members present with the exception of Representatives Hiraki, McDermott, Takumi and Whalen, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 162) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 162, transmitting copies of the Report On the Activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and Use of the Environmental Response Revolving Fund.

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com No. 12) was received by the Clerk and was placed on file:

Dept. Com. No. 12, from Ms. Marion M. Higa, State Auditor, State of Hawaii, transmitting copies of the Audit of the Office of Hawaiian Affairs.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 22 through 439) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 22, transmitting S.B. No. 16, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL FEE SCHEDULES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 23, transmitting S.B. No. 18, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 24, transmitting S.B. No. 23, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 25, transmitting S.B. No. 24, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 26, transmitting S.B. No. 28, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 27, transmitting S.B. No. 41, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 28, transmitting S.B. No. 45, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARMING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 29, transmitting S.B. No. 48, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 30, transmitting S.B. No. 59, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 31, transmitting S.B. No. 72, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOLA'OLAWE ISLAND RESERVE COMMISSION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 32, transmitting S.B. No. 94, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 33, transmitting S.B. No. 97, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 34, transmitting S.B. No. 98, entitled: "A BILL FOR AN ACT RELATING TO LEGAL SERVICES FOR THE INDIGENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 35, transmitting S.B. No. 99, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 36, transmitting S.B. No. 105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 37, transmitting S.B. No. 106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 38, transmitting S.B. No. 107, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 39, transmitting S.B. No. 118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CANCER," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 40, transmitting S.B. No. 119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 41, transmitting S.B. No. 120, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

CORRECTIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 42, transmitting S.B. No. 123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 43, transmitting S.B. No. 124, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 44, transmitting S.B. No. 127, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE IMPROVEMENT AND MAINTENANCE OF STUDENT LAVATORIES IN ALL HAWAII PUBLIC SCHOOLS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 45, transmitting S.B. No. 131, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CHILD SUPPORT ENFORCEMENT AGENCY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 46, transmitting S.B. No. 132, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PEER EDUCATION PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 47, transmitting S.B. No. 138, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 48, transmitting S.B. No. 160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 49, transmitting S.B. No. 164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOY VEHICLES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 50, transmitting S.B. No. 169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 51, transmitting S.B. No. 171, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 52, transmitting S.B. No. 173, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 53, transmitting S.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 54, transmitting S.B. No. 175, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 55, transmitting S.B. No. 176, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 56, transmitting S.B. No. 178, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 57, transmitting S.B. No. 180, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 58, transmitting S.B. No. 181, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 59, transmitting S.B. No. 185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 60, transmitting S.B. No. 190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 61, transmitting S.B. No. 197, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 62, transmitting S.B. No. 202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 63, transmitting S.B. No. 204, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 64, transmitting S.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 65, transmitting S.B. No. 206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WHARFAGE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 66, transmitting S.B. No. 207, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND VEHICLE TRANSFERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 67, transmitting S.B. No. 209, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 68, transmitting S.B. No. 210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 69, transmitting S.B. No. 211, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR

VEHICLE DRIVER LICENSING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 70, transmitting S.B. No. 212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY INSTRUCTION PERMIT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 71, transmitting S.B. No. 213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 72, transmitting S.B. No. 214, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 73, transmitting S.B. No. 216, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 74, transmitting S.B. No. 221, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 75, transmitting S.B. No. 224, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 76, transmitting S.B. No. 233, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 77, transmitting S.B. No. 239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 78, transmitting S.B. No. 244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE BENEFITS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 79, transmitting S.B. No. 257, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF PRESCRIPTION DRUGS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 80, transmitting S.B. No. 263, entitled: "A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTORS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 81, transmitting S.B. No. 264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATION FOR TAX EXEMPTION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 82, transmitting S.B. No. 331, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 83, transmitting S.B. No. 336, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 84, transmitting S.B. No. 369, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 85, transmitting S.B. No. 382, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 86, transmitting S.B. No. 400, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 87, transmitting S.B. No. 423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PROCEEDINGS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 88, transmitting S.B. No. 424, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COURTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 89, transmitting S.B. No. 440, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 90, transmitting S.B. No. 441, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS COMMISSION ACT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 91, transmitting S.B. No. 446, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 92, transmitting S.B. No. 447, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 93, transmitting S.B. No. 448, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 94, transmitting S.B. No. 449, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 95, transmitting S.B. No. 453, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 96, transmitting S.B. No. 469, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 97, transmitting S.B. No. 483, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINT OF TRADE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 98, transmitting S.B. No. 484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 99, transmitting S.B. No. 493, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 100, transmitting S.B. No. 495, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 101, transmitting S.B. No. 497, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 102, transmitting S.B. No. 498, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NANAKULI HOMESTEAD CEMETERY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 103, transmitting S.B. No. 499, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVE SHARING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 104, transmitting S.B. No. 500, entitled: "A BILL FOR AN ACT RELATING TO DILLINGHAM AIRFIELD," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 105, transmitting S.B. No. 505, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 106, transmitting S.B. No. 523, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPOINTED PUBLIC OFFICIALS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 107, transmitting S.B. No. 525, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEXTBOOKS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 108, transmitting S.B. No. 530, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ADMINISTRATORS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 109, transmitting S.B. No. 535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 110, transmitting S.B. No. 540, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 111, transmitting S.B. No. 545, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PACON INTERNATIONAL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 112, transmitting S.B. No. 549, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 113, transmitting S.B. No. 552, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A KOREAN WAR MUSEUM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 114, transmitting S.B. No. 582, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSPACE ENTREPRENEURS ACADEMIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 115, transmitting S.B. No. 584, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION PERSONNEL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 116, transmitting S.B. No. 588, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 117, transmitting S.B. No. 589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 118, transmitting S.B. No. 591, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 119, transmitting S.B. No. 594, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 120, transmitting S.B. No. 597, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 121, transmitting S.B. No. 598, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 122, transmitting S.B. No. 606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLED WATER," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 123, transmitting S.B. No. 621, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 124, transmitting S.B. No. 623, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 125, transmitting S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on March 6, 2001.



Sen. Com. No. 126, transmitting S.B. No. 630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 127, transmitting S.B. No. 633, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE HAWAII FORESTRY AND COMMUNITIES INITIATIVE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 128, transmitting S.B. No. 637, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 129, transmitting S.B. No. 638, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MOLOKAI IRRIGATION SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 130, transmitting S.B. No. 640, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 131, transmitting S.B. No. 643, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOGS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 132, transmitting S.B. No. 645, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC AGE VERIFICATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 133, transmitting S.B. No. 648, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 134, transmitting S.B. No. 653, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 135, transmitting S.B. No. 654, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 136, transmitting S.B. No. 661, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 137, transmitting S.B. No. 670, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 138, transmitting S.B. No. 678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 139, transmitting S.B. No. 683, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 140, transmitting S.B. No. 684, entitled: "A BILL FOR AN ACT RELATING TO FEES OF THE SHERIFF'S OFFICE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 141, transmitting S.B. No. 699, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 142, transmitting S.B. No. 704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 143, transmitting S.B. No. 706, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 144, transmitting S.B. No. 710, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 145, transmitting S.B. No. 711, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 146, transmitting S.B. No. 716, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 147, transmitting S.B. No. 720, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 148, transmitting S.B. No. 723, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 149, transmitting S.B. No. 724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 150, transmitting S.B. No. 725, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 151, transmitting S.B. No. 729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR DISPUTES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 152, transmitting S.B. No. 733, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 153, transmitting S.B. No. 735, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT

EWA VILLAGES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 154, transmitting S.B. No. 748, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 155, transmitting S.B. No. 749, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 156, transmitting S.B. No. 750, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 157, transmitting S.B. No. 751, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 158, transmitting S.B. No. 752, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BOATING FACILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 159, transmitting S.B. No. 755, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 160, transmitting S.B. No. 758, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 161, transmitting S.B. No. 759, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 162, transmitting S.B. No. 774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 163, transmitting S.B. No. 780, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION, TO ADD A SECTION ON CRIME VICTIMS' RIGHTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 164, transmitting S.B. No. 796, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 165, transmitting S.B. No. 797, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 166, transmitting S.B. No. 807, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BEACH RESTORATION AND BEAUTIFICATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 167, transmitting S.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO REPORTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 168, transmitting S.B. No. 821, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAPTOPS FOR LEARNING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 169, transmitting S.B. No. 823, S.D. 1, entitled: "A BILL FOR AN ACT RELATED TO LIMITED LIABILITY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 170, transmitting S.B. No. 834, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII ELECTION CAMPAIGN FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 171, transmitting S.B. No. 836, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ENFORCEMENT OF PARKING FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 172, transmitting S.B. No. 838, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 173, transmitting S.B. No. 840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 174, transmitting S.B. No. 841, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 175, transmitting S.B. No. 847, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 176, transmitting S.B. No. 848, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 177, transmitting S.B. No. 849, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 178, transmitting S.B. No. 850, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 179, transmitting S.B. No. 854, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 180, transmitting S.B. No. 864, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 181, transmitting S.B. No. 865, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 182, transmitting S.B. No. 876, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

ISSUANCE OF SPECIAL FACILITY REVENUE BONDS FOR INTERISLAND MARITIME TRANSPORTATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 183, transmitting S.B. No. 877, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE AGRICULTURAL WATER DISTRIBUTION SYSTEM, UPCOUNTRY KULA, MAUI WATERSHED," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 184, transmitting S.B. No. 879, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 185, transmitting S.B. No. 887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 186, transmitting S.B. No. 896, entitled: "A BILL FOR AN ACT RELATING TO COUNTY CONSTRUCTION PROJECTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 187, transmitting S.B. No. 900, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE APPLICATIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 188, transmitting S.B. No. 902, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 189, transmitting S.B. No. 905, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE LOBBYIST LAW," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 190, transmitting S.B. No. 911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 191, transmitting S.B. No. 926, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 192, transmitting S.B. No. 927, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT DAY HEALTH CARE CENTERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 193, transmitting S.B. No. 932, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 194, transmitting S.B. No. 937, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 195, transmitting S.B. No. 938, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 196, transmitting S.B. No. 939, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 197, transmitting S.B. No. 940, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 198, transmitting S.B. No. 944, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 199, transmitting S.B. No. 950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIAMOND HEAD," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 200, transmitting S.B. No. 951, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HATE CRIMES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 201, transmitting S.B. No. 957, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUPPORT SERVICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 202, transmitting S.B. No. 981, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 203, transmitting S.B. No. 982, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE IRRIGATION PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 204, transmitting S.B. No. 984, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 205, transmitting S.B. No. 986, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 206, transmitting S.B. No. 989, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 207, transmitting S.B. No. 992, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 208, transmitting S.B. No. 995, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITIGATION HIGHWAYS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 209, transmitting S.B. No. 996, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII

CONSTITUTION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 210, transmitting S.B. No. 997, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 211, transmitting S.B. No. 999, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF LAW," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 212, transmitting S.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS BY MAIL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 213, transmitting S.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 214, transmitting S.B. No. 1010, entitled: "A BILL FOR AN ACT RELATING TO FUNCTIONAL PLANS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 215, transmitting S.B. No. 1011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHIC INFORMATION SYSTEMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 216, transmitting S.B. No. 1015, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 217, transmitting S.B. No. 1016, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 218, transmitting S.B. No. 1018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEE SIMPLE RESIDENTIAL REVOLVING FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 219, transmitting S.B. No. 1019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 220, transmitting S.B. No. 1021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 221, transmitting S.B. No. 1026, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 222, transmitting S.B. No. 1028, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT DISTRICTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 223, transmitting S.B. No. 1030, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 224, transmitting S.B. No. 1034, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 225, transmitting S.B. No. 1035, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 226, transmitting S.B. No. 1036, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 227, transmitting S.B. No. 1038, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 228, transmitting S.B. No. 1039, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 229, transmitting S.B. No. 1040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 230, transmitting S.B. No. 1042, entitled: "A BILL FOR AN ACT RELATING TO REORGANIZATION OF STATE GOVERNMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 231, transmitting S.B. No. 1044, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 232, transmitting S.B. No. 1045, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HEALTH FUND PREMIUMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 233, transmitting S.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 234, transmitting S.B. No. 1047, entitled: "A BILL FOR AN ACT RELATING TO THE SHORT-TERM INVESTMENT OF STATE MONEYS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 235, transmitting S.B. No. 1048, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 236, transmitting S.B. No. 1049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF OUTSTANDING AUTHORIZED BUT

UNISSUED SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 237, transmitting S.B. No. 1050, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 238, transmitting S.B. No. 1052, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 239, transmitting S.B. No. 1054, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 240, transmitting S.B. No. 1058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 241, transmitting S.B. No. 1059, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 242, transmitting S.B. No. 1060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 243, transmitting S.B. No. 1061, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 244, transmitting S.B. No. 1062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 245, transmitting S.B. No. 1063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKER LICENSING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 246, transmitting S.B. No. 1064, entitled: "A BILL FOR AN ACT RELATING TO RENEWAL REQUIREMENTS OF THE BOARD OF MEDICAL EXAMINERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 247, transmitting S.B. No. 1065, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 248, transmitting S.B. No. 1066, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 249, transmitting S.B. No. 1067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING HURRICANE PROPERTY INSURANCE RISK," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 250, transmitting S.B. No. 1068, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

PRODUCER LICENSING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 251, transmitting S.B. No. 1069, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 252, transmitting S.B. No. 1070, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION COURSES AND COURSE PROVIDERS FOR INSURANCE LICENSEES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 253, transmitting S.B. No. 1071, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 254, transmitting S.B. No. 1072, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 255, transmitting S.B. No. 1073, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL SERVICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 256, transmitting S.B. No. 1074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTIONS FOR DEPOSITORY INSTITUTION SALES OF INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 257, transmitting S.B. No. 1075, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 258, transmitting S.B. No. 1076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 259, transmitting S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADEMARKS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 260, transmitting S.B. No. 1078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 261, transmitting S.B. No. 1079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY PARTNERSHIPS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 262, transmitting S.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 263, transmitting S.B. No. 1082, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 264, transmitting S.B. No. 1084, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 265, transmitting S.B. No. 1087, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS AT PUBLIC LIBRARY FACILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 266, transmitting S.B. No. 1088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 267, transmitting S.B. No. 1089, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 268, transmitting S.B. No. 1090, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 269, transmitting S.B. No. 1094, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 270, transmitting S.B. No. 1096, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 271, transmitting S.B. No. 1099, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 272, transmitting S.B. No. 1100, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 273, transmitting S.B. No. 1101, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 274, transmitting S.B. No. 1102, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 275, transmitting S.B. No. 1103, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 276, transmitting S.B. No. 1104, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF FOSTER PARENTS TO PROVIDE CONSENTS FOR THE FOSTER CHILD'S EDUCATIONAL AND RECREATIONAL NEEDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 277, transmitting S.B. No. 1105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ON THE NATURAL PARENTS OF THE ADOPTED MINOR CHILD," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 278, transmitting S.B. No. 1106, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN

EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 279, transmitting S.B. No. 1108, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNERAL ASSISTANCE PAYMENTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 280, transmitting S.B. No. 1109, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE RECOVERY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 281, transmitting S.B. No. 1110, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 282, transmitting S.B. No. 1111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REIMBURSEMENT FOR NONINSTITUTIONAL PROVIDERS OF MEDICAL CARE FOR SERVICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 283, transmitting S.B. No. 1112, entitled: "A BILL FOR AN ACT RELATING TO OHANA CONFERENCING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 284, transmitting S.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 285, transmitting S.B. No. 1114, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 286, transmitting S.B. No. 1115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN RESOURCES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 287, transmitting S.B. No. 1119, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 288, transmitting S.B. No. 1120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF INCOMPETENT PERSONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 289, transmitting S.B. No. 1121, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 290, transmitting S.B. No. 1122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISABILITY AND COMMUNICATION ACCESS BOARD," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 291, transmitting S.B. No. 1123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL



RECORDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 292, transmitting S.B. No. 1126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 293, transmitting S.B. No. 1127, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 294, transmitting S.B. No. 1128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT INSURANCE BENEFITS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 295, transmitting S.B. No. 1129, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 296, transmitting S.B. No. 1131, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 297, transmitting S.B. No. 1133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 298, transmitting S.B. No. 1135, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 299, transmitting S.B. No. 1136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USED OIL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 300, transmitting S.B. No. 1137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PENALTIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 301, transmitting S.B. No. 1138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE NEWBORN HEARING SCREENING PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 302, transmitting S.B. No. 1142, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 303, transmitting S.B. No. 1144, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 304, transmitting S.B. No. 1145, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 305, transmitting S.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 306, transmitting S.B. No. 1151, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 307, transmitting S.B. No. 1161, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF ABANDONED OR SEIZED PROPERTY ON PUBLIC LANDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 308, transmitting S.B. No. 1162, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC NOTICE REQUIREMENTS FOR PUBLIC LAND DISPOSITIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 309, transmitting S.B. No. 1163, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECTIVE DATE OF EXISTING USES UNDER THE WATER CODE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 310, transmitting S.B. No. 1164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FOREST STEWARDSHIP PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 311, transmitting S.B. No. 1165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR NATURAL RESOURCES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 312, transmitting S.B. No. 1166, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR THE STATEWIDE TRAIL AND ACCESS PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 313, transmitting S.B. No. 1167, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 314, transmitting S.B. No. 1168, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 315, transmitting S.B. No. 1169, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 316, transmitting S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO REPORTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 317, transmitting S.B. No. 1173, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 318, transmitting S.B. No. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF POISONS," which passed Third Reading in the Senate on March 6, 2001.



Sen. Com. No. 319, transmitting S.B. No. 1177, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL HEALTH CARE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 320, transmitting S.B. No. 1178, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 321, transmitting S.B. No. 1180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 322, transmitting S.B. No. 1182, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 323, transmitting S.B. No. 1183, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 324, transmitting S.B. No. 1185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 325, transmitting S.B. No. 1188, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING FOR DRUGS AND INTOXICATING COMPOUNDS OFFENSES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 326, transmitting S.B. No. 1191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD DEDUCTION FOR INDIVIDUAL INCOME TAX," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 327, transmitting S.B. No. 1192, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 328, transmitting S.B. No. 1193, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX ON NONPROFIT ORGANIZATIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 329, transmitting S.B. No. 1195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXPAYER COMMUNICATION CONFIDENTIALITY PRIVILEGES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 330, transmitting S.B. No. 1198, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 331, transmitting S.B. No. 1199, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 332, transmitting S.B. No. 1200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRANSPORTATION PLANNING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 333, transmitting S.B. No. 1201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 334, transmitting S.B. No. 1202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 335, transmitting S.B. No. 1203, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING DEVELOPMENT FLEXIBILITY OF PUBLIC LANDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 336, transmitting S.B. No. 1205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 337, transmitting S.B. No. 1206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 338, transmitting S.B. No. 1207, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 339, transmitting S.B. No. 1208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 340, transmitting S.B. No. 1209, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 341, transmitting S.B. No. 1210, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 342, transmitting S.B. No. 1211, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 343, transmitting S.B. No. 1212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 344, transmitting S.B. No. 1213, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT AND CONTINUATION OF PROFESSIONAL DEVELOPMENT SCHOOLS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 345, transmitting S.B. No. 1214, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL BOARD CERTIFICATION FOR DEPARTMENT OF EDUCATION TEACHERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 346, transmitting S.B. No. 1215, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 347, transmitting S.B. No. 1216, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 348, transmitting S.B. No. 1220, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 349, transmitting S.B. No. 1227, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR REPAIRS, MAINTENANCE, AND IMPROVEMENTS TO THE MOLOKAI IRRIGATION SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 350, transmitting S.B. No. 1229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 351, transmitting S.B. No. 1236, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 352, transmitting S.B. No. 1240, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 353, transmitting S.B. No. 1242, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MILLENNIUM WORKFORCE DEVELOPMENT TRAINING PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 354, transmitting S.B. No. 1262, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 355, transmitting S.B. No. 1264, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 356, transmitting S.B. No. 1276, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSQUATTING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 357, transmitting S.B. No. 1292, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 358, transmitting S.B. No. 1296, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES FOR APPOINTED COUNSEL," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 359, transmitting S.B. No. 1299, entitled: "A BILL FOR AN ACT RELATING TO WATER SUPPLY

BOARDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 360, transmitting S.B. No. 1303, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 361, transmitting S.B. No. 1314, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 362, transmitting S.B. No. 1315, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 363, transmitting S.B. No. 1317, entitled: "A BILL FOR AN ACT RELATING TO THE FILING DATE OF ANNUAL FINANCIAL INTERESTS DISCLOSURE STATEMENTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 364, transmitting S.B. No. 1320, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 365, transmitting S.B. No. 1325, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 366, transmitting S.B. No. 1332, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 367, transmitting S.B. No. 1333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 368, transmitting S.B. No. 1341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNITED STATES SELECTIVE SERVICE SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 369, transmitting S.B. No. 1349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 370, transmitting S.B. No. 1356, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RESIDENTS OF MAUNALAHA SUBDIVISION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 371, transmitting S.B. No. 1361, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTEER INCENTIVE PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 372, transmitting S.B. No. 1362, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COACHES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 373, transmitting S.B. No. 1364, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

TEACHERS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 374, transmitting S.B. No. 1365, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 375, transmitting S.B. No. 1366, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 376, transmitting S.B. No. 1367, entitled: "A BILL FOR AN ACT RELATING TO DRUG OFFENSES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 377, transmitting S.B. No. 1377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 378, transmitting S.B. No. 1379, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 379, transmitting S.B. No. 1382, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 380, transmitting S.B. No. 1385, entitled: "A BILL FOR AN ACT RELATING TO THE SALARY STRUCTURE OF EDUCATIONAL OFFICERS IN THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 381, transmitting S.B. No. 1389, entitled: "A BILL FOR AN ACT RELATING TO TOWING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 382, transmitting S.B. No. 1397, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 383, transmitting S.B. No. 1400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 384, transmitting S.B. No. 1401, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 385, transmitting S.B. No. 1405, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HI-TECH HAWAII, INC.," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 386, transmitting S.B. No. 1406, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 387, transmitting S.B. No. 1414, S.D. 1, entitled: "A BILL FOR AN ACT MAKING

APPROPRIATIONS FOR UNIFORM LAWS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 388, transmitting S.B. No. 1430, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 389, transmitting S.B. No. 1435, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HYDROGEN RESEARCH AND DEVELOPMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 390, transmitting S.B. No. 1452, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 391, transmitting S.B. No. 1453, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 392, transmitting S.B. No. 1454, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 393, transmitting S.B. No. 1455, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN'S ADVOCACY PROGRAM," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 394, transmitting S.B. No. 1456, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 395, transmitting S.B. No. 1457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORIGINAL JURISDICTION OF THE HAWAII SUPREME COURT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 396, transmitting S.B. No. 1460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 397, transmitting S.B. No. 1466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 398, transmitting S.B. No. 1469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 399, transmitting S.B. No. 1473, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 400, transmitting S.B. No. 1487, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 401, transmitting S.B. No. 1500, entitled: "A BILL FOR AN ACT RELATING TO PRESERVING

AND MAINTAINING HISTORIC IRWIN MEMORIAL PARK AS A LANDSCAPED STREET-LEVEL OPEN SPACE GATEWAY TO THE HONOLULU WATERFRONT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 402, transmitting S.B. No. 1501, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAKA'AKO COMMUNITY DEVELOPMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 403, transmitting S.B. No. 1508, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 404, transmitting S.B. No. 1509, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 405, transmitting S.B. No. 1510, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 406, transmitting S.B. No. 1511, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 407, transmitting S.B. No. 1512, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 408, transmitting S.B. No. 1513, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURGLARY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 409, transmitting S.B. No. 1514, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 410, transmitting S.B. No. 1515, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 411, transmitting S.B. No. 1518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 412, transmitting S.B. No. 1523, entitled: "A BILL FOR AN ACT RELATING TO RESISTING ARREST," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 413, transmitting S.B. No. 1529, entitled: "A BILL FOR AN ACT RELATING TO DEPENDENT ADULTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 414, transmitting S.B. No. 1530, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 415, transmitting S.B. No. 1531, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

AGRICULTURAL LANDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 416, transmitting S.B. No. 1535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 417, transmitting S.B. No. 1540, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A HONOLULU CITY LIGHTS LOOKOUT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 418, transmitting S.B. No. 1550, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 419, transmitting S.B. No. 1554, S.D. 2, entitled: "A BILL FOR AN ACT A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 420, transmitting S.B. No. 1555, entitled: "A BILL FOR AN ACT RELATING TO ACT 316, SESSION LAWS OF HAWAII 1993, AS AMENDED BY ACT 157, SESSION LAWS OF HAWAII 1995," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 421, transmitting S.B. No. 1558, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 422, transmitting S.B. No. 1561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 423, transmitting S.B. No. 1563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 424, transmitting S.B. No. 1567, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL COMPLEXES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 425, transmitting S.B. No. 1571, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 426, transmitting S.B. No. 1577, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 427, transmitting S.B. No. 1580, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 428, transmitting S.B. No. 1590, entitled: "A BILL FOR AN ACT RELATING TO INSPECTIONS BY THE COUNTY FIRE CHIEF OR THE CHIEF'S DESIGNEES," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 429, transmitting S.B. No. 1593, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 430, transmitting S.B. No. 1599, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURES ON ARREST," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 431, transmitting S.B. No. 1600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL, DRUGS, AND HIGHWAY SAFETY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 432, transmitting S.B. No. 1601, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 433, transmitting S.B. No. 1603, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL, DRUGS, AND HIGHWAY SAFETY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 434, transmitting S.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 435, transmitting S.B. No. 1606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 436, transmitting S.B. No. 1607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURGLARY IN THE FIRST DEGREE," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 437, transmitting S.B. No. 1609, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POSSESSION OF STOLEN PROPERTY," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 438, transmitting S.B. No. 1624, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," which passed Third Reading in the Senate on March 6, 2001.

Sen. Com. No. 439, transmitting S.B. No. 1635, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 6, 2001.

On motion by Representative Lee, seconded by Representative Pendleton and carried, the following Senate Bills passed First Reading by title and further action was deferred until later in the calendar. (Representatives Hiraki, McDermott, Takumi and Whalen were excused.)

SB. 16	SD1	SB. 447	SB. 774	SD1
SB. 18	SD1	SB. 448	SB. 780	SD1
SB. 23	SD2	SB. 449	SB. 796	SD1
SB. 24	SD2	SB. 453	SB. 797	
SB. 28		SB. 469	SB. 807	SD1
SB. 41	SD1	SB. 483	SB. 813	
SB. 45	SD1	SB. 484	SB. 821	SD2
SB. 48	SD1	SB. 493	SB. 823	SD1
SB. 59	SD1	SB. 495	SB. 834	SD2
SB. 72	SD1	SB. 497	SB. 836	SD2

SB. 94		SB. 498	SD1	SB. 838	SD2
SB. 97		SB. 499	SD1	SB. 840	SD1
SB. 98		SB. 500		SB. 841	
SB. 99		SB. 505	SD2	SB. 847	
SB. 105	SD1	SB. 523	SD1	SB. 848	SD2
SB. 106	SD1	SB. 525	SD1	SB. 849	SD1
SB. 107		SB. 530	SD2	SB. 850	
SB. 118	SD1	SB. 535	SD2	SB. 854	SD1
SB. 119	SD1	SB. 540	SD1	SB. 864	SD2
SB. 120	SD2	SB. 545	SD2	SB. 865	SD1
SB. 123	SD1	SB. 549	SD2	SB. 876	SD1
SB. 124	SD1	SB. 552	SD2	SB. 877	SD1
SB. 127	SD2	SB. 582	SD1	SB. 879	SD2
SB. 131	SD1	SB. 584	SD2	SB. 887	SD1
SB. 132	SD1	SB. 588	SD2	SB. 896	
SB. 138	SD2	SB. 589	SD1	SB. 900	SD2
SB. 160	SD1	SB. 591	SD2	SB. 902	
SB. 164	SD1	SB. 594	SD1	SB. 905	
SB. 169	SD1	SB. 597	SD1	SB. 911	SD1
SB. 171	SD2	SB. 598	SD2	SB. 926	SD2
SB. 173	SD2	SB. 606	SD1	SB. 927	SD1
SB. 174		SB. 621	SD2	SB. 932	SD2
SB. 175	SD2	SB. 623	SD1	SB. 937	
SB. 176		SB. 625	SD1	SB. 938	SD1
SB. 178	SD2	SB. 630	SD1	SB. 939	SD1
SB. 180	SD2	SB. 633		SB. 940	
SB. 181	SD3	SB. 637	SD1	SB. 944	SD2
SB. 185	SD1	SB. 638	SD2	SB. 950	SD1
SB. 190	SD1	SB. 640	SD1	SB. 951	SD1
SB. 197	SD2	SB. 643	SD2	SB. 957	SD2
SB. 202	SD1	SB. 645	SD1	SB. 981	SD1
SB. 204	SD2	SB. 648	SD2	SB. 982	
SB. 205	SD1	SB. 653	SD1	SB. 984	
SB. 206	SD1	SB. 654	SD2	SB. 986	SD1
SB. 207		SB. 661	SD1	SB. 989	SD1
SB. 209	SD2	SB. 670	SD1	SB. 992	SD2
SB. 210	SD1	SB. 678	SD1	SB. 995	SD1
SB. 211	SD2	SB. 683	SD1	SB. 996	
SB. 212	SD1	SB. 684		SB. 997	
SB. 213	SD1	SB. 699		SB. 999	
SB. 214	SD2	SB. 704	SD1	SB. 1001	
SB. 216		SB. 706	SD1	SB. 1007	
SB. 221	SD1	SB. 710		SB. 1010	
SB. 224	SD1	SB. 711	SD2	SB. 1011	SD1
SB. 233	SD2	SB. 716	SD2	SB. 1015	SD1
SB. 239	SD1	SB. 720	SD2	SB. 1016	SD1
SB. 244	SD1	SB. 723	SD1	SB. 1018	SD1
SB. 257	SD2	SB. 724	SD1	SB. 1019	SD1
SB. 263		SB. 725	SD1	SB. 1021	SD1
SB. 264	SD1	SB. 729	SD1	SB. 1026	SD1
SB. 331	SD2	SB. 733	SD1	SB. 1028	SD2
SB. 336	SD3	SB. 735	SD1	SB. 1030	SD2
SB. 369	SD3	SB. 748		SB. 1034	SD2
SB. 382	SD3	SB. 749	SD2	SB. 1035	SD1
SB. 400	SD2	SB. 750		SB. 1036	SD1
SB. 423	SD1	SB. 751	SD1	SB. 1038	SD2
SB. 424	SD2	SB. 752	SD1	SB. 1039	
SB. 440		SB. 755	SD2	SB. 1040	SD1
SB. 441		SB. 758	SD1	SB. 1042	
SB. 446	SD1	SB. 759	SD1	SB. 1044	SD1

SB. 1045		SB. 1142		SB. 1362	SD2
SB. 1046	SD1	SB. 1144	SD2	SB. 1364	SD1
SB. 1047		SB. 1145		SB. 1365	SD2
SB. 1048	SD1	SB. 1146		SB. 1366	SD2
SB. 1049	SD1	SB. 1151		SB. 1367	
SB. 1050	SD1	SB. 1161	SD1	SB. 1377	SD1
SB. 1052		SB. 1162	SD1	SB. 1379	
SB. 1054	SD2	SB. 1163		SB. 1382	
SB. 1058	SD1	SB. 1164	SD1	SB. 1385	
SB. 1059	SD1	SB. 1165	SD1	SB. 1389	
SB. 1060	SD1	SB. 1166		SB. 1397	SD1

SB. 1061	SD.1	SB. 1167		SB. 1400	SD.1
SB. 1062	SD.1	SB. 1168		SB. 1401	SD.2
SB. 1063	SD.1	SB. 1169	SD.2	SB. 1405	SD.2
SB. 1064		SB. 1171		SB. 1406	
SB. 1065		SB. 1173		SB. 1414	SD.1
SB. 1066	SD.1	SB. 1175		SB. 1430	
SB. 1067	SD.1	SB. 1177	SD.2	SB. 1435	SD.1
SB. 1068	SD.1	SB. 1178	SD.2	SB. 1452	SD.1
SB. 1069	SD.1	SB. 1180	SD.1	SB. 1453	
SB. 1070	SD.1	SB. 1182	SD.2	SB. 1454	
SB. 1071		SB. 1183		SB. 1455	SD.1
SB. 1072	SD.2	SB. 1185	SD.1	SB. 1456	
SB. 1073	SD.1	SB. 1188	SD.2	SB. 1457	SD.1
SB. 1074	SD.1	SB. 1191	SD.1	SB. 1460	SD.1
SB. 1075	SD.1	SB. 1192		SB. 1466	SD.1
SB. 1076	SD.1	SB. 1193	SD.1	SB. 1469	SD.1
SB. 1077	SD.1	SB. 1195	SD.1	SB. 1473	SD.2
SB. 1078	SD.1	SB. 1198	SD.1	SB. 1487	SD.1
SB. 1079	SD.1	SB. 1199	SD.2	SB. 1500	
SB. 1081		SB. 1200	SD.1	SB. 1501	SD.2
SB. 1082	SD.1	SB. 1201	SD.1	SB. 1508	SD.1
SB. 1084	SD.2	SB. 1202	SD.1	SB. 1509	
SB. 1087		SB. 1203	SD.1	SB. 1510	
SB. 1088	SD.1	SB. 1205	SD.1	SB. 1511	
SB. 1089		SB. 1206	SD.1	SB. 1512	
SB. 1090	SD.2	SB. 1207	SD.1	SB. 1513	SD.1
SB. 1094	SD.1	SB. 1208	SD.1	SB. 1514	SD.2
SB. 1096	SD.1	SB. 1209		SB. 1515	SD.1
SB. 1099		SB. 1210	SD.2	SB. 1518	SD.1
SB. 1100		SB. 1211	SD.2	SB. 1523	
SB. 1101		SB. 1212	SD.1	SB. 1529	
SB. 1102	SD.2	SB. 1213	SD.2	SB. 1530	SD.1
SB. 1103		SB. 1214	SD.2	SB. 1531	SD.2
SB. 1104	SD.1	SB. 1215	SD.2	SB. 1535	SD.2
SB. 1105	SD.1	SB. 1216	SD.2	SB. 1540	SD.1
SB. 1106	SD.1	SB. 1220		SB. 1550	SD.2
SB. 1108	SD.2	SB. 1227	SD.1	SB. 1554	SD.2
SB. 1109		SB. 1229	SD.1	SB. 1555	
SB. 1110	SD.2	SB. 1236		SB. 1558	
SB. 1111	SD.1	SB. 1240	SD.1	SB. 1561	SD.1
SB. 1112		SB. 1242	SD.2	SB. 1563	SD.1
SB. 1113		SB. 1262		SB. 1567	SD.2
SB. 1114		SB. 1264	SD.2	SB. 1571	SD.1
SB. 1115	SD.1	SB. 1276	SD.1	SB. 1577	SD.2
SB. 1119	SD.2	SB. 1292	SD.2	SB. 1580	SD.2
SB. 1120	SD.1	SB. 1296	SD.2	SB. 1590	
SB. 1121		SB. 1299		SB. 1593	SD.1
SB. 1122	SD.1	SB. 1303	SD.2	SB. 1599	SD.1
SB. 1123	SD.1	SB. 1314	SD.2	SB. 1600	SD.1
SB. 1126	SD.1	SB. 1315	SD.2	SB. 1601	SD.1
SB. 1127	SD.1	SB. 1317		SB. 1603	SD.1
SB. 1128	SD.1	SB. 1320	SD.2	SB. 1604	
SB. 1129		SB. 1325	SD.2	SB. 1606	SD.1
SB. 1131	SD.2	SB. 1332	SD.1	SB. 1607	SD.1
SB. 1133	SD.1	SB. 1333	SD.1	SB. 1609	SD.1
SB. 1135		SB. 1341	SD.1	SB. 1624	
SB. 1136	SD.2	SB. 1349	SD.1	SB. 1635	
SB. 1137	SD.1	SB. 1356	SD.2		
SB. 1138	SD.1	SB. 1361			

### INTRODUCTIONS

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

Representative Stonebraker introduced students the Modern History of Hawaii Class from Kaiser High School accompanied by their teachers Ms. Janice Hirayasu; Ms. Joyce Matsuoka; Ms. Diana Wecki; and Mr. Darren.

Representative Takai introduced on behalf of Representative Takumi, Case and himself, Mr. Chris Garnier, President of the Associated Students of the University of Hawaii at Manoa; and Ms. Margaret Vakasausau; and Ms. Lily Kahumoku, University of Hawaii Rainbow Wahine volleyball team members.

Representative Garcia introduced Ms. Donne Dawson, Manager of the Hawaii Film Office; Ms. Georgette Deemer, former Manager of Hawaii Film Office; and Ms. Janice Okawaki, volunteer; and Mr. Chance Harrington, and Mr. Charles Gooch, of Ohina Short Films Showcase.

### ORDER OF THE DAY

#### COMMITTEE ASSIGNMENTS

The following Senate bills were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
490	Committee on Judiciary and Hawaiian Affairs
781	Committee on Judiciary and Hawaiian Affairs
805	Committee on Judiciary and Hawaiian Affairs
859	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Hawaiian Affairs
1390	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Consumer Protection and Commerce

#### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 21, 22, 38, and 40) and concurrent resolutions (H.C.R. Nos. 35 and 36) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
21	Committee on Human Services and Housing then to the Committee on Finance
22	Committee on Education then to the Committee on Finance
38	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance
39	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance
40	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance

#### H.C.R. Nos. Referred to:

35	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance
36	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance



### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Pendleton and carried, the rules were suspended for the purpose of considering certain House bills on Third Reading on the basis of a modified consent calendar. (Representatives Hiraki, McDermott, Takumi and Whalen were excused.)

### UNFINISHED BUSINESS

#### Stand. Com. Rep. No. 873 and H.B. No. 1000, HD 1:

On motion by Representative Takamine, seconded by Representative Kawakami and carried, H.B. No. 1000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 49 ayes, with Representatives McDermott and Whalen being excused.

The Chair directed the Clerk to note that H.B. No. 1000, HD 1, passed Third Reading at 12:02 o'clock p.m.

#### Stand. Com. Rep. No. 874 and H.B. No. 1100, HD 1:

On motion by Representative Takamine, seconded by Representative Kawakami and carried, H.B. No. 1100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives McDermott and Whalen being excused.

The Chair directed the Clerk to note that H.B. No. 1100, HD 1, passed Third Reading at 12:02 o'clock p.m.

### THIRD READING

#### H.B. No. 200, HD 1:

Representative Takamine moved that H.B. No. 200, HD 1, pass Third Reading, seconded by Representative Kawakami.

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

"First, Mr. Speaker, I would like to publicly thank you and my colleagues for the opportunity and privilege to continue as Chair of the Finance Committee. And I want to extend a special mahalo to my Vice Chair, Representative Bertha Kawakami, whose strong leadership and wise counsel sustained all of us throughout this often difficult and challenging process.

"I would also like to acknowledge and thank the members of the Finance Committee for their diligence and determination in crafting this budget. As you know Mr. Speaker, for Finance Committee members, attendance is required at many hearings that may go for many hours, and I appreciate the personal sacrifices made by the Committee members. Their input helped to make this proposal before you a much stronger document.

"To the chairs and members of the various subject matter committees, thank you on behalf of the Finance Committee for your cooperation and understanding and most important, for your insights and contributions to the development of this fiscal plan. Through your diligent efforts in holding your subject matter budget briefings, attending the subject committee budget workshop, developing recommendations,

and meeting with our Finance Committee to discuss your areas of concern. You have played an essential role in prioritizing the allocation of resources in this budget.

"Mr. Speaker, I would like to also recognize the House Finance Committee staff. These dedicated individuals continue to display a tremendous capacity for hard work. Their experience and professionalism was truly instrumental in producing the financial package before us today. We know how important each of our staff is to each of us. They determine the quality of the work product. And the House Finance staff is with us today in the gallery and I would like to, with your indulgence, introduce them to the members of our body Mr. Speaker. First of all, in the front office support staff, Ms. Amy Lum, Ms. Lilinoe Lindsey, Ms. Katherine Vien, Ms. Marissa Paulino, Ms. Ai Yamane. In the budget staff section, Mr. Brian Hallett who heads that group, Mr. Eric Nouchi, Mr. Ikaika Anderson, Ms. Jacque Dacay, Mr. Ikaika Hussey, Mr. Alex Kagawa, Mr. Joel Pearlman, Mr. Sherman Takao, Mr. Jake Takehiro, Ms. Lea Young. In the research staff section headed by Mr. Nandana Kalupahana, Mr. Brian Takeshita, Mr. Jo Hamasaki, Ms. Heather Edwards, Ms. Valerie Makino, Ms. Cindy Matsuda. And last and perhaps most importantly, the person who oversees all of that staff, none other than our Committee Clerk, Mr. Kevin Kuroda. And at this time Mr. Speaker if it will be okay, I'd like to ask our staff members to please rise to be recognized. Thank you.

"Mr. Speaker, without further ado, the measure now before us, H.B. 200, HD 1, sets forth a prudent two-year financial course that reflects this body's cautious optimism regarding the State's economic outlook. And in the manner of all truly representative democracies, this budget underscores the policies and the priorities we believe to be essential in addressing directly, the well-being of the people of the State of Hawaii.

"To be sure Mr. Speaker, there were difficult choices to be made in deciding where to allocate limited resources. And if I may, perhaps a short discussion in this area would be useful in terms of providing a perspective.

"Every political body or institution charged with the responsibility of making policy and managing finances establishes its priorities and direction. In this regard, Mr. Speaker, this body is no different. Your committee recognizes the reality of limited resources and does not take lightly the seriousness of prioritizing the use of these resources. Every dollar appropriated in this budget is a dollar entrusted to this Legislature to spend wisely on behalf of our entire community.

"Your committee has embraced two ethics Mr. Speaker, to govern this executive budget. First, the need to meet our financial responsibilities and to live..."

Representative Hamakawa rose to yield his time.

Representative Takamine continued, stating:

"Thank you very much. Mr. Speaker as I indicated, first the need to meet our financial responsibilities and to live within our means just as any Hawaii family must do.

"Second, the duty to look beyond our personal concerns and carry out our responsibilities to the entire community, especially those least able to provide for themselves: the children, the physically and mentally ill, the elderly, the disabled, and the poor.

"The needs are real Mr. Speaker, the needs are great, and the needs are many. Regrettably, our financial resources cannot



fully match all of the needs. Therefore, we must do our job in establishing priorities and allocating resources accordingly. As you will see in this budget Mr. Speaker, we no longer possess the wide discretion over our finances as we did in past years, nevertheless, our commitment remains.

"You will no doubt see first that our total budget for the coming fiscal year is \$7.1 billion. For fiscal year 2003, it is \$7.3 billion. This reflects both general fund and non-general fund appropriations. This is a reduction of 25.1% for fiscal year 2002 and a reduction of 25.6% for fiscal year 2003 from the Administration's request for additional funds.

"For general fund appropriations, we are proposing spending levels of \$3.5 billion in fiscal year 2002; and \$3.6 billion in fiscal year 2003. These represent reductions of 23.4% and 21.3% respectively, from the requests submitted by the Governor. In dollar terms Mr. Speaker, it translates into cuts in this budget of over \$107 million in 2002, and nearly \$135 million in 2003.

"Non-general fund appropriations are about \$3.7 billion for each of the next two fiscal years. Again, we have reduced the amounts requested by the Administration. These represent reductions of 27% and 30%, respectively, from the requests submitted by the Governor. This translates into cuts in his budget of over \$148 million in 2002, and nearly \$191 million in 2003.

"Growth in this area is primarily due to several large increases in the ceiling for federal, special, interdepartmental transfer, trust and revolving funds. These increases Mr. Speaker are elaborated on in the committee report.

"Examples of this include: the Department of Health requiring a ceiling increase in its special funds to account for receipt and disbursement of Tobacco Settlement monies, or State housing programs requiring fund ceiling increases to expend additional federal funds, or the accounting tools of interdepartmental transfer fund to allow the Department of Education and the University of Hawaii to transfer funds to cover their debt service and fringe benefit requirements.

"Separate, but an important and integral part of our fiscal package, is capital improvements Mr. Speaker, or CIP funding. Here, we have exercised great prudence. From the Governor's original request for a new billion-dollar CIP program, we have cut \$457 million. I say that again Mr. Speaker, we have cut \$457 million. We propose authorizing \$247 million in 2002 and about \$176..."

Representative Nakasone rose to yield his time.

Representative Takamine continued, stating:

"Thank you very much. We propose authorizing \$247 million in 2002 and about \$176 million in 2003. The majority of these general obligation bond issues would be for improvements to public school facilities and the University of Hawaii system, hospitals, and State parks.

"There is a reason why we imposed such strict limitations, Mr. Speaker. Earlier, I said we no longer enjoy the same level of spending discretion as in the past. What I meant by that is there are substantial financial obligations that are severely impacting this budget.

"Mr. Speaker, the cold, hard truth of the matter is that our mandatory obligations have grown, and they are projected to increase in the coming years. In the Committee's jargon, these fixed costs are called "must fund" items. No discretion, no choice -- "must fund."

"Our first "must fund" is debt service. The Constitution demands we pay these first.

"Primarily, this is the repaying of principal and interest on bonds we have issued for the construction of schools, university buildings, parks, hospitals, infrastructure, prisons, and other public facilities. For fiscal year 2002, the total is \$417 million; for 2003, it rises to \$476 million. When looked at in combination with our other "must fund" areas, I believe you will understand the committee's decision to limit further CIP funding at this time. Authorizing bonds to finance public projects is the standard practice for addressing societal needs, but the committee is very mindful of the fact that for every bond issuance, we are making a long-term financial commitment.

"The second big "must fund" area is our obligation to the Employees Retirement System, or ERS. For fiscal year 2002, we must contribute to the ERS \$250 million, and \$306 million in 2003. These payments provide for the pensions that State employees depend upon in their retirement. Clearly, this is a critical obligation as pensions are a major financial component for supporting these people in their golden years.

"Third is the Public Employees' Health Fund, where we need to contribute \$260 million in each of the next two years. This represents the State's share of health benefits to employees and their beneficiaries. Certainly, this benefit plays a key role for the health and well-being of the many families that rely on this program for medical protection.

"At this point Mr. Speaker, I would like to call attention to the fact that these three fixed costs alone will consume \$927 million, or nearly 27%, of the fiscal year 2002 general fund budget, and will exceed one billion dollars, or 29%, for fiscal year 2003.

"Another "must fund" is the State's obligation to comply with multiple federal court orders, federal court mandates, Mr. Speaker. First and most costly among these is the Felix Consent Decree to provide special education and mental health services to children and adolescents. Since 1995 Mr. Speaker, the State has provided \$1.35 billion to the Departments of Education and Health in our effort to comply with the federal court order.

"And we are far from done Mr. Speaker. For fiscal years 2002 and 2003, the total Felix funding request is over \$715 million.

"Mr. Speaker, the Committee fully recognizes the State's obligation under Felix. At the same time, we believe there is a concurrent obligation that we scrutinize and question..."

Representative Morita rose to yield her time.

Representative Takamine continued, stating:

"Thank you. Mr. Speaker, at the same time, we believe there is a concurrent obligation that we scrutinize and question the expenditure of every tax dollar.

"To that end, the Committee is gravely concerned with the spiraling cost of compliance, the lack of any consistent data on the ultimate population of Felix-class children and the absence of reliable forecasts regarding the return of these children to the mainstream.

"Mr. Speaker, the Legislative Auditor has pointed out a chief weakness in our Felix compliance effort: We lack a clear definition of what constitutes a "Felix-class child." This

shortfall hinders delivery of needed services to eligible children and befuddles our efforts to estimate the total population of the Felix class for fiscal planning purposes.

"To that end, the House has passed H.B. 1678, HD 1, which defines a "Felix" child.

"In addition to the original funding request, both departments are asking for emergency funding for 2001. After intense scrutiny Mr. Speaker, the Committee uncovered inflated costs and other flaws that are still under review.

"We have some serious misgivings about the way the State is handling Felix compliance. But we remain steadfast in our commitment to all of our Felix-class children, and we have no desire to put the State at risk with regard to the federal court. However, all parties must recognize that this Committee will always faithfully discharge its fiduciary duty to all of our taxpayers.

"Mr. Speaker, we also have a "must fund" federal court order with respect to the developmentally disabled community that calls for the State to provide \$17 million in general funds over the next two fiscal years. This is referred to as the Makin Settlement. And we have another legal settlement, this time with the U.S. Justice Department, concerning Adult Mental Health services. It compels the State to fund approximately \$73 million over the next two years.

"At this juncture Mr. Speaker, it would be useful to sum up where we are before moving on.

"For fiscal year 2002, the budgeted amount is \$3.5 billion. The "must fund" items we have just discussed will consume in the neighborhood of \$1.4 billion, or 40% of the general fund budget.

"For fiscal year 2003, the budget is \$3.6 billion. The "must fund" items will require about \$1.5 billion, or 42% of the general fund budget.

"Mr. Speaker, prior to the start of this session, your Democratic Majority applied its collective knowledge and experience to set forth a legislative agenda with a clear set of priorities. Among them, a continued commitment to supporting public schools and the University of Hawaii; real help for working families; tax relief especially for those who need it most; and care for our elderly, disabled and poor. To be clear Mr. Speaker, our first priority is people -- our youth, our kupuna, our disadvantaged. These areas are fundamental components of our collective democratic values and heritage.

"Mr. Speaker, let us now move on to the various departments and agencies under the Executive Branch. We do retain considerably greater discretion in adjusting their budgetary requests. Perhaps you will recall some of the cost-cutting strategies that were employed in the past, such as consolidation of programs, hiring freezes, payroll lags, refinancing debt, and diverting excess special fund balances into the general fund. We have examined and applied, where appropriate..."

Representative B. Oshiro rose to yield his time.

Representative Takamine continued, stating:

"Thank you. We have examined and applied where appropriate, a mix of cost cutting techniques to achieve this balanced budget.

"But at some point to achieve the missions we have given these departments, we must go by financial resources Mr. Speaker.

"Mr. Speaker, you may recall at the outset of my remarks that I made reference to how a budget such as this underscores our policies and priorities for the State.

"The manner in which we have allocated the balance of our resources is perhaps the best demonstration of this principle.

"The Department of Education is once and again the recipient of the bulk of available funds. In fiscal year 2002, we are increasing the DOE's operating budget by \$172 million to be followed by an increase the next year of \$54 million. In testimony after testimony Mr. Speaker before the Finance Committee, one thing was made abundantly clear: education is far and away the top priority of the people of this State. Your Committee concurred, because of our conviction that a quality public education is the best means for young people to achieve their fullest potential. In any family Mr. Speaker, the greatest asset is our children. It is therefore common sense that we allocate available resources to provide first for our children.

"In that same vain Mr. Speaker, our people have recognized higher education as a high priority. In fiscal years 2002 and 2003, we are increasing their operating budget by \$40 million and \$18 million, respectively. Particular focus was placed on providing additional resources for our Community Colleges to ensure that access to higher education is afforded to all who wish to achieve it. To this end \$1.9 million over the biennium is provided for new facilities at Kauai, Maui and Windward Community Colleges. In addition, \$520,000 over the biennium has been provided for equipment replacement and modernization.

"By fiscal year 2002 Mr. Speaker, tax cuts made over the past three years will have put over \$880 million back into the hands of residents and businesses. By fiscal year 2003, that number will rise to over \$1 billion. Indeed, while many in Hawaii are enjoying the benefits of the expanding economy, there are still others waiting to feel this beneficial effects.

"Through separate vehicles, this Committee has provided targeted relief to those who need the most help. A graduated food tax credit was designed to alleviate the regressivity of the general excise tax - especially for the poorest families in the State. Adjustments made to the standard deduction amounts will eliminate income tax liability for over 12,000 taxpayers at the lowest income levels. These measures were passed by the House on Tuesday evening.

"We also will increase the operating budget of Human Services by \$26 million in 2002 and \$58 million in 2003. We all know that the federal government has placed a five-year limit on the receipt of welfare benefits, and that by December of this year many in Hawaii will have reached that limit. To address this need, \$4.5 million has been reallocated from payment programs to the First to Work Program, and \$3.2 million in new federal funds have been budgeted for preschool programs.

"The majority of these resources have been allocated to the children, elderly, and to the disabled. To meet the responsibility to provide support and services for the increasing number of abused and neglected children, additional resources of \$6.1 million in fiscal year 2002 and \$5.5 million for fiscal year 2003 have been provided for Child Welfare Services.

"For our elderly Mr. Speaker, \$1.1 million has been included to expand the Nursing Home Without Walls program

and the Residential Alternatives Community Care program to allow our seniors and disabled to receive services in their homes, to minimize our elders discomfort and to reduce added cost of institutionalized care.

"In addition, \$12.3 million in additional funding has been provided to address the rising cost of pharmaceutical drugs and providing continued access for our seniors who rely on them.

"Your Committee has prioritized public safety to ensure that safe communities are a safe priority and that we all can live in our homes without fear. The Department of Public Safety which oversees the State prison system is getting a \$15 million..."

"We are providing all of this, Mr. Speaker, despite the prior implementation of tax reform measures enacted in 1997, 1998 and 1999. In fact, in deference to the needs of our citizens, we are even going beyond our past efforts. You will see that we have focused our attention on providing targeted tax relief to people who need the help most. Through separate vehicles, the Committee approved an earned income tax credit, a graduated food tax credit, and an increase in the standard deduction.

"Your Committee has prioritized public safety to ensure that further reductions of the crime rate are achieved and that we may all live in our communities without fear. The Department of Public Safety, which oversees the state prison system, is getting a \$15 million"

Representative Hiraki rose to yield his time.

Representative Takamine continued, stating:

"Thank you. The Department of Public Safety, which oversees the State prison system, is getting a \$15 million increase to its operating budget in the biennium. \$4.4 million has been set aside to maintain the 1,200 inmates housed in mainland prison facilities until a prison can be sited and developed in Hawaii. Also, \$3.25 million has been allocated to lease beds at the new federal detention facility. And to address recidivism, an additional \$460,000 has been provided to expand counseling for inmates and persons on probation.

"In regards to substance abuse, we have included substantial support for drug treatment for criminals. Research clearly shows Mr. Speaker, that programs, which successfully break the addiction cycle, will significantly reduce recidivism and hold tremendous potential for cost savings. Although the details for the design of new programs are still under discussion, your Committee recognizes that drug addiction is a pervasive problem that cripples the human spirit affecting all in the community - family, friends, co-workers, and neighbors. Therefore we have included \$19.7 million in fiscal year 2002 and \$20.5 million in fiscal year 2003 in the budget for new and expanded programs.

"A net total of seventeen million dollars is being added to the Health Department budget next fiscal year, and an additional \$15 million in fiscal year 2003.

"Aside from the Federal Court mandates your Committee remains committed to ensure access to basic health care is a reality particularly for our rural communities. To maintain this safety net \$18 million over the biennium for the Hawaii Health Systems Corporation has been included in this budget.

"In addition, to maintain a minimum standard of health care in rural communities such as Hana, Waianae, Kahuku, and

Molokai, \$5.7 million over the biennium has been provided for their operations.

"For the Executive Office on Aging who serves the needs of our Kupuna, an additional \$1.8 million for the biennium has been budgeted to bring the biennium total to \$12 million Mr. Speaker. The additional resources will go to a study on establishing state-sponsored long-term care, and to expand the successful Kupuna Care and Elderly Abuse programs.

"By and large Mr. Speaker, you can see that this is a budget that focuses on our people and emphasizes educational opportunities for our children and for those beyond high school. A concerted effort to restore those social services that were cut in past years, and resources aimed at helping those least able to care for themselves including funding that will help them to become self-sufficient and become contributing members of our work force.

"Again Mr. Speaker, this budget is about people. It speaks to and reflects our values as a society. And it says that our most precious resource is the human potential - the human spirit - and that everyone Mr. Speaker, everyone is vital to our future success.

"Mr. Speaker, this budget bill is a comprehensive effort to address a multitude of fiscal issues facing the state today and defines our financial objectives. By design, it does not exist in a vacuum. Also moving through the Legislature are separate measures that compliment this financial plan and better address certain needs that exist in our communities.

"Mr. Speaker H.B. 200, HD 1, is a reasonable document that meets the State's financial obligations, its social responsibilities and satisfies our Constitutional responsibility to produce a balanced budget.

"I respectfully request your support. Thank you very much."

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

"I'd like to point out the fact that, as Republicans, we don't have twenty-two members on our staff. In fact, we have no members on our staff that have access to the budget documents. We're basically in the dark in this day of light. And we're not allowed to get all the information to address specifically where cuts should occur or may occur or other adjustments may be made.

"And I want to say that we've heard that there are cuts and I want to say not all the Governor's requests were included as granted. And this is where the Finance Chair talks of cuts.

"But the budget still has increased. The total funding is \$14.4 billion, in general funds \$7 billion over two years. Those are total numbers and that's an increase of 11.2% for fiscal year 2002 and 15.8% for 2003. Yet, there's no general funds given for textbooks or computers or other essentials like that. So, we have distinct problems here as you're loyal Minority in determining. We have been asked, I have to grant that the Finance Chair has asked us, where would you make specific cuts?

"And we're at a loss to tell him that because we don't have access to the documents, we don't have budget analysts that can talk to the departments and find out where they're spending the money that we've given them to date.

"There's a baseline budget that is given to us every year. This is what the departments are spending now. We can't go

back and see how are they spending it, do they still need it? So it's very difficult for us.

"Additionally, as legislators, both the House and the Senate, we have very little to do with special funds. That's why we're always objecting the special funds. We give the departments the ability to raise their fees, like landing fees or docking fees, whatever they want to do, and then we have no way to say you can't spend that money on what you want. So it behooves them to find other ways to regulate businesses, to create fees so that they have more money to build empires. It's very difficult to get involved with those funds unless to say we don't want anymore special funds, which is what we keep saying, we don't want more special funds.

"So, I'm saying that some may vote no on the budget. And I might possibly, except I'm not going to, because I look forward to being on the Conference Committee so we can work with our Senate colleagues and try to improve on this budget. So for those reasons I'm going to vote with reservations Mr. Speaker."

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

"First of all, let me begin by expressing my sincere gratitude to you Mr. Speaker and the leadership team for your warm support of the Finance Committee's deliberations in fashioning this budget in a timely manner.

"Secondly, my deepest appreciation to Chairman Takamine for performing this arduous task of leading the Committee and bringing forth this fair and formidable budget. And thank you, all the Finance Committee members who sit in the gallery, for your collective support especially over the past few weeks. And your generosity to all the committee members for sharing and nourishing all the hungry souls who make up the Finance Committee family.

"I wish also to thank all the staff who have worked so hard to bring forth this budget. The senior staffers are not here but we thank them and also all the researchers and the analysts. And I want to thank my staff members, Kevin Kippin, Kris and Amy of my staff.

"Chairman Takamine and I had been very privileged to have had such a valuable group of assistants. And lastly but very important are the front line troops that were mentioned previously. For your dedication, we owe you a lot.

"Mr. Speaker and colleagues, it has become a common practice for me to 'pepper' my speeches with famous and some not so famous quotations. But I would like to begin by quoting you Mr. Speaker, because I remember in your first year as Finance Chair, this was in 1993, you were always to speak in favor of the budget. I don't know if you remember but I got this from the Journal and it did say, 'You know Mr. Speaker...' and it was then Speaker Souki.

"I think also the Majority Leader, and I told him, members, that I wasn't going to speak and I don't want to speak. All I want to do is have my written comments inserted in the Journal. I know they're lots of highlights but the accolades should be given to all the members of the House for their support." And then you had to speak.

"Mr. Speaker, you were right in sharing the praise and that microphone. Each of us here today has a stake in this measure and each of us represents communities affected by this bill and I want to speak loudly.

"Our public education system is so fundamental to our concept of a civilized society and yet we struggle with issues of governance, accountability and funding. The public's confidence in our public schools has declined dramatically over the past twenty-five years. And although many people voice initial support for what their local schools are doing, they become much more critical on further questioning the prevailing view is that public education as a whole is in bad shape and renewed efforts are needed to fix it.

"And most people think that private schools do a better job than do public schools in this, an important area such as safety, order, discipline, academic standards, and class size. Although most of us, meaning society as a whole, want decisive action to improve the educational system there is little agreement. But what the problem is and which alternative is the most promising we are divided over whether more money will improve the situation.

"Our understanding, vouchers and other school choice proposals remain weak. We're also deeply concerned about issues beyond academic achievement. Issues like drugs, crime, discipline, and schools and survey show that the public considers these among the major problems facing educators today.

"So Mr. Speaker, this budget supports our educational system and we have given it top priority of the total general fund appropriation, education accounts for over 37% of that pie. Of the increase in general funds over the last fiscal year, nearly half is a result of more funding for our schools.

"So colleagues, Mr. Speaker, there's a story about a legislator who wished his computer were as easy to use as his phone."

Representative Chang rose to yield his time.

Representative Kawakami continued, stating:

"Thank you Representative. Well that wish has come true since I no longer know how to use my cell phone. I say this to illustrate a point about technology; our children have to keep up with it. For example, in the area of personnel, there is significant growth in positions, 392 in the first fiscal year and 459 in the second.

"Much of the increase is attributed to acknowledging the Board of Education's number one priority of more clerical staffers. We have budgeted 200 new positions to help our schools deal with the increased paper work from the Felix Consent Decree and also other administrative duties. Thus with more clerical, we can allow our educators to do much more what they were hired to do. And that is to educate our children to reach their highest potential.

"The Consent Decree also requires that 'mainstreaming' of special education students into regular education classrooms. Thus, more teachers will be needed to accomplish this task and we have appropriated dollars accordingly. And furthermore, four new schools require sufficient staffing to operate at their intended capacity. These needs also added to the growth and positions and their attendant salary cost.

"Then there is the issue of safety, we're all concerned about violence in our schools whether from the outside or from the inside. Unfortunately, recently news events only heightened a sense that our schools are under siege. Your Committee wants safer schools and therefore we have placed \$800,000 into the budget for increased criminal history checks. We have also added 24-school security attendants to increase campus supervision.

"Of course good schools means good leadership and in this budget we have appropriated \$3.1 million for the Hawaii Leadership Academy to train our educational leaders for the future. Their vision, knowledge and insight will be very crucial in ensuring the ultimate success of reforms as well as the Hawaii Content and Performance Standards. Thus, we have also allocated \$5 million to implement this long awaited vehicle to continue on the road to educational excellence.

"So Mr. Speaker, a wise individual once said 'I think animal testing is a terrible idea, they get all nervous and they give the wrong answer.' And although the idea of animals sitting for an SAT is obviously tongue in cheek, the point I am trying to make is that our children can do and score above the level of their mainland counterparts when we provide complete instructional support and with all adequate materials. They will feel confident to give the right answers as long as we continue to improve their learning facilities, the equipment and materials.

"This budget today includes \$5.6 million for classroom equipment, textbooks for new facilities. This is already on top of the budgetary base of approximately \$20 million which schools use as their main funding source. A portion of which must also be allocated to pay for additional textbooks for existing schools.

"Other important appropriations for a conducive learning environment includes \$2.1 million for repairs and maintenance, \$1.8 million to meet increased electricity usage and \$1.7 million for school custodial services. All of these components support an educational system for enhancement of student learning.

"So Mr. Speaker and colleagues, education is our number one priority and the budget supports that priority. It is based primarily on the priorities on the Board of Education and or Department. They have indicated where the needs are the greatest and we concur and provide for those needs by exercising our responsibility of budgetary oversight.

"A saying attributed to Aristotle states that: Education is an ornament in prosperity and a refuge in adversity."

Representative Kanoho rose to yield his time.

Representative Kawakami continued, stating:

"Education is an essential foundation of our society and central to this measure we talk about today. We freely taught education's glorious achievements when times are good and we look to it for salvation when times are hard.

"But we must continue to regain the public's confidence in our educators and our school system. We must retain the public's confidence in us as their elected officials to oversee educational policies and we must instill confidence in our students that they will be well prepared for this ever-changing world. And we must educate our parents on the critical role they play in all of this.

"And without all of these components in place and interacting with each other, we might as well have a classroom without a teacher. And it's for these reasons that I ask for this body's unanimous support of the budget bill. And thank you very much Mr. Speaker."

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

"We face the prospect of a real economic downturn in Hawaii. We have an economy that's attached quite tightly to that of Japan and the mainland United States. The Japanese economy looks to be in recession; the last quarter was down. The economy of the United States is heading towards zero growth if not recession, people in Washington are concerned. They're taking measures to fight the economic downturn including reducing the amount of money the government takes from the people in the form of taxes.

"And here in Hawaii we have to face these same concerns. And Mr. Speaker, in Hawaii we have a government that is too big for the economy that supports it. Our government in Hawaii should be both smaller and more efficient. But what we have before us today, what we're talking about this afternoon is a budget that has general fund increases that are 11% above the level of last year in the first year of the biennium, and 16% in the second year of the biennium.

"In terms of positions, general fund positions, we're going to see an increase of 425 positions in the first year of the biennium and 520 total above 2001 in the second year of the biennium. So the time when we should be tightening up, we're getting larger. In terms of the overall operating budget, we're talking about a grown of \$760 million in the first year of the biennium, \$943 million in the second year. That's nearly a billion dollars above the level set in 2001. This is not the direction we should be going and if we're preparing our economy for what lies ahead.

"Mr. Speaker we were privileged this morning, courtesy of the Majority and the Finance Committee Chair, to hear a briefing that was offered to the Majority Caucus yesterday and members of the Minority Caucus truly appreciates this opportunity. The focus was on add-ons, the additional expenses that are over and above the base budget. And the add-ons included many worthy projects.

"But what we have to do Mr. Speaker, we have to dig into the base. We can afford some add-ons if we can take them from the base rather than increasing the overall size of the budget. And in this respect Mr. Speaker, I would call the attention of the entire body to a report issued by the Legislative Auditor in February. It's a very important report because it dealt with the question that, 'Does the Executive Branch have too much power over the budget?' And although the Auditor used diplomatic language, the answer is pretty much a ringing 'yes.'

"And these are some of the recommendations that the Auditor brought to our attention. The Auditor said the Legislature could strengthen its technical capabilities, exercise more of its existing powers over appropriations. The Legislature could take on additional budgetary powers and the Legislature could tighten its control over Executive Branch spending. The Auditor went on to say that the Legislature could take a series of steps to expand its technical resources. These include establishing on-line access by the Legislature to fiscal data of every State agency, starting up a joint legislative Budget Committee and funding the Office of Legislative Analyst, expanding full-time staffing for the Legislature's money committees and determining whether responsibility for financial audits of Executive Branch agencies should be transferred out of the Executive Branch and over here to a legislative service agency.

"The Auditor went on, the Legislature could assume additional budgetary powers exercised by other state legislatures elsewhere in the country. First, it could prepare a budget bill separate from the Executive Branch's bill. Second it could require the use of fiscal notes to assess the impact of proposed legislation. And third, it could gain control of the

volume and quality of budgetary information supplied to the Legislature.

"Additionally, I would add that we could give the subject matter committees the power to set the budget within a ceiling established by the Finance Committee. This would bring more expertise to bear on the question of how much we should actually spend on these areas.

"Mr. Speaker, in general what I'm trying to say is it's no longer "business as usual here." We face a crisis in Hawaii, that crisis is caused by too much government. And solving the crisis starts with us, those of us right here in this chamber. We must stand up, we must say enough to large inappropriate increases in the budget. We should vote 'no' on this budget. Thank you Mr. Speaker."

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

"We have conceded our legislative prerogatives and mandates by making this budget the Governor's budget, not our own. The 'purse strings' of the State are constitutionally given to the Legislature. Last month, our Auditor provided us with a report that includes just a few of the legislative responsibilities that we have conceded to the Executive.

"A review and identification of fiscally related powers conferred upon or assumed by the Executive. Additionally Mr. Speaker, we do not ask if our departments are accountable. We have no sanctions for the Department of Transportation whose books were so incomplete that they could not be audited. Just as we have failed to override a veto since statehood, we have conceded many of our budgetary responsibilities to the Executive.

"Mr. Speaker, operating budget, is the single most important and comprehensive bill passed by the Legislature. It is the premier bill not just because it effects all aspects of government activity, nor just because it directs virtually all of our public money, it is the mechanism that we have to implement our government's hopes, dreams, philosophy, directions and any visions that we might have.

"This budget is composed of all the public money that we take in various ways and spends it to implement our goals. After all of the rhetoric, public or private, regarding our intentions, this document is our action plan. This document is where the 'rubber meets the road.' As a practical matter, the budget is always our centerpiece bill, as it is the expression of how we take our people's money and how we spend their money to increase or diminish all aspects of our society.

"Mr. Speaker, let's look at the funding side of this budget. Hawaii takes in more public money per capita than any other state in the nation. While the states, the various states each have various mixes of taxation between their state and local government; we can compare 'apples to apples' if we add state and local taxes together. Combined, Hawaii takes in more public money per capita than any other state.

"More seriously, Hawaii takes the highest percent of personal income in the nation, state and local taxes combined. This relationship to personal income is particularly disturbing as Hawaii went from fifth in 1995 to first today. Mr. Speaker, if you recall, we raised taxes in 1995, that year we removed around \$80 million in tax credits to offset the regressivity of the general excise tax. Along with maintaining a 6% tax on nursing home beds and raising fees of all kinds.

"The tax credits removed since 1995 currently supplement our budget by more than \$90 million a year. The tax increase

is the largest in Hawaii's history. The general excise tax is our largest single source of income, the social weakness of this tax is that it's regressive and also takes taxes, food and medical services. In 1995, we returned 8% of the general excise tax to offset these problems. Today, we return less than 1%.

"This growing budget Mr. Speaker, is supported disproportionately on the 'backs' of the most fragile members of our community and it is 'squeezing the lifeblood' of our economy. In 1998 we prospectively passed income tax reductions that are just beginning to materialize.

"While this government publicly rings its hands over cumulative prospective and protractive \$2 billion lost in revenue, no mention is made of the retroactive record tax increases that have allowed us to pass increased budgets and tax increases that may have made us number one in taking money from our people.

"Mr. Speaker, regarding the spending side of this budget, is anyone surprised that this State spends more per capita than any other state in the Nation? State and local taxes – state and local money combined."

Representative McDermott rose to yield his time.

Representative Halford continued, stating:

"Last year, we passed the biennium budget that was increased by at least 3%. The budget before us today is an additional larger increase to this biennium budget. The growth in our State budget is out pacing inflation, out pacing personal income, out pacing gross state product, out pacing any significant economic measure that might be proposed.

"Mr. Speaker, we do not measure the value of our spending, I could easily claim that overall we don't get 50 cents a value on each dollar on our spending. This is indisputable because we lack measures. Any private business will fail if it doesn't measure. We require our private non-profits to measure. Maui County measures, but we don't. Our budget process does not ask for measures, which is a major reason we don't get acceptable value for our dollars spent. And additionally, which concedes our legislative fiscal prerogatives.

"Mr. Speaker, this budget is just a continuation of our State's long standing commitment to hurtful taxation and lack of spending controls. This budget has no courage and no uplifting vision. This budget only damages our economy, and our people and their spirit."

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

"First, I would like to thank the Chairman and the Vice Chair of the Finance Committee and for the staff for their hard work on this budget, a budget this House can be proud of.

"Mr. Speaker, looking at this budget makes education its number one priority. In this bill, we recognize that due to the increased workload and paperwork that is generated, we need to add more clerical help. So we've added 200 new clerical positions to help the SASA and school administrators at a cost of \$6.6 million. This is a much needed addition and is very fiscally responsible. Administrators can now spend more time working with the faculty and being the educational leader of the school.

"All together, we have allocated \$12 million for additional staffing for schools, these positions include already mentioned clerical positions, principals, SASAs for the four new schools



and 26 vice-principals for schools with the highest special ed populations and business support assistance.

"Mr. Speaker, this budget also allocates \$8.4 million for new teachers for existing and new schools. As mentioned by the Vice Chair, health and school safety is very important. This budget includes an allocation of 24 new security attendance and this is a small price to pay, my friends, for the safety of our teachers and our students.

"Our students and educators also deserve better learning facilities. We have allocated an additional \$1,400,000 in each year for repair and maintenance of our schools. This doubles the amount approved by the Executive. The budget today includes \$2.1 million for R&M, \$1.7 million for more custodians, more kitchen staff, more equipment, and \$1.8 million for electricity.

"Mr. Speaker, the House is already adding \$643,595 above the Executive request for custodial supplies because of the testimony heard from students of the Hawaii State Student Conference and Student Council. We are allocating \$5 million to the implementation of the Hawaii content and performance standards, our vehicle for educational excellence and accountability.

"We are also addressing Felix, this is a plan that is above all else and is very realistic and beneficial to those students that need special services. We are allocated \$62 million for Felix, and was assured that this will bring us in compliance.

"Mr. Speaker, I hope all colleagues will join me in supporting this budget. It is a comprehensive budget that is fiscally sound. Let's all remember that we made education our top priority and we must follow through with actions not just words. Thank you Mr. Speaker."

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

"I want to add my thanks for the Finance Committee Chair, Vice Chair, the members and staff. And I also want to quote you, Mr. Speaker, from your opening day speech two years ago when you quoted Hubert Humphrey, who once said, 'The moral test of government is how government treats those who are at the dawn of life, our children; those who are at the twilight of life, the elderly; and those who are in the shadows of life, the sick - the needy - and the disabled.'

"And my Brother beside me reminds us always that in Proverbs 31 of the Bible we have to, 'speak up for those who cannot speak for themselves, to judge righteously, and plead the cause of the poor and needy.' Finally, the preamble of our States Constitution reads, 'We re-affirm our belief in the government of the people, by the people and for the people, and with a compassionate heart, towards all people of the earth.'

"And thus, we are provided with the moral standards that we can use as a measuring stick for the purpose of government and the budget bill before us as well. In a sense, given all the rhetoric we hear on this floor about caring for our children, our elderly, our disabled and our poor. We are also held accountable to 'put our money where our mouths are' by what is in this budget.

"Mr. Speaker, tomorrow, your Kalihi gang of Representatives and Senators, will be hosting the student leaders from the Kalihi schools. And I can vividly remember about 13 years ago, a young man from one of the schools who went ask if there was any questions, ask me, 'So what are you doing for my future?' And while my initial reaction to the

question was to think that this kid was trying to be a 'smart aleck,' it's a question that has been part of my legislative conscience ever since.

"I think Mr. Speaker we will never go wrong and colleagues, if we ask of our budget, 'So what does it do for the future of our children, our disabled and the elderly?' And the Finance Chair spoke eloquently and in detail about the many added initiatives which account for the increases for education, for child and adolescent mental health, for community based services for persons with developmental disabilities, for an array of services that are community based for individuals who are discharged or diverted from our Hawaii State Hospital. For our families who had to take care of a growing number of elderly family members, for substance abuse and alcohol use, which continues to be a 'cancer' in Hawaii's social fabric. These are all areas that we have to address and account for the increases.

"I just want to mention a couple of areas that maybe this budget may not address, and at the risk of sounding like a 'nag,' that our dental health for our children is the worse in the country, and access to providers is a major obstacle that we have to address in the short-term. As I mentioned earlier, funding fluoridation is a long-term solution that I will continue to pursue and hope to convince you that we need to do for the sake of our children and their future. All I have to say is ten to twelve years ago, we have the worst child and mental health - child and adolescent mental health system in the country. And look at where we are now and the price that we pay.

"So the questions is, do we need to be sued before we start to pay attention to neglect? Another area is reimbursements to health care providers, who have failed to keep up with rising health care costs and providers are forced to 'eat' losses from serving uninsured and underinsured individuals and those with catastrophic and chronic illnesses.

"And this problem, this low reimbursement to the providers, will continue to threaten our State's private non-profit health providers as well as our State hospitals."

Representative Luke rose to yield her time.

Representative Arakaki continued, stating:

"And their ability, they're financial strength and their ability to provide quality health care across the State.

"Now we all have observed how programs, which emphasize prevention and early intervention, are usually the first to be restricted or eliminated in the budget. In the past, pure education, dental hygiene and healthy start have been threatened.

"A recent budget analysis by Hawaii Kids Count, show that almost \$1.8 billion is spent on Hawaii's children and youth and families annually. Of that, 45.1 percent is spent on development for education and community programs, 49.7 percent is spent on treatment, rehabilitation and incarceration and only 5.4 percent is spent on prevention.

"In other words, we are not investing wisely in the future and more than likely choosing to react to crisis or being forced to spend funds for treatment. And there is no more glaring example of that than the Felix Consent Decree.

"For those who wonder or question why we are paying such an enormous amount for this Consent Decree, I can give you my personal perspective as a legislator who has been addressing this issue for the past 15 years. We are paying for years of neglect. We are paying for a court ordered system for



care or continuum of care that we need to provide which includes prevention, intervention as well as treatment. And this is something we should have done years ago and something which would of cost a lot less if we had paid attention.

"The cost is high because we are forced to provide the high priced treatment services. Again, because of the neglect to provide services early on. I am hopeful however Mr. Speaker, because this budget also looks to the future and provides additional funding of \$4.2 million in the first year and \$5.3 million in the second year for Healthy Start, one of the best prevention programs in the country. We're providing additional funds for early intervention services and federal funds for school based substance abuse prevention.

"We're also looking at providing or expanding children's health insurance through the Tobacco Settlement funds. And for anyone, who cannot see the value of these investments in our children, I want to quote from my coffee cup. It says 'A hundred years from now it will not matter what my bank account was, what sort of house I lived in or the kind of car I drove. But the world may be different because I was important in the life of a child.'

"So as we stand at the dawn of this new century, it is time for compassion joined with wisdom, to look at the public dollars we spend as an investment in a vision that benefits our children, our grandchildren and generations to come. Thank you Mr. Speaker."

Representative Case rose to speak in support of the measure with deep reservations, and asked that his additional remarks be inserted into the Journal, and the Chair "so ordered."

Representative Case continued, stating:

"I don't expect to be on the conference committee on this bill so in so voting, my motivations may not be quite the same as the representative from Kapolei.

"I support the bill at this point because it is our executive budget, there is much in it that I agree with, and I accept that it is a 'work in progress.' My reservations in no way reflect on the sincerity of those that propose it, but I cannot agree as a matter of public policy with many of the assumptions and the relative priorities built into it and the financial plan which it drives.

"In consideration of time and other factors and with your permission Mr. Speaker, I will insert remarks outlining specific concerns into the Journal. I fully reserve my right and obligation to vote for or against the final product depending on its substance. Thank you."

Representative Case's additional remarks are as follows:

"Mr. Speaker, my specific concerns with this budget bill and its underlying financial plan include the following:

"1. No zero-based budgeting. When we formulate a biennial budget, we start from a base budget representing the previous biennium's spending. Any good business and most governments under similar circumstances begin their new budget process with close scrutiny of this base to see what programs and spending should continue and what shouldn't. This budget assumes the base and devotes its energy instead to the requested executive increases and legislative add-ons. In so doing, it ignores potential savings in over 90% of its content.

"2. No prioritization of tax relief. Overall state revenues are on the increase, although economic uncertainty to our east and west may well arrive at our shores again as they did in the 1990s. This budget pays 'lip service' to the dedication of some of those increased revenues to tax relief, but instead essentially prioritizes these revenues to further spending. This will not further what must be our dual priorities of economic revitalization and help to the truly needy.

"3. Reliance on further revenue generation. The financial plan which this budget implements does not hold the line on further revenue generation, but instead relies on various additional generation proposals. Most notably, this budget incorporates a brand new transient accommodations tax on wholesalers to the tune of \$30 million annually, as well as other measures on which I either voted no or expressed reservations two days ago. And our Senate colleagues, as well as some of the members of this House, appear poised to accelerate this movement in the wrong direction by suspending the implementation of personal income tax cuts. The days when we focus on revenue generation to balance our budgets must end.

"4. Prioritization of full and unconditional funding of all proposed public employee pay raises. Although obscured in this bill, the budget and associated financial plan incorporate as a priority, above such other goals as tax relief for low income families, full funding for most proposed public employee pay raises, and anticipated full funding for remaining bargaining units. We cannot afford all such raises, in this biennium or the subsequent out years, at the expense of spending initiatives and tax reductions, which in my mind should take priority. Moreover, I cannot accept raises which are not conditioned on government efficiency and economy efforts such as civil service/collective bargaining reform and privatization.

"5. Inaction on government reform. Neither this nor any budget bill exists in a vacuum, especially as related to government operations. None of us can sincerely maintain that we are operating an efficient government, where tax dollars are utilized optimally. Our failure to advance civil service/collective bargaining reform, privatization and other initiatives, and to realize unavoidable savings as a result, creates some and worsens other tough budget choices, which could otherwise be mitigated or avoided.

"6. Insufficient carryover reserve. I understand that the financial plan on which this budget is based reflects a carryover reserve at the end of the upcoming fiscal biennium of just \$70 million. This is not only irresponsible, but will not be received well in the financial markets in which we sell our bonds. And I suspect that the assumptions on which this budget is based will reflect even worse carryover reserves, if not deficits, in the out years."

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

"Millions and billions of dollars Mr. Speaker, that's what we're doing in putting together this budget. And as you know it's a very challenging and daunting task; however, it's something that has to be done and we did it.

"Now we have 169 elementary schools; there's 76 lawmakers in this building, 51 of us are from the State House of Representatives, 25 of them are State Senators; we have 49 public high schools, 43 public middle schools; 17 departments in our State government; 16 House Committees; 4 county governments; 2 political parties representative in the

Legislature; 1 Lt. Governor; 1 Governor; and of course, we have our loyal opposition here in the House. Now that doesn't include all of the union members, the non-profit organizations, small business, Corporate America, lobbyists and over 1 million people who we represent in this State Capitol.

"My point is Mr. Speaker, is you can't please everybody. We all will not agree what is the perfect budget even within our own Majority Caucus people would like to see more money spent on other areas, but it just can't be done. We have so many dollars and we need to work together as much as possible to put together what we feel is the best budget possible for the State of Hawaii.

"Now we have nine Democrats on the Finance Committee and five Republicans and I'm a little confused by the words of our Representative from Kapolei when he mentioned he wasn't sure where to cut, he didn't have the information. As you know before the session started, the Finance Committee was already meeting, we were having daily meetings where we were going with all of our departments having their informational briefings and we were looking at each of the programs within their departments. And within these programs, it gave us a general idea of where personnel were, and other expenses such as equipment, etc. and operating expenses.

"So we had a pretty good overview at the beginning. And just most recently, before this final budget was finalized, we had another meeting with all of the Finance Committee members where we went through each department - each program - each sequence. And I clearly remember the Chairman of Finance saying, 'Members of the Finance Committee, what do you think of these appropriations? Tell me, should we put more in? Or tell me, should we cut? And there were ample opportunities to give input. My staff and myself we even took the initiative ourselves to call these departments directly and ask them for information and share with us, what do you think?

"This total product is a work in progress which has been stated already. However, there are some good things, which we are funding and I would repeat some again. We're looking at rural Neighbor Island health care, community based economic development, parent community network centers, the detection and eradication of evasive species, funding for tuberculosis control, Hansen's disease, kupuna care and elderly abuse. Healthy Start, implementation of handicapped parking lots, custodial supplies, prescription drug supports, substance abuse programs, county waste water projects, high technology marketing, Nursing Home without Walls, safer schools, assistance for drinking water and county projects, student leadership training, assistance for aged blind, disabled, tourism support, election support, aquatic biological surveys, social work and much, much, much more.

"But you know what Mr. Speaker, we still can't please everybody. People want more and it's been asked, show us where to cut. Show us where we can take out the fat and the inefficiencies, which some people claim is in this budget and if we can do that, let's look at it. But for what we put together with the hours that the Finance Committee staff members put in, and the hours that the Finance Committee members themselves put in, there was a lot of work put in. And this is a good working budget for where we're at this stage in our session. And I urge our members to support this budget. Thank you."

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

"I'd also like to thank you and the Chair and Vice Chair members of Finance and especially the hard working staff for this wonderful budget. And I also concur that this budget does not please everybody but in addressing this budget and as your appointed Chair of Human Services and Housing, I was trying to approach my responsibility as a responsible leader.

"And as a responsible leader in providing services for those least able to care for themselves and living within our means Mr. Speaker, I try to bring out leadership qualities which you have taught me. Some of those leadership qualities can be found in John Maxwell's book, 'Qualities of Leader' and I'd like to share some of it.

"The sum of these leadership qualities says that you put out ahead of your own agenda, you possess the confidence to serve, you initiate services to others. A leader is not positioned but is conscious and it serves out of love. But serving without a vision Mr. Speaker is like driving around the streets with no traffic lights or no stop signs. And we need vision.

"In the same book it talks about a leader with vision, a vision starts within yourself. So when I first came in and I was on your Committee, I didn't have that staff available, I didn't know what we're talking about having staff available to show me everything in the budget. Because the staff was there just like any other colleagues of mine, but as a leader, I took the initiative to talk to colleagues. I took the initiative to make sure to be at every briefing. I took the initiative to find staff within my own budget - to find staff that would help me to interpret this budget.

"And so we, as a leaders, we need a vision, the vision starts within, it draws on your history. It draws from a leader's past and the history of the people around him. The vision helps you to gather the resources and the vision meets other's needs. A true vision is far reaching, it goes beyond what one individual can accomplish. And if it has real value it does more than just include others, it adds value to them.

"If you have a vision that doesn't serve others, it's probably too small. This budget represents a vision Mr. Speaker. And I appreciate all the "Jiminy Crickets", but this leader would like to look at it not pessimistically, this leader would not like to look at the cup half empty, but this leader would like to look at things positively.

"I get afraid when we talk about this government being too big and crisis. I get afraid when they said we should take from the base and not understanding what is the base. I get afraid when I hear that we're stealing from the people and this spirit...Because for the past six seven years, we were cutting government, we have cut government. We have implemented attrition.

"I've spent time and went out to talk to our fellow workers. I went to see what big government we're talking about, I saw people all crowded up, work all over the place, I went to human services, I was astounded-I could get lost in that place because I saw so much crowdedness. I was also astounded to see our DSSH in-take having to have security because some people coming to them actually wanted to hurt our workers. So when you talk about attrition, because we want to be responsible and this budget does that. Yes, it doesn't please everyone.

"For instance, providing access to prescription drugs which we all talked about because we all want to take care of our constituents. This budget adds \$24.6 million, providing housing for low-income families. It also allocated \$2.5 million over two years for maintenance in the existing IHS

shelter and also funding homeless shelter in Kawai'loa, in the CIP budget for \$420,000 to renovate two barracks as shelters.

"Talk about the poor and needy, Mr. Speaker, all of us have seen our overcrowding in the prison. Eight to ninety percent of the Hawaii incarcerated have substance abuse problem. Without adequate treatment for their basic mental and physical addictions, these individuals return to their communities, commit crimes..."

Representative Lee rose to yield her time.

Representative Kahikina continued, stating:

"Thank you. Commit crimes to satisfy those addictions and face another prison sentence creating a 'revolving door.' But this budget, to address this problem, is providing \$10.4 million over the biennium for a robust substance abuse treatment center.

"I've heard argument about cutting government, but we haven't seen any, what's the plan? Where can we cut budget? Where can we cut this budget?"

"One that we've seen is that the cost of health care payments and the cost of QUEST have been going up because basically our people have bigger needs. One of the items in this budget, which I am very pleased to recognize, is the employment and training budget. As you all know, 10,196 people were on welfare as of 2000; in 2001 it remains almost the same. At the end of this year, 10 percent will exit from the welfare. We need to train these people because if we train them and get them into work, we will cut down on the cost on the health care and the QUEST payments. And so we see that this is responsible addressing the very poor and needy.

"We talk about people's spirit Mr. Speaker. This budget may not be a full loaf to address all of the needs, but it is responsible. It addresses our needs and maybe it doesn't go far enough to all of our visions, but it has a vision that will provide for the very poor and needy. And I ask my colleagues to support this budget."

Representative Rath rose to speak in opposition of the measure and asked that the remarks of Representative Halford be entered into the Journal as his own, and the Chair "so ordered". (By reference only.)

Representative Rath continued, stating:

"You know we hear all the time from the Majority – from your Majority, show us the cuts and oh, you know, give us some idea of where we can cut, you know. As if, if we did, you'd do it, which in fact we know you wouldn't because two years ago we gave to your Majority, a list of \$163 million worth of cuts that could be made and I didn't see any of them made.

"So, you know, the old political trick is, you know, show us where you'd cut and then of course come election time, is, 'I would have cut that if I had the power.' The truth of the matter is, is that the problem with our government, aside from being a very large big brother type of government that over regulates and over spends and seems to have it's hand in everybody's pocket, and then somebody to watch.

"Our problems are systemic – they're basic. So when we look at the budget, we have to look at exactly what the Chairman of Finance said, it is the summation of your policy Mr. Speaker, your Party's policy, and that policy by and large is tax and spend. And we have, as the representative from Kihei pointed out, the largest taxes anywhere in the United

States. And this budget is simply a reflection of that; it's the largest spending.

"Now, there wouldn't be anything wrong with that if we were getting the 'bang for the buck.' If we were actually getting a good quality product for what we're spending. But we can't compare our government here in Hawaii to private industry where you pay money and you get some kind of product or service of value in return. You'd have to compare our budget and our government more to a slot machine where you continually dump money into it and only get a small percentage back because that's in reality what our budget is. We keep putting money into this and throwing money at different problems and different programs. And all we get in results we desire we keep throwing money after education time and time again. Try this new program, this new way, something different.

"And we're still getting kids who have graduated from high school and they can't read the diplomas we give them. We have relegated those children to the very bottom of the social economic strata for a lifetime.

"And when we do have good ideas that are promoted not only by your Minority, but also by members of the Majority and even by the Governor, such vehicles as privatization where we could actually turn those things that could be more effectively and done more responsibly by the private sector where the liability doesn't fall on the government and we could also incur cost savings – when we get that kind of bill before us, it gets altered into this oxymoron called 'managed competition.'

"So the vehicles we need to be able to move into 21st Century to be able to systemically change our company, our government, your Party has rejected out of hand, time after time, year after year.

"So my submission and the reason I'm voting against the budget is that these problems are systemic. They go to the root philosophy of the Democrat Majority and that is 'tax living hell out of everybody' and then spend recklessly. For that reason I can't vote for the project. Thank you."

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

"First, I would like to recognize the hard work done by the staff of the Finance Committee on this budget. I acknowledge also that this budget contains a number of good things and a number of those good things in this budget were listed by the honorable Chairman of the Health and Services Committee who has a very serious concern about the socials facing our State.

"Nevertheless Mr. Speaker, I also understand that I need to go in favor of this budget if I would like to serve on the Conference Committee. If I may Mr. Speaker, I'd like to explain to the members of this House, my very serious reservations regarding this budget and my concerns.

"First of all Mr. Speaker, when I ran for public office, I ran on the premise that the Hawaii State government is per capita the largest state government in the United States and that it is too big and that we should not be increasing our State spending. Although I recognize there are a number of good reasons and pressures faced upon our State, I am very concerned that this budget increases that state spending.

"Second, Mr. Speaker, we in the Finance Committee did a very good job at aggressively attacking the quest for spending increases by the Executive Branch. Nevertheless I'm

concerned that that aggressive spirit was not carried through the base budget, and I do not believe that we attacked the base spending as well as we did for the additional spending increases. And I'd like to see that addressed.

"Third, Mr. Speaker, I have repeatedly asked and believe that our State needs significant tax relief. Although there is some tax relief contained in this budget I believe it does not go far enough and we just do more.

"Fourth, Mr. Speaker, perhaps my enthusiasm for this budget would be greater if I knew that we had a comprehensive plan for forming our State government. Programs such as civil service reform and privatization, I am disappointed that this Legislature thus far has not embraced those ideas.

"Fifth, Mr. Speaker, the other night I repeatedly got up and complained about the use of special funds. I believe too much our budget has gone on 'auto pilot', we are losing control over the state budget and letting various departments go on without closer scrutiny precisely because we are using and allowing them to have special funds. I believe that must be addressed and that must be reduced.

"Finally, Mr. Speaker, I would like to express my level, my high level of frustration, at the budgeting process. The Representative from Kapolei earlier already explained that there are a great number of Majority staffers on the State House Finance Committee, but no Minority staffers. I understand and the reasoning given to me by the Chairman of the Finance Committee, but I respectfully disagree. I believe the budgeting process should be more open. This is perhaps the most important bill every biennium that this Legislature passes, it should be open to public scrutiny, we should allow the public to see where we cut, why we cut and how we make these decisions.

"And for all these reasons Mr. Speaker, I express some very, very serious reservations about this budget. Thank you."

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

"I'd like to think that the legislative session started on the third Wednesday in January, but, I was wrong. Shortly after the new year began, your Committee on Finance began pre-session informational briefings, which started on January 3 with the economists, the Council of Revenues and the Department of Budget and Finance to discuss the state of the economy and the administration's financial plan.

"Over the next three weeks, your Committee embarked upon its hectic pace of work with briefings from all twenty-one state departments, the Office of Hawaiian Affairs and the Judiciary. Your Committee also held briefings with all four county Mayors as well as the special briefings on the Felix Consent Decree and the State tax structure.

"We received a full day of verbal information and heaps upon heaps of some of the many written material for each briefing. However, your member realized that all of this information was important. No matter how daunting it was and essential in crafting of a prudent responsible budget.

"Upon completion of the budget briefing, your Committee dug into the stack of materials, reviewed and analyzed the administration budget approach and found the assumption to be essentially sound. But your Committee went further than merely reviewing this budget proposal, and once again, dove into the material enthusiastically placing emphasis on reducing non-priority items and deferring costs wherever possible.

"In the process, your Committee sought the input of all subject matter committee chairs examining agency priorities and budget requests. All suggestions for additional reductions were explored and many were incorporated into the product before you. Be assured Mr. Speaker, that H.B. 200, HD 1 is a result of many, many hours of hard work, prudent choices and deliberate thinking.

"As you know Mr. Speaker, this is my first year in the House of Representatives. I am what you call a 'freshman legislator', and thankful to be on this Committee. I had to think back to my academic days to remember the last time I was called a freshman in college. I also think the terms is very appropriate for now, this freshman year is like being in college again and being on the Finance Committee is one of my core curriculum. You have to be attentive, you need to do your homework, and believe me Mr. Speaker, and we had to do our homework.

"But as you also know, it's not enough to read the books, we have to show up for class. We have to be there every day or else you fall behind. As smart as you think you are, what you read and try to comprehend from instructional materials, you cannot beat the classroom presentation. And heaven helps the student who cuts or miss class, and is expected to borrow someone else's notes to make amends. Unfortunately, it saddened me to say that there's no case of this in the Finance Committee Mr. Speaker.

"A glaring example..."

Representative Gomes rose on a point of order, stating:

"Mr. Speaker, if he could keep his remarks to the bill."

The Chair responded, stating:

"It is tied to the budget in regards to what he's experiencing. Representative Magaoay, please proceed."

Representative Magaoay continued, stating:

"Thank you Mr. Speaker. A glaring example was the Representative from North Kona who missed the majority of the informational briefing."

Representative Fox rose on a point of order, stating:

"Mr. Speaker, this is a violation of House Rules. You cannot personally attack another member of the House."

The Chair responded, stating:

"Representative Magaoay, could you confine your remarks.

Representative Magaoay continued, stating:

"Okay, thank you Mr. Speaker. I've always said prior that the committee members worked hard. And when you work hard, you review the budget line by line, and you work as a unit. And what we have here is a coalition of all the input we have worked hard on, so that's what I'm saying.

"But I'm pleased to say that most of us on the Finance Committee were good students. We showed up to class, we did our homework and we present to you our mid-term exam. Thank you, Mr. Speaker."

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

"Mr. Speaker, it's been some year since I last served on the Finance Committee but I was quickly reminded of and I saw, the rigorous spirit in which today the agendas were reviewed and discussed. And the painstaking tasks of decision making before the vital committee, I feel real privileged to have served on the Finance Committee and like everything else, decisions are very difficult to make in times of limited resources. And it doesn't please everyone, but policy and priorities must be made and this document is precisely what the policies and priorities will be for the next two years.

"More issues are recorded to the State as the status of our budget. As state legislators, we play an important role in keeping the budget on an 'even keel' in deciding on a course of action. We take many considerations into account. We must satisfy voters in our local districts, respond to the Governor's own agenda and balance the desire for immediate short-term solutions and long-term needs of the State.

"And although we often find ourselves at odds with one another when weighing these considerations for priorities and appropriations to pass, procedures and processes must be followed. Compromises forged when needed and people of all interests must be heard. And openness and comments encouraged. And this is what took place in the Finance Committee. This is a budget that is well-prepared, well-documented and responsive to the financial crisis before us.

"As mentioned by previous speakers, appropriations include emphasis on education and people needs. But with fixed costs as mentioned by the Chair and previous speakers, the base budget and mandated benefits and obligations are 80% of the proposed budget. It is difficult to accommodate every need, which is 20% left for other government and people programs. Budget priorities such as education, economy, the environment, health and human services, public safety and many, many, many projects as mentioned by previous speakers. All of us need to consider reasonable ways to address these critical needs of all while staying within the State's financial boundaries.

"As Chair Takamine so well articulated, the Finance Committee faced the enormous task of carefully appropriating funds to these priority items. In the session ahead Mr. Speaker and colleagues, we need all of your suggestions in improving the budget. But we need to go beyond the rhetoric and come up with specific solutions to balance the budget; solutions that are practical, realistic, fair and painful.

"And like you Mr. Speaker and colleagues, I wish a budget could be a perfect document which pleases all of us. So I want to thank Chair Takamine and Vice-Chair Kawakami and for their hard working staffing. And for the Chair and Vice Chair for showing true leadership, fairness and wisdom in the public hearing deliberations that are often times controversial and time consuming.

"We have much work ahead of us and like the Chairs have already demonstrated, all of us need to deal with this budget and our needs and our interests with patience and understanding by being able to listen and being sensitive to the many competing forces and interests before us. I want to thank the Chair and the Vice Chair for their way in doing a great job. Thank you Mr. Speaker."

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

"Mr. Speaker, my Grandfather, he believed that there are two kinds of people – those who know how the world fits together and those who think they know. The former work in hardware stores and the latter in politics.

"The lesson here Mr. Speaker is that nothing we do here is perfect, and it is important for members to remember that the budget continues to be a work in progress. And that the Finance Chair and the Finance Committee should be commended for their efforts.

"Some of the comments I've been hearing reminds me of the saying that people love change in general, but hate it in the particular. In other words, be reasonable and do things my way. I for one will welcome any specific suggestions, any specific recommendations and how we can cut the University's budget and I would take that under serious consideration. We all know that there are many pressures coming to bear on the budget – Felix mandates collective bargaining, debt service and the like. It would have been easy for us to shrug our shoulders and say why don't we just cut across the board fair and square.

"Instead the budget before us not only preserves the base budget of \$873 million for the University, but it increases it by \$40 million in FY 2 and \$58 million in FY 3. This shows Mr. Speaker, I believe a real commitment to higher education despite having to make tough decisions. But in a broader sense Mr. Speaker, this budget affirms the notion that State government is the people and that the budget should be a reflection of not just their needs but of their hopes, dreams and aspirations. Is it the ideal budget? By no means. Can we do more for education? No doubt.

"But for those who want to engage in 20/20 hindsight in second guessing, I have two observations. First, as I've said this is a work in progress and we've got a long way to go. And secondly, to err is human – to blame it on the other party is politics. Thank you."

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

"Ever since I've joined the Legislature I've served on the Finance Committee and through the consent of the members I thank you for allowing me the purpose of serving.

"Mr. Speaker, I would like to agree with the Representative from Waikiki, that this budget does have a large increase. But I think it's important that he not only mentioned, we not only mentioned that, but we mentioned the reasons why and I'd like to concentrate on the special funds. And I'm not going to read the Committee Report that accompanied the budget which explained why dollar for dollar, \$412.6 million was increased in fiscal year for 2002 and explains dollar for dollar why \$422.9 million was an increase in these types of funds in fiscal year 2003.

"Any thinking person would want these questions answers provided. Mr. Speaker, regarding these types of non-general funds, it was mentioned many times that there was no control over these of how we spend these funds and I'd like to explain or provide some insight and maybe some understanding that we all could benefit from.

"As far as controlling of all special funds spending, unless the dollars are budgeted, it would be illegal for any department, including the Legislature and OHA, to spend any dollar that is not budgeted. Not a single dollar is spent without appropriation as reflected in this bill for this budget and their other bills for other budgets for OHA and the Judiciary. Use of special funds no way diminishes our control even though some of these funds result from taxes and fees that are earmarked. We still need to appropriate all these funds.

"Allow me to make clear what I'm stating and possibly clear up the misunderstanding and misrepresentation put forth by some members across the aisle. The authority of special funds to accumulate funds is not coupled with an automatic increase and authority and right to spend. All discretion for spending is made under the preview of the Legislature through the budgetary process reflected in this bill. Not a single dollar can be spent without an appropriation through this budget bill. Use of special funds in no way diminishes our control and oversight unless you're not present in the briefings and hearings to listen to the briefings and hearings. Or you're not, even if you're there, you're not asking the right questions.

"Some of these special funds, actually there are three categories of special funds and the funds that relate to special trust and revolving funds are exactly like our general fund budgets. You need to be there and ask the right questions and hopefully do your homework and follow up with the questions or answers are not provided, questions haven't been asked.

"Some of these special trust revolving funds involve loan funds and I'd like to point out that although they're loan advances, loans made to credit of the borrower, who intends to repay these loans. These show up as appropriations, they show up as what is called disbursements. So some of this understanding and information need to be conveyed, it's not all spending.

"The other category of funds relate to further actions on our State finances. And it really is an increase of the spending ceiling that allows our special funds to receive these funds from federal government and in turn, allow us to spend it for the various programs. And they're all detailed, specifically detailed not only in the budget, but also in the Committee Report.

"Also there's another category what we normally refer to as funds and these are really transfer funds. And they serve an accounting cost, a cost accounting function in allocating costs by Budget and Finance to the various departments. And they reflect them as spending, in fact, double spending because it's counted twice. Once the fund, for example the Health Fund or Education, the Health Department or the Education Department and then they get reflected in Budget and Finance that actually does the spending. And it's merely a cost accounting mechanism.

"So I think that these type of explanations are useful in evaluating the budget and what we're trying to do in accomplishing the needs and fulfilling the needs of our people. Thank you Speaker."

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

"First of all Mr. Speaker and members I want to thank you Mr. Speaker for providing the guidance and leadership to this body. And to the Finance Chairman and Vice Chairman and the members for coming up with a very good budget; very, very deliberate and very, very conservative budget.

"Mr. Speaker and members, I have some knowledge of the budget. I spent some years as a member and some years as a Chairman. This budget, if you review this budget very carefully, is a budget that is sustaining and over the years, there are some major cuts.

"Looking at the Felix v. Waihee [Cavetano] case alone for the biennium would be approximately \$700 million. Look at the other mandates that we have by the courts, another \$50 - \$60 million dollars. You look at the cost of living and the internal costs that we have within the budget, for those raises

that were provided previously and have automatically increased that we have no control of. That provides for additional costs again, so if you put all this together, what you have is a minus and not a plus.

"We need to look at these items, we need to look at the Felix v. Waihee problem that we have. Over the years \$1.3 billion dollars have been spent for this Felix v. Waihee case. And while it's good, it provides the service, the needed services to the children – to all the frail and disabled children it's still a tremendous cost to this body, which we have to adjust to all these years.

"Considering the fact also members, for the last nine years even before this year, we were on a continuing decline. The State suffered one of the worst recessions we've had in many years. And yet the State here did not increase the excise tax during this period of time. Other states that had similar problems Mr. Speaker and members, to name some, the states of California, Maine, New Jersey, increased their taxes when they was in a similar crisis financial situation, they increased. We did not. And they have a lot more resources than we have within the context of this thing.

"On top of all of this in 1998, we reduced the personal income taxes to provide one of the greatest cuts in the State, in the history of the State and in the nation. So to hear this rhetoric and understandably so, this rhetoric needs to be said I guess, but we're a big spend, spend, spend state. When in fact all these years, we have been cutting. Mr. Speaker and members. This Majority passed cuts into seventeen programs, we even cut in desperation the General Assistance Program, members.

"And I come from a background of social work, I ran a community program for many years. It's very disheartening to cut it but we had to balance the budget. But let me tell you members, those who are speaking against this budget are the same member that voted against the cuts that were made. So it's real interesting when you come up here and then say we'll spend, spend, spend when they refuse to go along with the cuts that was made in the past.

"So with all of this members, and this is for the record, this body here has been the most conservative, most frugal body, in fact I'm opposed to this body in many ways Mr. Speaker. I'd like to take the words of the Chairman of Health in what he mentioned that children are going without dental services. Adults cannot have any care for their teeth if you're poor, they'll go see a dentist that will only pull the teeth, and they won't do anything else. And yet we as a loving state allow these things to happen.

"We have large class sizes that have not been able to reduce it. Yes, we've put a lot of money in education; we still have large class sizes. We have not reduced the class size appreciably because we don't have the resources. Yet people in this State here that's going without services in health, especially in the rural area."

Representative Pendleton rose on a point of order, stating:

"Mr. Speaker, will the gentleman address his remarks to the Speaker's rostrum."

Representative Souki continued, stating:

"I'm sorry, I apologize to the Floor Leader. Yes Mr. Speaker, that's not because you're not a good looking man."

Representative Yoshinaga then rose to yield her time.



Representative Souki continued, stating:

"Thank you very much, I'm just about to conclude Mr. Speaker. I just want to again thank the members of the Finance Committee and this budget is a working document. And I hope we begin to realize that with the cuts that we have made which will amount to almost \$2 billion and with the increasing of the Felix v. Waihee case costs, the increasing of the fixed costs that we have – the ERS, the debt and the health cost. A combination of these two is putting us on a collision course. And it behooves all of us to consider these factors that some major decisions will have to be made by this body very shortly. I know I'll continue to bring this up and I will continue to bring the subject up until this problem is resolved. Thank you very much Mr. Speaker."

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

Upon reconvening at 1:54 o'clock p.m., the Vice Speaker assumed the rostrum.

Representative Thielen rose to speak in support of the measure with very serious reservations and asked that the remarks of Representative Fox be entered into the Journal as her own, and the Chair "so ordered". (By reference only.)

Representative Thielen continued, stating:

"On page 89 of the Budget Bill, Item 12 is the Kakaako Makai improvements. This amount will set in motion the move of the medical school to Kakaako. You've heard many times our discussion about all the displacement that will occur from that move. I would like to suggest that this item be eliminated from the budget, and we go back to the drawing board and look at locating the medical school on the Tripler complex which would keep it out of a very congested area and could avoid having to displace at least fifteen businesses from another area from the domino effect.

"Second thing, LTG 102, the Executive request for the Reapportionment Commission six month funding with \$410,780. The House budget is raising that by nearly \$200,000. I'd really like to question, that and I hope, I believe that the Finance Committee Chair is going to get us further information on that. But I cannot see the justification at this point for it almost, that nearly \$200,000 increase.

"And lastly on page 177, I would like to congratulate the Finance Committee for two items and this is for playground equipment both up for statewide. We all know that our elementary schools are in dire need of having playground equipment. And that the \$3 million that we appropriated I believe it was two years ago, hasn't even reached the playgrounds yet and will not be adequate to take care of all the elementary schools in the state.

"I'm very pleased that the Finance Committee recognized this. I just wish that they could put a fast track on it; get the money out there, get it to DAGS, get DAGS off its *okole*, get it to the schools and let's let our elementary school children have playground equipment to play on by next September at the latest. Thank you."

Representative Rath rose on a rebuttal, stating:

"Specifically, you know it's been insinuated from time to time that possibly bills on this side of the aisle might not have a complete comprehensive or understanding of the budget, the budget process, the needs of government or how the money is collected and or distributed.

"Let me assure you personally I have started a number of companies that did gross business in the millions. And I think I'm the only member of the Minority that's ever been in the Majority and I was Chair of the Finance Committee in Hawaii County. So yes indeed, I am one member who does know what it is to be responsible and to be the person who actually sees that the checks are written.

"Actually from this side of the aisle we don't need to be students, we know exactly where the money comes from, we know where the money goes and we know exactly how it's spent. It's just that we simply disagree with the priorities that are set forth in your policy. And yes indeed, we do have a tax and spend state.

"Taxes are necessary and spending's necessary. When it goes to the point you try to be a 'nanny government', when you try to be a 'nanny government', you take care of everybody and in doing that you stifle the economy, then government becomes a parasite. And if you're going to be a parasite you better have a healthy host. Thank you."

Representative Pendleton rose in support of the measure with strong reservations and asked that the remarks of Representatives Fox and Case be entered into the Journal as his own, and the Chair "so ordered". (By reference only)

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

"I've been sitting here for about an hour listening to various discussions so I'm going to ask for the members indulgence just to establish the record straight. And just to make sure that when we vote on something we're properly educated and from an informed decision, make our decision.

"I think first of all it's been said that some members will vote no on this budget because of a supposed increase in the number of employees that this budget allows for. And that is true Madame Speaker but I think members should know that the increases are in three particular areas.

"The first area is in the Department of Public Safety. In the first year they'll be ten positions, in the second year zero positions. And it states in this description here. Although the Department of Public Safety has not shown a significant position increase, the department has shown a substantial increase in positions this biennium. And this is for the expansion of the Fifth Circuit Court on Kauai, overcrowding in our prisons and increasing the number of substance abuse counselors in our correctional system. It's also for the conversion of five temporary adult correction officers for Halawa and the Women's Correctional Facility here on Oahu. Additionally Madame Speaker, the increase is for two additional sheriffs staffed in the new Fifth Circuit Courthouse on Kauai. Also, a social worker for intake to access the substance and the abuse needs of pre-trial detainees.

"The second area of growth is in the Department of Human Services, 62 positions the first year, 28 positions the second year. It states here Madame Speaker, for the Department of Human Services, over 75% of the increase was due to converting temporary positions to permanent status. What this means Members, especially for the newer ones in this body, if you're in a temporary position that means that from year to year you're not sure that your job will be secure. This ensured that this position will be secure and fully funded.

"This is important to recruit and retain staff for the child welfare and Medicaid waiver programs that will become a permanent program. Permanent staffing is also needed to



correspond with the nursing homes without walls, a residential alternative community care. Also Madame Speaker, additional positions are needed to address the increasing number of child welfare cases on the Neighbor Islands, specifically Kauai and Molokai.

"Third, the biggest area in Department of Education. In the Department of Education position increases are to accommodate growth of the school system – staffing requirements and court order requirements. Additional positions include teachers, principals, student administrative support assistance, clerical staff, mental health professionals, custodian and kitchen staff and security attendants; 392 positions the first year, 67 positions the second year.

"New teachers are required for the effective mainstreaming of special education students into the regular education classrooms. Principals, administrative assistants, custodians and kitchen staff are needed for new schools. Mental health professionals are also needed for the Department of Health and the Department of Education to address the Felix Class. Also security attendants are needed to meet staffing requirements. So the position counts of 422 the first year and 95 for the second year explains the increase.

"I also need to point out for the membership Madame Speaker, you hear a lot of this discussion regarding comparative state tax ratings. So I'm referring to a response I received from Marie Okamura from the Department of Taxation, she is the recently appointment Director. And she states:

In my opinion, the subject of comparative state tax ratings is fraught with misconceptions. While numbers do not lie, much depends on what it is measuring. Underlying the discussion is some notion that an optimal level of tax revenues for a given set of conditions exist. Even if such did exist, the conditions vary from state to state ranging from industry mix to available resources, which adds to the difficulty of interpreting a one dimensional comparison.

"As often happens, inflammatory rhetoric asks the wrong question. Having prefaced this, I will point out that a simple division of total state and local tax collection by resident population does traditionally place Hawaii among the top ten states. A Washington State study shows Hawaii ranking fifth in 1995, seventh in 1997. Compilations by the U.S. Department of Commerce show Hawaii ninth in 1996..."

Representative Schatz rose to yield his time.

Representative M. Oshiro continued, stating:

"...third in 1999 on state tax revenues per capita and sixth in 1996 on state and local revenues per total personal income. We believe these rankings are generally straightforward. Rankings of the largest cities in the states, by the *Washington D.C. Tax Rates and Tax Burdens in the District of Columbia*, a nationwide comparison by the government of the District of Columbia compares Honolulu favorably to sister cities across the country.

"In 1996 Hawaii ranked 39th in overall state and local tax burden, 50th in property tax burden and 31st in sales tax burden. According to the state of North Dakota publication, *State and Local Taxes – An Overview and Comparative Guide 2000*, Hawaii compared to other states in 2000 as follows: 27th in tax freedom day, April 30th; 9th in per capita state income tax at 902; and 2nd in per capita state sales tax and gross receipts.

"A Tax Foundation Washington D.C. special report in 1999 placed Hawaii first in state and local tax per personal income. The study used a 15 year trend line to forecast 1999 tax burden. The years used 1981 to 1986 included double-digit growth years. Because they believe that 15 years average use will tend to over estimate Hawaii's 1999 receipts, the Tax Foundation admitted it may result with a different five year trend line, were inclined to discredit Hawaii's results from this study.

"Methodology is one focus of comment, we are unsure how the revenues of certain states such as Alaska and Wyoming with exported severance tax revenues are treated across previous rankings. The two states for example were ranked forty-ninth and fiftieth in the Tax Foundation study and first and fourth respectively by the U.S. Department of Commerce.

"Finally, Hawaii's tax burden is admittedly higher than a national average because a large portion of Hawaii's taxes get paid by visitors. Madame Speaker, I'd also like to point out another element that's been raised throughout this discussion and that's this plan that I've yet to receive.

"In 1990 [1998] I remember receiving a similar challenge from then the Minority Leader, Quentin Kawanakoa. And that time, Quentin did make the challenge to the..."

Representative Pendleton rose on a point of order, stating:

"The gentleman is no longer a member of this body and those documents are not part of this bill. I believe the gentlemen should properly confine his remarks to the merits of the bill before us Madame Speaker."

The Chair responded, stating:

"Representative Marcus Oshiro."

Representative McDermott then rose on a point of information.

The Chair interjected, stating:

"Representative McDermott, let me just rule on this point first. Representative Marcus Oshiro I think we had a lot of discussion, can you confine your remarks."

Representative M. Oshiro continued, stating:

"I will Madame Speaker, I just would like to extend the same invitation to the member of the Minority from South Kona to share with me their ideas of balancing the budget in affording a..."

Representative Rath then rose on a point of information, stating:

"That's North Kona."

Representative M. Oshiro continued, stating:

"Excuse me, North Kona."

The Chair interjected, stating:

"Thank you Representative Rath. Representative Marcus Oshiro please proceed."

Representative McDermott then rose on a point of information, stating:

"Representative Kawanakoa didn't get elected until 1994, he wasn't here in 1990. Thank you."

Representative M. Oshiro continued, stating:

"I meant 1998, Madame Speaker."

The Chair then directed Representative M. Oshiro to proceed.

Representative M. Oshiro continued, stating:

"Finally I think it's really disingenuous that some members both in the Minority Caucus and the Majority Caucus to say that they're not prepared to debate a particular measure of bill because of a lack of staffing. Each of us is elected to represent our districts and constituents and each of us have a similar amount of allocations of \$5,000 allowance. We're also allowed the same amount of money to go and hire staff..."

Representative Halford rose on a point of order, stating:

"Can we stick to the merits of the bill rather than expressing our bewilderment about other members' understanding. Thank you."

The Chair responded, stating:

"I think Representative Marcus Oshiro is responding to some of the questions about... Representative Mark Moses."

Representative Moses then rose and stated:

"Thank you."

The Chair interjected, stating:

"Representative Moses, will you allow me to rule on the last order first?"

Representative M. Oshiro interjected, stating:

"Madame Speaker, I'm just...."

The Chair continued, stating:

"Representative Marcus Oshiro."

Representative M. Oshiro then continued, stating:

"I'm addressing a complaint or an objection to voting on this measure."

Representative Pendleton then rose on a point of order, stating:

"Could you clarify your ruling on Representative Halford's..."

Representative M. Oshiro interjected and rose on a point of order, stating:

"Point of order."

The Chair interjected, stating:

"Representative Marcus Oshiro let me clarify the ruling that Representative Halford raised. Currently the Chair believes that Representative Marcus Oshiro is responding to some of the questions about staffing so we'll proceed. Representative Marcus Oshiro can you wrap up?"

Representative M. Oshiro continued, stating:

"I will wrap this up very quickly, I think its very disingenuous for a number of reasons. First of all, I noticed that certain Minority staff are..."

Representative Halford then rose on a point of order, stating:

"He's not talking about staffing, he's talking about whether we're genuine or not. I mean it's not appropriate, could you please have him talk about the bill?"

The Chair responded, stating:

"Representative Halford thank you. Representative Marcus Oshiro will be wrapping up."

Representative M. Oshiro responded, stating:

"I will be wrapping up."

Representative Moses then rose on a point of personal privilege, stating:

"The current speaker has been addressing the fact that we talked about limited staffing. That is not the point that I made earlier, I have a staff member dedicated to the budget. Unfortunately he's not able to get at the budget because he's not permitted to do so. So I have the personal staff. I have used by money efficiently. He's just not allowed to get at the budget."

At this time Representative Souki asked for a recess, stating:

"That has nothing to do with what's going on."

The Chair responded, stating:

"At this point, I'll allow Representative Marcus Oshiro to wrap up."

The Chair then allowed Representative M. Oshiro to conclude his remarks.

Representative M. Oshiro concluded his remarks, stating:

"I think my point has been made by the loyal opposition. I think this is a good budget, I think as long as people look at the numbers and look at this public record that has been created today, I think they'll believe and see what the right intentions are. Thank you."

Representative Gomes rose to speak in opposition to the measure and asked that his additional comments be inserted into the Journal, and the Chair "so ordered".

Representative Gomes continued, stating:

"I rise in opposition Madame Speaker and my comments I'll ask that they be inserted but I just have a few brief remarks if that's alright. And again I just concur with the speakers from Waikiki, Kihei, South Kona, Kaneohe and Manoa. Just generally Madame Speaker, I support the budget, I just don't support this draft and this measure that we have before us.

"And I think that's a distinct difference. And my opposition on the merits of the bill has zero to do with the commitment and hard work and dedication that the Finance Chair and the members have put into this effort. And I think this is a terrific debate that we're having on these issues and I appreciate the

comments of the proponents and I'll think about them and think of the heart as this discussion continues.

"And Madame Speaker, members, perhaps this is something that we ought to consider as a Committee of the Whole. Now that would be a very long session for us. But at any rate Madame Speaker, those are just some basic brief remarks and again I ask that my comments, written comments be inserted in the Journal."

Representative Gomes' additional remarks are as follows:

"Contrary to the rhetorical 'puffery' by the proponents of this measure, this is not a responsible or fiscally prudent plan for spending the taxpayers' money over the course of the next two years. It provides for significant increases in state spending -- even if it is less than the Governor wanted to spend. Nor does this proposal include meaningful tax reductions, or the elimination of the excise tax on food, or medical services, or rent. Furthermore, it excludes substantial savings from the efficiencies we can gain as a result of privatizing government services, adopting real civil service reform, and modernizing government services.

"Moreover, the proponents repeatedly refer to the need to protect the budget's 'base' and claim that they cut the Governor's proposed budget as much as possible without cutting into that 'base.' But what is this mythological 'base'? Of what is it constructed? Upon what foundation was it laid and who are its architects? And when was the 'base' last checked for structural deficiencies? We do not have a clue because the facts have been kept from our purview. Furthermore, merely repeating 'protect the base' over and over and over again to justify an inflated budget does nothing to improve its legitimacy.

"In addition, this measure's defenders challenge those who oppose it to 'show us where to cut . . . show us the fat!' Well, Mr. Speaker, that question can easily be answered if this body is provided a full, accurate, and complete accounting of all our expenditures, all our revenue, and the financial status of every account. Unfortunately, we have been kept in the dark -- purposely -- on these matters, and worse yet, by our own Finance Chair and the Majority Leadership. Indeed, even members of the Finance Committee -- including members of the Majority -- have been left wanting for the information necessary to make a rationale and sound determination of whether this bill is indeed worthy of our unqualified support.

"Finally, Mr. Speaker, there seems to exist a not so subtle implication among the members of the House that to vote against this measure is sacrilege or a personal affront to the Finance Chairman, certain members of the Committee, and the Committee staff. But voting 'for' this measure, or 'with reservations', to spare someone's feelings or to avoid the ire of the Finance Chairman is definitely not a good reason to approve this bill. Without denying the importance of personal relationships in the legislative process, we are called upon to rise above the personal and to do the right thing -- even if it means going 'against' friends and colleagues on a significant piece of legislation.

"Consequently, Mr. Speaker, I oppose this bill. Thank you."

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

Representative Bukoski's remarks are as follows:

"I would first like to start off by saying what an effort the Finance Committee has made in putting this budget together.

It definitely goes without saying that this is not an easy task. The Finance staff has also shown a commitment to this process through their many late nights hours spent in preparing this draft.

"I enter a vote of support with reservations, not necessarily because of the budget itself, its contents, or a lack thereof. I am more or less concerned with the process by which this budget is put together.

"I sit here today and am asked to sign off on what is probably the single most important document we will face this legislative session. A document that I have not seen until a few days prior, a document that was explained to me in a brief meeting one hour prior to the time I was expected to cast my vote.

"It makes me a little uncomfortable to sign a blank check not knowing how the numbers were ascertained. Yes, proponents to this process may claim that sufficient opportunity was afforded those who had any concerns, but for a document this essential to the state of the State, I would imagine there would be more access provided to all elected representatives. I recently learned that as an elected legislator, I am not allowed to enter the budget workroom, nor look at any of the budget worksheets without being accompanied by a member of the Finance Committee. I find this very insulting to my integrity and to the position I was elected to.

"Any elected representative should be allowed unlimited access to information, including and most importantly, the budget worksheets and other material used to formulate the budget, if we are charged with asking the right questions and making the right decisions.

"We as legislators, always speak of ways to trim the fat produce efficiencies in government spending. I believe our intentions are good, but we are looking in the wrong areas. The base budget, as it was explained to me by the Finance Committee staff, is for the most part, passed on from year to year with very little change, if any and very little scrutiny. Department heads are not asked to justify their budget or provide information supporting the dollars being appropriated. Instead, a past-practice budgeting approach is used.

"I believe there is a considerable amount of possible revenue tucked away in each department that is not being identified because of this method of budgeting. I propose other methods, such as zero-based budgeting, be used in order to identify exactly where each department can cut. A quick way to generate much needed revenue and improve departmental efficiencies might be to propose and implement an across the board reduction of 5% to the base budget. This would generate an approximate \$150 million in cost cuts. Those departments who already operate efficiently could be given an opportunity to reapply for the revenues lost, up to 5%, by providing ample and sufficient justification to the legislature and pending its approval.

"We as a state are creating a budget that simply can no longer be supported by our current methods of doing business. We as legislators, must think out of the box and solicit new and innovative ideas from all of the 51 members of the Legislature, not only for a chosen few. Maybe we should change the format of the Finance Committee to a Finance Committee of the Whole, where all legislators participate in this process. If we are expected to vote on this bill, we should all have ample opportunity for input in its creation. For these reasons, I vote in support of the said budget bill with reservations."

Representative Meyer rose to speak in support of the measure with reservations and asked that her remarks be inserted into the Journal, and the Chair "so ordered".

Representative Meyer's remarks are as follows:

"House Bill 200, the State budget, is probably the most important bill of this session, of every session for that matter. Regardless of what else we do, allocation of funds between competing programs and priorities sets the tone for what the state government will be doing for the next two years. In our Constitutional system of government the Legislature, elected by the people, controls the budget and taxation. In Hawaii, the budget must originate in the House of Representatives. We, as Representatives, have the power of the budget to control the actions of the Executive and Judicial branches of government.

"Over the years, however, we have abdicated our independent Constitutional responsibility for the budget and let the Governor run things to a greater and greater extent. Rather than examine programs in detail, we just accept the base budget from the Governor as an unchangeable law of nature, and we merely examine proposed increases. What we call savings do not reduce the size or cost of government, they are merely reductions in the rate of growth. The result is a continuously increasing number of employees and a growing cost of state government. This bill increases state spending on operations by 12% and adds over 500 new positions to state government.

"If we were actually providing oversight of the government, we could probably find 500 vacant or underutilized positions that could be used to offset these new positions. But we made no such effort, and have no system in place to force the Executive to keep the government from growing. One alternative that would limit the growth of government is to privatize functions that can be performed better and cheaper by private entities. But we reject any idea of privatization or managed competition out of hand. Again the result is an ever growing bureaucracy, and a larger and larger burden being placed on the taxpayer.

"If further proof that our budget system is broken were necessary, we need only look at the increasing amount of emergency funding requests. An emergency is something that is unforeseen and unforeseeable. These emergency requests reflect either extremely defective planning by the Executive, or intentional game playing with the budget process and this Legislature. Either of these explanations is inadequate, but we do nothing. I do not think poor planning on the part of an agency should be allowed to create an emergency on the part of the Legislature.

"This particular budget ignores several important issues that we know we will have to address during this session. The pending contract settlements with three public worker unions will not go away and we should build some allowance for pay increases into this budget. The bill before us today appears to take the position that when HSTA, HGEA or UHPA get a pay increase, we will have to cut something out of this budget.

"Like most budgets, this one funds important and urgent programs - such as education. For that reason I vote for this bill but I believe we can do much better in our approach to the budget and government in Hawaii. It is of paramount importance that we accomplish meaningful reform in the size and cost of state government."

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

"I rise with reservations because this is a working draft, I look forward to the finished product. Thank you."

Representative Stonebraker rose and asked that the Clerk 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 H.B. No. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGE," passed Third Reading by a vote of 43 ayes, and 6 noes, with Representatives Fox, Gomes, Halford, Jaffe, Ontai and Rath voting no and Representatives Say and Yoshinaga being excused.

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

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 44 through 46) and concurrent resolutions (H.C.R. Nos. 40 through 42) were referred to Printing and further action was deferred: (Representatives Say and Yoshinaga were excused.)

H.R. No. 44, entitled: "HOUSE RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was jointly offered by Representatives Arakaki, Takumi, Kahikina, Takai, Ito, Kawakami, Lee, Ahu Isa, Auwae, Suzuki, Garcia, Cabrerros, Hiraki, Luke, Yonamine and M. Oshiro.

H.R. No. 45, entitled: "HOUSE RESOLUTION REQUESTING THAT PHARMACEUTICAL COMPANIES DOING BUSINESS IN HAWAII DEVELOP A MORE CONSUMER FRIENDLY UNIFIED SYSTEM FOR FREE PRESCRIPTION DRUGS," was jointly offered by Representatives Arakaki, Takumi, Kahikina, Takai, Ito, Kawakami, M. Oshiro, Ahu Isa, Suzuki, Lee, Auwae, Yonamine, Cabrerros, Garcia, Hiraki and Luke.

H.R. No. 46, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES HEALTH FUND TO EXAMINE THE POSSIBILITIES FOR COST SAVINGS AND PREMIUM REDUCTIONS THROUGH THE PROVISION OF HEALTH TESTING," was offered by Representative Ito.

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was jointly offered by Representatives Arakaki, Takumi, Kahikina, Takai, Ito, Kawakami, Luke, Lee, Ahu Isa, Auwae, Suzuki, Garcia, Cabrerros, Hiraki, M. Oshiro and Yonamine.

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT PHARMACEUTICAL COMPANIES DOING BUSINESS IN HAWAII DEVELOP A MORE CONSUMER FRIENDLY UNIFIED SYSTEM FOR FREE PRESCRIPTION DRUGS," was jointly offered by Representatives Arakaki, Takumi, Kahikina, Takai, Ito, Kawakami, M. Oshiro, Ahu Isa, Suzuki, Lee, Luke, Auwae, Yonamine, Cabrerros, Garcia and Hiraki.

H.C.R. No. 42, entitled: "HOUSE CONCURRENT

RESOLUTION REQUESTING THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES HEALTH FUND TO EXAMINE THE POSSIBILITIES FOR COST SAVINGS AND PREMIUM REDUCTIONS THROUGH THE PROVISION OF HEALTH TESTING," was offered by Representative Ito.

At 2:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:16 o'clock p.m.

#### HOUSE COMMUNICATION

A communication dated March 6, 2001, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, giving notice of the final form of H.B. No. 575, HD 2, entitled: "PROPOSING AMENDMENTS TO ARTICLE VII OF THE HAWAII CONSTITUTION REGARDING AN EMERGENCY AND BUDGET RESERVE FUND," in accordance with the provisions of Article XVII, Section 3 of the Hawaii Revised Statutes.

#### ANNOUNCEMENTS

Representative Pendleton: "Members we have one of our colleagues who is enjoying a birthday today, Representative Colleen Meyer. Happy birthday on behalf of the House of Representatives."

Vice Speaker Luke: "Representative Takumi is it your birthday?"

Representative Takumi: "Not quite, I don't recognize my birthdays anymore Madame Speaker. But since we're in the announcement mood, I think we ought to welcome back our colleague Representative Brian Schatz who's back on the floor, we're glad to see him back but just don't come by me. Thank you."

#### ADJOURNMENT

At 2:16 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 9, 2001. (Representatives Nakasone, Say and Yoshinaga were excused.)

## TWENTY-NINTH DAY

### Friday, March 9, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Alan Urasaki of the Aiea Hongwanji, after which the Roll was called showing all members present with the exception of Representatives Chang, Halford, Ito, Ontai, Rath, Saiki, Takumi and Whalen, who were excused.

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

### GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 163 through 166) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 163, transmitting copies of the Department of Agriculture's Annual Report for Fiscal Year 2000.

Gov. Msg. No. 164, transmitting copies of the Semi-Annual Report on Activities of the Kaneohe Bay Regional Council pursuant to Section 200D-5, Hawaii Revised Statutes.

Gov. Msg. No. 165, transmitting copies of the Comprehensive Annual Financial Report of the State of Hawaii for the fiscal year ended June 30, 2000, pursuant to Section 40-5, Hawaii Revised Statutes.

Gov. Msg. No. 166, transmitting copies of the report for the Agribusiness Development Corporation's Action Plan.

### DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 13) was received by the Clerk and was placed on file:

Dept. Com. No. 13, from Mr. Brian Minaai, Director of Transportation, transmitting a report of the Department of Transportation's Safe Communities Highway Safety Program Request for Grant Proposals for Federal Fiscal Year 2001.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 440 through 446) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 440, transmitting S.B. No. 664, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SMALL BOAT HARBORS," which passed Third Reading in the Senate on March 8, 2001.

Sen. Com. No. 441, transmitting S.B. No. 791, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2001.

Sen. Com. No. 442, transmitting S.B. No. 1013, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on March 8, 2001.

Sen. Com. No. 443, transmitting S.B. No. 1029, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," which passed Third Reading in the Senate on March 8, 2001.

Sen. Com. No. 444, transmitting S.B. No. 1033, S.D. 3, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE BERNICE PAUAAHI BISHOP MUSEUM, OAHU," which passed Third Reading in the Senate on March 8, 2001.

Sen. Com. No. 445, transmitting S.B. No. 1534, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," which passed Third Reading in the Senate on March 8, 2001.

Sen. Com. No. 446, transmitting S.B. No. 1575, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," which passed Third Reading in the Senate on March 8, 2001.

On motion by Representative Lee, seconded by Representative Pendleton and carried, S.B. Nos. 664, SD 1; 791, SD 2; 1013, SD 3; 1029, SD 3; 1033, SD 3; 1534; and 1575, SD 2, passed First Reading by title and further action was deferred until later in the calendar, with Representatives Halford, Ontai, Rath, Saiki, Takumi and Whalen being excused.

### MISCELLANEOUS COMMUNICATION

The following communication (Misc. Com. No. 8) was received by the Clerk and was placed on file:

Misc. Com. No. 8, from Councilmember John Henry Felix, Chair, Planning and Public Safety Committee, transmitting Resolution 01-63, Requesting Immunity from Liability at County Beach Parks.

### INTRODUCTIONS

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

Representative Arakaki introduced on behalf of Representative Abinsay, Cabrerros, Ahu Isa and himself, Mr. Alan Inaba, Dole Middle School; Mr. Michael Kawamoto, Counselor, Kalihi Waena Elementary; Ms. Judy Chong-Nakamura, Educational Assistant; Ms. Maria Fasi, Educational Assistant, Kalihi Waena Elementary; Ms. Mavis Kawamura, Counselor, Puuhale Elementary; Mr. Petty Nutro, Educational Assistant; and other members and student leaders from Kalakaua Middle; Kaewai Elementary; and Kalihi-Uka Elementary Schools.

Representative Kawakami introduced her legislative staff members, Ms. Amy Maeda, Ms. Kris Kaneshiro; and Ms. Florence Wakuya.

Representative Cabrerros introduced his legislative staff members, Mr. Shane Yaw, and Ms. Lela Chen.

### ORDER OF THE DAY

#### INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)



The following resolution (H.R. No. 48) was announced by the Clerk and the following action taken:

H.R. No. 48, entitled: "HOUSE RESOLUTION RELATING TO THE HONORING OF MRS. LESLIE KU'ULEINANIONAPUA LAM, FOR HER WINNING THE TITLE OF MRS. AMERICA 2001," was offered by Representative Meyer.

On motion by Representative Meyer, seconded by Representative Davis and carried, H.R. No. 48, was adopted, with Representatives Halford, Nakasone, Rath, Takumi and Whalen being excused.

Representative Meyer introduced the honoree and her guests who were seated on the House floor:

Mrs. Leslie Ku'uleinanionapua Lam, Mrs. America 2001;

Mr. Merwin Lam; husband of the honoree;

Ms. Amber Lam; and Mr. Matthew Lam; children of the honoree; and

Mrs. Charlene Wilson, mother of the honoree.

At 12:29 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 47) and concurrent resolutions (H.C.R. Nos. 43 and 44) were referred to Printing and further action was deferred:

H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ALLOW INTER-ISLAND LEGISLATIVE TESTIMONY," was offered by Representative Rath.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ALLOW INTER-ISLAND LEGISLATIVE TESTIMONY," was offered by Representative Rath.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO INVESTIGATE THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY'S ROLE IN STIMULATING HAWAII'S ECONOMY," was offered by Representative Ahu Isa.

#### ANNOUNCEMENTS

Representative Thielen: "Following session, could the members of the House Women's Caucus meet up at the podium for a quick picture. Thank you."

#### LATE INTRODUCTION

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

Representative Morita introduced on behalf of Representatives Souki, Bukoski, Davis, Halford, Nakasone and herself, students of Baldwin High School, Lahainaluna High School; Lanai High School; Maui High School; King Kekaulike High School and Molokai High School.

#### ADJOURNMENT

At 12:45 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 12, 2001. (Representatives Arakaki, Bukoski, Halford, Meyer, Nakasone, Rath, Takumi, Whalen and Yonamine were excused.)

## THIRTIETH DAY

Monday, March 12, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Ryker Wada, committee staff assigned to Representative Hiraki, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Davis, Jaffe, McDermott, Meyer, Ontai, Saiki, Stonebraker, Takai, Takumi, Whalen and Yoshinaga, who were excused.

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

## GOVERNOR'S MESSAGE

The following messages from the Governor (Gov. Msg. No. 167) was received announced by the Clerk was placed on file:

Gov. Msg. No. 167, transmitting the Barbers Point Naval Air Station Redevelopment Commission's Annual Report for the fiscal year ending June 30, 2000.

## INTRODUCTIONS

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

Representative Luke introduced on behalf of Representatives Schatz, Case and herself student leaders from Roosevelt High School accompanied by their teacher Ms. Carrie Mizuguchi.

Representative Ahu Isa introduced outstanding member of the Chinese community, Mr. Jimmy Chong; Mrs. Rose Chong; Dr. Joe Young; and Mr. Keith Lim.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following bills Senate bills were referred to committee by the Speaker:

**S.B.**  
**Nos.****Referred to:**

- |    |   |
|----|---|
| 16 | Committee on Labor and Public Employment, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance |
| 18 | Committee on Finance  |
| 23 | Committee on Labor and Public Employment, then to the Committee on Finance  |
| 24 | Committee on Labor and Public Employment, then to the Committee on Finance  |
| 28 | Committee on Labor and Public Employment, then to the Committee on Finance  |
| 41 | Committee on Water and Land Use, then to the  |

Committee on Finance

- |     |  |
|-----|--|
| 45  | Committee on Agriculture, then to the Committee on Judiciary and Hawaiian Affairs                                    |
| 48  | Committee on Water and Land Use, then to the Committee on Finance  |
| 59  | Committee on Labor and Public Employment, then to the Committee on Finance   |
| 72  | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 94  | Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance    |
| 97  | Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs     |
| 98  | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 99  | Committee on Judiciary and Hawaiian Affairs  |
| 105 | Committee on Finance   |
| 106 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 107 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 118 | Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance |
| 119 | Committee on Public Safety and Military Affairs, then to the Committee on Finance                                    |
| 120 | Committee on Public Safety and Military Affairs, then to the Committee on Finance                                    |
| 123 | Committee on Human Services and Housing, then to the Committee on Finance  |
| 124 | Committee on Public Safety and Military Affairs, then to the Committee on Finance                                    |
| 127 | Committee on Education, then to the Committee on Finance   |
| 131 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 132 | Committee on Education, then to the Committee on Finance   |
| 138 | Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs   |
| 160 | Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs                                 |
| 164 | Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs                                 |

169	Committee on Consumer Protection and Commerce	213	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs
171	Committee on Consumer Protection and Commerce	214	Committee on Public Safety and Military Affairs, then to the Committee on Finance
173	Committee on Tourism and Culture, then to the Committee on Consumer Protection and Commerce	216	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs
174	Committee on Tourism and Culture, then to the Committee on Consumer Protection and Commerce	221	Committee on Agriculture, then to the Committee on Finance
175	Committee on Tourism and Culture, then to the Committee on Consumer Protection and Commerce	224	Committee on Agriculture, then to the Committee on Finance
176	Committee on Tourism and Culture, then to the Committee on Consumer Protection and Commerce	233	Committee on Health, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
178	Committee on Tourism and Culture, then to the Committee on Consumer Protection and Commerce	239	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
180	Committee on Tourism and Culture, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs	244	Committee on Labor and Public Employment, then to the Committee on Health, then to the Committee on Finance
181	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	257	Committee on Health, then to the Committee on Consumer Protection and Commerce
185	Committee on Water and Land Use	263	Committee on Labor and Public Employment, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
190	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	264	Committee on Consumer Protection and Commerce, then to the Committee on Finance
197	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs	331	Committee on Human Services and Housing, then to the Committee on Judiciary and Hawaiian Affairs
202	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs	336	Committee on Tourism and Culture, then to the Committee on Finance
204	Committee on Agriculture, then to the Committee on Finance	369	Committee on Agriculture, then to the Committee on Finance
205	Committee on Transportation, then to the Committee on Finance	382	Committee on Education, then to the Committee on Finance
206	Committee on Transportation, then to the Committee on Finance	400	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
207	Committee on Transportation, then to the Committee on Consumer Protection and Commerce	423	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Labor and Public Employment
209	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	424	Committee on Judiciary and Hawaiian Affairs
210	Committee on Transportation, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance	440	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
211	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs	441	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
212	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs	446	Committee on Labor and Public Employment, then to the Committee on Finance
		447	Committee on Labor and Public Employment, then

	to the Committee on Judiciary and Hawaiian Affairs	582	Committee on Education, then to the Committee on Finance
448	Committee on Labor and Public Employment, then to the Committee on Judiciary and Hawaiian Affairs	584	Committee on Education, then to the Committee on Finance
449	Committee on Labor and Public Employment, then to the Committee on Judiciary and Hawaiian Affairs	588	Committee on Economic Development and Business Concerns, then to the Committee on Finance
453	Committee on Judiciary and Hawaiian Affairs	589	Committee on Consumer Protection and Commerce
469	Committee on Health, then to the Committee on Finance	591	Committee on Consumer Protection and Commerce, then to the Committee on Finance
483	Committee on Judiciary and Hawaiian Affairs	594	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
484	Committee on Energy and Environmental Protection, then to the Committee on Finance	597	Committee on Health, then to the Committee on Finance
493	Committee on Education, then to the Committee on Finance	598	Committee on Health, then to the Committee on Finance
495	Committee on Public Safety and Military Affairs, then to the Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs	606	Jointly to the Committee on Energy and Environmental Protection and the Committee on Water and Land Use, then to the Committee on Finance
497	Committee on Water and Land Use, then to the Committee on Finance	621	Committee on Legislative Management, then to the Committee on Finance
498	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	623	Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Finance
499	Committee on Legislative Management, then to the Committee on Finance	625	Committee on Transportation, then to the Committee on Consumer Protection and Commerce
500	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs	630	Committee on Consumer Protection and Commerce, then to the Committee on Finance
505	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance	633	Committee on Water and Land Use, then to the Committee on Finance
523	Committee on Education, then to the Committee on Finance	637	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
525	Committee on Education, then to the Committee on Finance	638	Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Finance
530	Committee on Education, then to the Committee on Finance	640	Committee on Agriculture, then to the Committee on Judiciary and Hawaiian Affairs
535	Committee on Education, then to the Committee on Finance	643	Committee on Judiciary and Hawaiian Affairs
540	Committee on Economic Development and Business Concerns, then to the Committee on Finance	645	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
545	Committee on Economic Development and Business Concerns, then to the Committee on Finance	648	Committee on Economic Development and Business Concerns, then to the Committee on Finance
549	Committee on Economic Development and Business Concerns, then to the Committee on Finance	653	Committee on Energy and Environmental Protection, then to the Committee on Consumer Protection and Commerce
552	Committee on Public Safety and Military Affairs, then to the Committee on Finance	654	Committee on Human Services and Housing, then

	to the Committee on Finance		Committee on Finance
661	Committee on Finance	758	Committee on Transportation, then to the Committee on Finance
664	Committee on Water and Land Use, then to the Committee on Finance	759	Committee on Judiciary and Hawaiian Affairs
670	Committee on Education, then to the Committee on Finance	774	Committee on Health, then to the Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs
678	Committee on Economic Development and Business Concerns, then to the Committee on Water and Land Use, then to the Committee on Finance	780	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
683	Committee on Public Safety and Military Affairs	791	Committee on Finance
684	Committee on Public Safety and Military Affairs, then to the Committee on Finance	796	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs
699	Committee on Finance	797	Committee on Legislative Management, then to the Committee on Judiciary and Hawaiian Affairs
704	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	807	Committee on Water and Land Use, then to the Committee on Finance
706	Committee on Labor and Public Employment, then to the Committee on Finance	813	Committee on Legislative Management, then to the Committee on Finance
710	Committee on Finance	821	Committee on Education, then to the Committee on Finance
711	Committee on Judiciary and Hawaiian Affairs	823	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
716	Committee on Finance	834	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
720	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	836	Committee on Health, then to the Committee on Finance
723	Committee on Judiciary and Hawaiian Affairs	838	Committee on Consumer Protection and Commerce, then to the Committee on Finance
724	Committee on Judiciary and Hawaiian Affairs	840	Committee on Consumer Protection and Commerce, then to the Committee on Finance
725	Committee on Judiciary and Hawaiian Affairs	841	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
729	Committee on Labor and Public Employment, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	847	Committee on Judiciary and Hawaiian Affairs
733	Committee on Labor and Public Employment, then to the Committee on Finance	848	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
735	Committee on Health, then to the Committee on Finance	849	Committee on Labor and Public Employment, then to the Committee on Finance
748	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs	850	Committee on Labor and Public Employment, then to the Committee on Finance
749	Committee on Labor and Public Employment, then to the Committee on Finance	854	Committee on Finance
750	Committee on Transportation, then to the Committee on Finance	864	Committee on Judiciary and Hawaiian Affairs
751	Committee on Transportation, then to the Committee on Finance	865	Committee on Education, then to the Committee on Finance
752	Committee on Transportation, then to the Committee on Finance	876	Committee on Transportation, then to the Committee on Finance
755	Committee on Transportation, then to the	877	Jointly to the Committee on Water and Land Use

	and the Committee on Agriculture, then to the Committee on Finance		on Finance
879	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	986	Committee on Agriculture
887	Jointly to the Committee on Water and Land Use and the Committee on Public Safety and Military Affairs	989	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
896	Committee on Finance	992	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
900	Committee on Consumer Protection and Commerce, then to the Committee on Finance	995	Committee on Transportation
902	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs	996	Committee on Judiciary and Hawaiian Affairs
905	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	997	Committee on Judiciary and Hawaiian Affairs
911	Committee on Human Services and Housing, then to the Committee on Finance	999	Committee on Judiciary and Hawaiian Affairs
926	Jointly to the Committee on Economic Development and Business Concerns, then to the Committee on Finance	1001	Committee on Judiciary and Hawaiian Affairs
927	Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance	1007	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs
932	Committee on Labor and Public Employment, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1010	Committee on Finance
937	Committee on Consumer Protection and Commerce	1011	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Water and Land Use, then to the Committee on Finance
938	Committee on Consumer Protection and Commerce	1013	Committee on Water and Land Use, then to the Committee on Finance
939	Committee on Consumer Protection and Commerce	1015	Committee on Human Services and Housing, then to the Committee on Finance
940	Committee on Consumer Protection and Commerce, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1016	Committee on Human Services and Housing, then to the Committee on Finance
944	Committee on Legislative Management, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1018	Jointly to the Committee on Human Services and Housing and the Committee on Water and Land Use, then to the Committee on Finance
950	Committee on Water and Land Use, then to the Committee on Finance	1019	Committee on Human Services and Housing, then to the Committee on Finance
951	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1021	Committee on Human Services and Housing, then to the Committee on Finance
957	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance	1026	Committee on Human Services and Housing, then to the Committee on Finance
981	Committee on Water and Land Use, then to the Committee on Finance	1028	Committee on Water and Land Use, then to the Committee on Finance
982	Committee on Finance	1029	Jointly to the Committee on Tourism and Culture and the Committee on Water and Land Use, then to the Committee on Finance
984	Committee on Agriculture, then to the Committee	1030	Committee on Water and Land Use, then to the Committee on Finance
		1033	Committee on Tourism and Culture, then to the Committee on Finance
		1034	Committee on Finance
		1035	Committee on Finance
		1036	Committee on Finance



1038	Committee on Labor and Public Employment, then to the Committee on Finance	1071	Committee on Consumer Protection and Commerce
1039	Committee on Labor and Public Employment, then to the Committee on Finance	1072	Committee on Consumer Protection and Commerce, then to the Committee on Finance
1040	Committee on Labor and Public Employment, then to the Committee on Finance	1073	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
1042	Committee on Finance		
1044	Committee on Labor and Public Employment, then to the Committee on Finance	1074	Committee on Consumer Protection and Commerce
1045	Committee on Finance	1075	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
1046	Committee on Finance		
1047	Committee on Finance	1076	Committee on Consumer Protection and Commerce, then to the Committee on Finance
1048	Committee on Finance		
1049	Committee on Finance	1077	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
1050	Committee on Finance		
1052	Committee on Labor and Public Employment, then to the Committee on Finance	1078	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
1054	Committee on Finance	1079	Committee on Consumer Protection and Commerce
1058	Committee on Labor and Public Employment, then to the Committee on Finance	1081	Committee on Education, then to the Committee on Finance
1059	Committee on Consumer Protection and Commerce, then to the Committee on Finance	1082	Jointly to the Committee on Education and the Committee on Labor and Public Employment, then to the Committee on Finance
1060	Committee on Consumer Protection and Commerce, then to the Committee on Finance		
1061	Committee on Consumer Protection and Commerce	1084	Committee on Finance
1062	Committee on Consumer Protection and Commerce	1087	Committee on Education, then to the Committee on Finance
1063	Committee on Consumer Protection and Commerce	1088	Committee on Education, then to the Committee on Finance
1064	Committee on Consumer Protection and Commerce	1089	Committee on Education, then to the Committee on Finance
1065	Committee on Consumer Protection and Commerce	1090	Committee on Education, then to the Committee on Finance
1066	Committee on Consumer Protection and Commerce	1094	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
1067	Committee on Consumer Protection and Commerce	1096	Committee on Labor and Public Employment, then to the Committee on Finance
1068	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1099	Committee on Judiciary and Hawaiian Affairs
1069	Committee on Consumer Protection and Commerce	1100	Committee on Judiciary and Hawaiian Affairs
1070	Committee on Consumer Protection and Commerce, then to the Committee on Finance	1101	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
		1102	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
		1103	Committee on Human Services and Housing, then

	to the Committee on Higher Education, then to the Committee on Finance	1133	Committee on Health, then to the Committee on Finance
1104	Committee on Human Services and Housing, then to the Committee on Education	1135	Committee on Energy and Environmental Protection
1105	Committee on Human Services and Housing, then to the Committee on Judiciary and Hawaiian Affairs	1136	Committee on Energy and Environmental Protection, then to the Committee on Finance
1106	Committee on Finance	1137	Committee on Energy and Environmental Protection, then to the Committee on Judiciary and Hawaiian Affairs
1108	Committee on Human Services and Housing, then to the Committee on Finance	1138	Committee on Health, then to the Committee on Finance
1109	Committee on Human Services and Housing, then to the Committee on Finance	1142	Committee on Finance
1110	Committee on Human Services and Housing, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1144	Committee on Labor and Public Employment, then to the Committee on Finance
1111	Committee on Human Services and Housing, then to the Committee on Finance	1145	Committee on Labor and Public Employment, then to the Committee on Finance
1112	Committee on Human Services and Housing, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1146	Committee on Labor and Public Employment, then to the Committee on Finance
1113	Committee on Human Services and Housing, then to the Committee on Finance	1151	Committee on Labor and Public Employment, then to the Committee on Finance
1114	Committee on Finance	1161	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
1115	Committee on Labor and Public Employment, then to the Committee on Finance	1162	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs
1119	Committee on Consumer Protection and Commerce, then to the Committee on Finance	1163	Committee on Water and Land Use
1120	Committee on Judiciary and Hawaiian Affairs	1164	Committee on Water and Land Use, then to the Committee on Finance
1121	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs	1165	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs
1122	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs	1166	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs
1123	Committee on Health, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1167	Committee on Water and Land Use
1126	Committee on Health, then jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1168	Committee on Water and Land Use, then to the Committee on Finance
1127	Committee on Finance	1169	Jointly to the Committee on Tourism and Culture and the Committee on Water and Land Use, then to the Committee on Finance
1128	Committee on Consumer Protection and Commerce	1171	Committee on Finance
1129	Committee on Energy and Environmental Protection, then to the Committee on Finance	1173	Committee on Finance
1131	Jointly to the Committee on Energy and Environmental Protection and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1175	Committee on Energy and Environmental Protection
		1177	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Labor and Public Employment, then to the Committee on Finance
		1178	Committee on Judiciary and Hawaiian Affairs
		1180	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Hawaiian

Affairs, then to the Committee on Finance		Finance	
1182	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1213	Committee on Education, then to the Committee on Finance
1183	Committee on Public Safety and Military Affairs, then to the Committee on Finance	1214	Committee on Education, then to the Committee on Finance
1185	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Hawaiian Affairs	1215	Committee on Education, then to the Committee on Finance
1188	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1216	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
1191	Committee on Finance	1220	Committee on Higher Education, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
1192	Committee on Finance	1227	Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Finance
1193	Committee on Finance	1229	Committee on Judiciary and Hawaiian Affairs
1195	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1236	Jointly to the Committee on Human Services and Housing and the Committee on Higher Education, then to the Committee on Finance
1198	Committee on Finance	1240	Committee on Labor and Public Employment, then to the Committee on Finance
1199	Committee on Finance	1242	Committee on Economic Development and Business Concerns, then to the Committee on Finance
1200	Committee on Transportation, then to the Committee on Finance	1262	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Water and Land Use, then to the Committee on Finance
1201	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1264	Committee on Agriculture, then to the Committee on Finance
1202	Jointly to the Committee on Transportation and the Committee on Water and Land Use, then to the Committee on Finance	1276	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
1203	Jointly to the Committee on Transportation and the Committee on Water and Land Use, then to the Committee on Finance	1292	Committee on Economic Development and Business Concerns, then to the Committee on Education, then to the Committee on Finance
1205	Committee on Higher Education, then to the Committee on Finance	1296	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
1206	Committee on Higher Education, then to the Committee on Finance	1299	Committee on Water and Land Use, then to the Committee on Finance
1207	Committee on Higher Education, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1303	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance
1208	Committee on Higher Education, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1314	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Legislative Management, then to the Committee on Finance
1209	Committee on Higher Education, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	1315	Committee on Education, then to the Committee on Finance
1210	Committee on Higher Education, then to the Committee on Finance	1317	Committee on Legislative Management, then to the Committee on Judiciary and Hawaiian Affairs
1211	Committee on Education, then to the Committee on Finance		
1212	Committee on Education, then to the Committee on		

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|------|--|------|--|
| 1320 | Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs                                     | 1414 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 1325 | Committee on Water and Land Use, then to the Committee on Human Services and Housing, then to the Committee on Finance                               | 1430 | Committee on Legislative Management, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance         |
| 1332 | Committee on Consumer Protection and Commerce, then to the Committee on Finance  | 1435 | Committee on Energy and Environmental Protection, then to the Committee on Finance   |
| 1333 | Committee on Consumer Protection and Commerce  | 1452 | Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs   |
| 1341 | Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs   | 1453 | Committee on Judiciary and Hawaiian Affairs  |
| 1349 | Committee on Consumer Protection and Commerce  | 1454 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 1356 | Committee on Water and Land Use, then to the Committee on Finance  | 1455 | Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Human Services and Housing and the Committee on Health |
| 1361 | Committee on Education, then to the Committee on Finance   | 1456 | Committee on Judiciary and Hawaiian Affairs  |
| 1362 | Committee on Education, then to the Committee on Finance   | 1457 | Committee on Judiciary and Hawaiian Affairs  |
| 1364 | Committee on Education, then to the Committee on Finance   | 1460 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 1365 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  | 1466 | Committee on Judiciary and Hawaiian Affairs  |
| 1366 | Committee on Transportation, then to the Committee on Finance  | 1469 | Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Finance                      |
| 1367 | Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance | 1473 | Committee on Water and Land Use, then to the Committee on Finance  |
| 1377 | Committee on Human Services and Housing, then to the Committee on Finance  | 1487 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 1379 | Committee on Finance   | 1500 | Committee on Economic Development and Business Concerns, then to the Committee on Transportation, then to the Committee on Finance     |
| 1382 | Committee on Finance   | 1501 | Committee on Education, then to the Committee on Water and Land Use, then to the Committee on Finance                                  |
| 1385 | Committee on Education, then to the Committee on Finance   | 1508 | Committee on Judiciary and Hawaiian Affairs  |
| 1389 | Committee on Transportation  | 1509 | Committee on Judiciary and Hawaiian Affairs  |
| 1397 | Committee on Transportation, then to the Committee on Consumer Protection and Commerce   | 1510 | Committee on Judiciary and Hawaiian Affairs  |
| 1400 | Committee on Agriculture, then to the Committee on Finance   | 1511 | Committee on Judiciary and Hawaiian Affairs  |
| 1401 | Committee on Water and Land Use, then to the Committee on Finance  | 1512 | Committee on Judiciary and Hawaiian Affairs  |
| 1405 | Committee on Economic Development and Business Concerns, then to the Committee on Finance  | 1513 | Committee on Judiciary and Hawaiian Affairs  |
| 1406 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  | 1514 | Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs   |
|      |  | 1515 | Committee on Judiciary and Hawaiian Affairs  |
|      |  | 1518 | Committee on Judiciary and Hawaiian Affairs  |
|      |  | 1523 | Committee on Judiciary and Hawaiian Affairs  |

1529 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

1530 Committee on Public Safety and Military Affairs, then to the Committee on Finance

1531 Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Finance

1534 Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Finance

1535 Jointly to the Committee on Health and the Committee on Human Services and Housing, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance

1540 Committee on Water and Land Use, then to the Committee on Finance

1550 Jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs

1554 Committee on Judiciary and Hawaiian Affairs

1555 Committee on Judiciary and Hawaiian Affairs

1558 Committee on Energy and Environmental Protection, then to the Committee on Finance

1561 Committee on Energy and Environmental Protection, then to the Committee on Finance

1563 Committee on Education, then to the Committee on Public Safety and Military Affairs

1567 Committee on Education, then to the Committee on Finance

1571 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

1575 Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs

1577 Committee on Education, then to the Committee on Finance

1580 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

1590 Committee on Judiciary and Hawaiian Affairs

1593 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Legislative Management, then to the Committee on Finance

1599 Committee on Judiciary and Hawaiian Affairs

1600 Committee on Judiciary and Hawaiian Affairs

1601 Committee on Judiciary and Hawaiian Affairs

1603 Committee on Judiciary and Hawaiian Affairs

1604 Committee on Judiciary and Hawaiian Affairs

1606 Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

1607 Committee on Judiciary and Hawaiian Affairs

1609 Committee on Judiciary and Hawaiian Affairs

1624 Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs

1635 Committee on Legislative Management, then to the Committee on Finance

#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATION)

The following resolutions (H.R. Nos. 54 and 55) were announced by the Clerk and the following action taken:

H.R. No. 54, entitled: "HOUSE RESOLUTION CONGRATULATING SUSAN L. FOO FOR BEING THE MODEL CHINESE MOTHER OF THE YEAR FOR THE YEAR 2000 AND FOR HER COMMUNITY SERVICE," was offered by Representatives Rath, Say, Kanoho, M. Oshiro, McDermott, Thielen, Takumi, Espero, Ito, Kawakami, Garcia, Luke, Fox, Suzuki, Moses, Marumoto, Souki, Chang, Meyer, B. Oshiro, Hale, Jaffe, Auwae, Stonebraker, Bukoski, Ahu Isa, Djou, Halford, Leong, Davis, Case, Hiraki, Lee and Pendleton.

On motion by Representative Rath, seconded by Representative Ahu Isa and carried, H.R. No. 54 was adopted with Representative Davis, Halford, Jaffe, Marumoto, Meyer, Ontai, Whalen and Yoshinaga being excused.

Representative Rath introduced the honoree and her family who were seated on the House floor:

Mrs. Susan L. Foo, the United Chinese Society's Model Mother of the Year for the year 2000;

Dr. Wendell Foo, husband of the honoree; and

Dr. Brian Wahl, Mr. Derek Wahl and Ms. Marisa Wahl, the honoree's children.

H. R. No. 55, entitled: "HOUSE RESOLUTION CONGRATULATING GEORGE CHEW KAI YOUNG FOR BEING SELECTED AS THE 2000 CHINESE MODEL FATHER OF THE YEAR BY THE UNITED CHINESE SOCIETY," was offered by Representative Ahu Isa.

On motion by Representative Rath, seconded by Representative Ahu Isa and carried, H.R. No. 55 was adopted with Representative Davis, Halford, Jaffe, Marumoto, Meyer, Ontai, Whalen and Yoshinaga being excused.

Representative Ahu Isa introduced the honoree and his family who were seated on the House floor:

Mr. George Chew Kai Young, the United Chinese Society's Model Father of the Year for the year 2000;

Mrs. Jeanette Young, wife of the honoree;

Mr. Wesley Young, Mr. Clayton Young, and Mr. Curtis Young, the honoree's children.

At 12:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 49 through 53) and concurrent resolutions (H.C.R. Nos. 45 through 56) were referred to Printing and further action was deferred. (Representatives Davis, Halford, Jaffe, Marumoto, Meyer, Stonebraker, Whalen and Yoshinaga were excused.)

H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO CONVENE A TASK FORCE TO DEVELOP A DEMONSTRATION PROJECT FOR GIFTED AND TALENTED STUDENTS IN THE PEARL CITY HIGH SCHOOL COMPLEX," was jointly offered by Representatives Yonamine, Takai, Ito, Takumi, Ahu Isa, Garcia, Takamine, Arakaki, Souki and Kahikina.

H.R. No. 50, entitled: "HOUSE RESOLUTION URGING HEALTH CARE PLANS AND PROVIDERS TO PROVIDE COVERAGE FOR AND UTILIZE HEARING SCREENING IN OLDER PATIENTS," was jointly offered by Representatives Lee, Morita, Takumi, Espero, Garcia, Hale, Magaoay, Luke and Schatz.

H.R. No. 51, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO PROVIDE IMMEDIATE AND LONG TERM HUMANITARIAN RELIEF AID TO DISPLACED AFGHAN PEOPLE IN AFGHANISTAN AND IN REFUGEE CAMPS IN PAKISTAN AND IRAN," was jointly offered by Representatives Lee, Garcia, Morita, Hale, Suzuki, Magaoay, Luke and Schatz.

H.R. No. 52, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO JOINTLY DETERMINE WHETHER THE DIAGNOSIS OF CHILDREN WITH "ATTENTION DEFICIT DISORDER" OR "ATTENTION DEFICIT HYPERACTIVITY DISORDER" IN HAWAII HAS BEEN EXCESSIVE, WHETHER HAWAII'S CHILDREN ARE BEING SUBJECTED TO EXCESSIVE USE OF PSYCHIATRIC DRUGS TO MODIFY THEIR BEHAVIOR, AND TO RESEARCH, EXAMINE, AND RECOMMEND NON-DRUG ALTERNATIVES," was jointly offered by Representatives Thielen, Chang, Luke, Kahikina, Arakaki and Lee.

H.R. No. 53, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF JUSTICE AND NA KEIKI LAW CENTER TO DETERMINE IF THE CIVIL RIGHTS OF PETER KEMA, JR., WERE VIOLATED DUE TO NEGLIGENCE BY THE STATE OF HAWAII AND HAWAII COUNTY," was jointly offered by Representatives Arakaki, Kahikina, Takai, Ito, Hale, Auwae, Stonebraker, Lee, Kawakami and McDermott.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO CONVENE A TASK FORCE TO DEVELOP A DEMONSTRATION PROJECT FOR

GIFTED AND TALENTED STUDENTS IN THE PEARL CITY HIGH SCHOOL COMPLEX," was jointly offered by Representatives Yonamine, Takai, Ito, Takumi, Ahu Isa, Garcia, Takamine, Arakaki, Souki and Kahikina.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONSULT WITH THE SHERIFF'S DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY IN THE PLANNING AND DESIGN OF NEW PUBLIC FACILITIES," was jointly offered by Representatives Garcia, Schatz, Djou, Moses, Saiki, M. Oshiro, Souki, Luke, Espero, Lee and Nakasone.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION, IN PLANNING AND DEVELOPING NEW PERMANENT SCHOOL FACILITIES AND NEW SCHOOL CAMPUSES, GIVE PRIORITY TO THOSE SCHOOLS AND SCHOOL DISTRICTS THAT INDICATE THE GREATEST EVIDENCE OF OVERCROWDING," was jointly offered by Representatives Garcia, Magaoay, Moses, Ito, Abinsay, Lee, Takai, Takumi, Schatz, Saiki, Espero, Luke, M. Oshiro and Nakasone.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION URGING HEALTH CARE PLANS AND PROVIDERS TO PROVIDE COVERAGE FOR AND UTILIZE HEARING SCREENING IN OLDER PATIENTS," was jointly offered by Representatives Lee, Garcia, Morita, Hale, Suzuki, Magaoay, Luke and Schatz.

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO PROVIDE IMMEDIATE AND LONG TERM HUMANITARIAN RELIEF AID TO DISPLACED AFGHAN PEOPLE IN AFGHANISTAN AND IN REFUGEE CAMPS IN PAKISTAN AND IRAN," was jointly offered by Representatives Lee, Garcia, Morita, Hale, Magaoay, Luke and Schatz.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING EQUAL TREATMENT FOR JAPANESE LATIN AMERICANS INTERNED IN THE UNITED STATES DURING WORLD WAR II," was jointly offered by Representatives Lee, Schatz, Morita, Hale, Magaoay, B. Oshiro, Thielen and Hiraki.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO JOINTLY DETERMINE WHETHER THE DIAGNOSIS OF CHILDREN WITH "ATTENTION DEFICIT DISORDER" OR "ATTENTION DEFICIT HYPERACTIVITY DISORDER" IN HAWAII HAS BEEN EXCESSIVE, WHETHER HAWAII'S CHILDREN ARE BEING SUBJECTED TO EXCESSIVE USE OF PSYCHIATRIC DRUGS TO MODIFY THEIR BEHAVIOR, AND TO RESEARCH, EXAMINE, AND RECOMMEND NON-DRUG ALTERNATIVES," was jointly offered by Representatives Thielen, Chang, Luke, Kahikina, Arakaki and Lee.

H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVENTORY OF THE STATE SUGARCANE LANDS," was offered by Representative Kahikina.

H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON WATER



LICENSES," was offered by Representative Kahikina.

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE NATIVE HAWAIIAN REHABILITATION FUND," was offered by Representative Kahikina.

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF JUSTICE AND NA KEIKI LAW CENTER TO DETERMINE IF THE CIVIL RIGHTS OF PETER KEMA, JR., WERE VIOLATED DUE TO NEGLIGENCE BY THE STATE OF HAWAII AND HAWAII COUNTY," was jointly offered by Representatives Arakaki, Kahikina, Takai, Ito, Hale, McDermott, Auwae, Stonebraker, Lee and Kawakami.

H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was offered by Representative Hamakawa.

#### ANNOUNCEMENTS

Representative Souki: Requested waiver from the 48-hour hearing notice requirement for the purpose of holding a public hearing with decision making to follow on: SB 164; SB 205; SB 207; SB 210; SB 212; SB 748; SB 752; and SB 755, to be held on Wednesday in room 309, and the Chair "so ordered".

Representative Lee: "I'd like to announce that there will be a meeting for all Committee Chairs immediately following Session."

Representative Arakaki: "Although it's listed as an attachment to the Order of the Day, I just want to invite all the members who might be interested in the Hawaii State Hospital. We will be having a briefing on the Auditor's report this afternoon at 3:00 p.m. in conference room 329."

#### ADJOURNMENT

At 12:29 o'clock p.m., motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 13, 2001. (Representatives Davis, Halford, Jaffe, Marumoto, Meyer, Nakasone, Stonebraker, Whalen and Yoshinaga were excused.)

## THIRTY-FIRST DAY

Tuesday, March 13, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:10 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Ms. Erin Kimura, Sophomore Class President, and Ms. Kuulani Miyashiro, Junior Class President, Castle High School, after which the Roll was called showing all members present with the exception of Representatives Gomes, Takamine and Whalen, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No 168) was received announced by the Clerk was placed on file:

Gov. Msg. No. 168 transmitting the Report on the Express commuter Ferry Demonstration Project (Wikiwiki Ferry), pursuant to Act 221, Session Laws of Hawaii, 1998.

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com No. 447) was received and announced by the Clerk was placed on file:

Sen. Com. No. 447 transmitting S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN TO IMPROVE ORAL HEALTH FOR CHILDREN IN THE STATE," which was adopted by the Senate on March 9, 2001.

## INTRODUCTIONS

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

Representative Ito introduced Mrs. Karen Kimura, mother of Ms. Erin Kimura, and Ms. Beverly Wong.

Representative Pendleton introduced students of St. John Vianney School accompanied by Ms. Nancy McMann; Ms. Susan McMann and Ms. Kathy Dean.

Representative Kahikina introduced students from Nanakuli High and Intermediate Schools accompanied by their teachers, Ms. Davelynn Smith; Mr. Chun; Mrs. Okazaki; Mrs. Lewis; Mrs. Oshiro and Mr. Tajima.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

**S.B.**  
**Nos.**

**Re-referred to:**

216 Committee on Water and Land Use, then to the Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs

836 Committee on Transportation and the Committee on Health, then to the Committee on Finance

841 Committee on Consumer Protection and Commerce

940 Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

1199 Committee on Transportation, then to the Committee on Finance

1600 Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs

1603 Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 56 through 67) and concurrent resolutions (H.C.R. Nos. 57 through 70) were referred to Print and further action was deferred.

H.R. No. 56, entitled: "HOUSE RESOLUTION SUPPORTING THE ACQUISITION OF KAHUKU RANCH BY THE UNITED STATES NATIONAL PARK SERVICE FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK," was jointly offered by Representatives Hale, Whalen, Takamine and Kanoho.

H.R. No. 57, entitled: "HOUSE RESOLUTION COMMENDING THE ACADEMY OF TRAVEL AND TOURISM AND THE ACADEMY OF FINANCE PROGRAMS AT WAIPAHU HIGH SCHOOL AND OTHER HIGH SCHOOLS AND URGING THE CONTINUED SUPPORT OF THE DEPARTMENT OF EDUCATION AND THE HAWAII TOURISM AUTHORITY BOARD," was jointly offered by Representatives Garcia, Lee, Espero, Ahu Isa, Fox, Schatz, M. Oshiro, Nakasone, Luke, Saiki, Chang and Takumi.

H.R. No. 58, entitled: "HOUSE RESOLUTION REQUESTING THE STREAMLINING OF STATE FILM PERMITTING," was offered by Representative Ahu Isa.

H.R. No. 59, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY ISSUES CONCERNING TEMPOROMANDIBULAR JOINT DISORDER, THE HEALTH CONSEQUENCES OF NOT TREATING THE DISORDER, AND TO RECOMMEND WHETHER HEALTH CARE COVERAGE FOR TREATMENT OF TEMPOROMANDIBULAR JOINT DISORDER SHOULD BE REQUIRED IN HAWAII," was offered by Representative Whalen.

H.R. No. 60, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO OFFER SCHOLASTIC ASSESSMENT TEST PREPARATION COURSES IN PUBLIC HIGH SCHOOLS FOR ELECTIVE CREDIT," was jointly offered by Representatives Takai and Ito.

H.R. No. 61, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH THE STUDENT CRIMESTOPPERS PROGRAM IN ALL HAWAII DEPARTMENTAL SCHOOL DISTRICTS TO MAINTAIN A SAFE AND SECURE ENVIRONMENT IN ALL PUBLIC SCHOOLS," was jointly offered by Representatives Takai and Ito.

H.R. No. 62, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPROVE STUDENT LAVATORIES IN THE PUBLIC SCHOOLS," was jointly offered by Representatives Takai and Ito.

H.R. No. 63, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF A STATE PHARMACEUTICAL ASSISTANCE PROGRAM," was offered by Representative Takumi.

H.R. No. 64, entitled: "HOUSE RESOLUTION OPPOSING ANY RESUMPTION OF THE PROPOSAL TO CONDUCT CARBON DIOXIDE EXPERIMENTS OFF THE KONA COAST," was jointly offered by Representatives Hale, Whalen, Kanoho and Takamine.

H.R. No. 65, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO COMPLETE A STUDY ON EXPANDING THE COLLECTION OF DNA SAMPLES TO INCLUDE ALL CONVICTED FELONS," was jointly offered by Representatives Marumoto, Hamakawa, Stonebraker, Auwae, Souki, Whalen, Chang, Kanoho, Gomes, Morita, Case and Ahu Isa.

H.R. No. 66, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII RENAME THE RAINBOW BASEBALL STADIUM TO THE LES MURAKAMI BASEBALL STADIUM," was jointly offered by Representatives Kawakami, Magaoay, Takamine, M. Oshiro, Morita, Case, B. Oshiro, Lee, Chang, Takumi, Cabrerros, Espero, Abinsay, Say, Kanoho, Souki, Yonamine, Arakaki, Ahu Isa, Ito, Kahikina and Hiraki.

H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING IMPLEMENTATION OF A COMPREHENSIVE MASTER PLAN FOR KOKEE AND WAIMEA CANYON STATE PARKS," was jointly offered by Representatives Kawakami, Kanoho, Morita, Chang, Yonamine, Arakaki, Cabrerros, Saiki, Abinsay, Ahu Isa, Takumi, Ito, Hiraki, Espero and Magaoay.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION OF KAHUKU RANCH BY THE UNITED STATES NATIONAL PARK SERVICE FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK," was jointly offered by Representatives Hale, Whalen, Takamine and Kanoho.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE ACADEMY OF TRAVEL AND TOURISM AND THE ACADEMY OF FINANCE PROGRAMS AT WAIPAHU HIGH SCHOOL AND OTHER HIGH SCHOOLS AND URGING THE CONTINUED SUPPORT OF THE DEPARTMENT OF EDUCATION AND THE HAWAII TOURISM AUTHORITY BOARD," was jointly offered by Representatives Garcia, Lee, Espero, M. Oshiro, Ahu Isa, Fox, Schatz, Nakasone, Luke, Chang and Takumi.

H.C.R. No. 59, entitled: "HOUSE CONCURRENT

RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, WITH THE ASSISTANCE AND RECOMMENDATIONS OF THE HAWAII TELEVISION AND FILM DEVELOPMENT BOARD, TO CONSIDER CHANGES TO THE CRITERIA FOR THE MOTION PICTURE AND TELEVISION TAX CREDITS," was offered by Representative Ahu Isa.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY ISSUES CONCERNING TEMPOROMANDIBULAR JOINT DISORDER, THE HEALTH CONSEQUENCES OF NOT TREATING THE DISORDER, AND TO RECOMMEND WHETHER HEALTH CARE COVERAGE FOR TREATMENT OF TEMPOROMANDIBULAR JOINT DISORDER SHOULD BE REQUIRED IN HAWAII," was offered by Representative Whalen.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO OFFER SCHOLASTIC ASSESSMENT TEST PREPARATION COURSES IN PUBLIC HIGH SCHOOLS FOR ELECTIVE CREDIT," was jointly offered by Representatives Takai and Ito.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH THE STUDENT CRIMESTOPPERS PROGRAM IN ALL HAWAII DEPARTMENTAL SCHOOL DISTRICTS TO MAINTAIN A SAFE AND SECURE ENVIRONMENT IN ALL PUBLIC SCHOOLS," was jointly offered by Representatives Takai and Ito.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPROVE STUDENT LAVATORIES IN THE PUBLIC SCHOOLS," was jointly offered by Representatives Takai and Ito.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING ANY RESUMPTION OF THE PROPOSAL TO CONDUCT CARBON DIOXIDE EXPERIMENTS OFF THE KONA COAST," was jointly offered by Representatives Hale, Whalen, Kanoho and Takamine.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO COMPLETE A STUDY ON EXPANDING THE COLLECTION OF DNA SAMPLES TO INCLUDE ALL CONVICTED FELONS," was jointly offered by Representatives Marumoto, Hamakawa, Stonebraker, Auwae, Souki, Whalen, Chang, Kanoho, Gomes, Morita, Case and Ahu Isa.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII RENAME THE RAINBOW BASEBALL STADIUM TO THE LES MURAKAMI BASEBALL STADIUM," was jointly offered by Representatives Kawakami, Magaoay, Takamine, M. Oshiro, Morita, Case, B. Oshiro, Lee, Chang, Takumi, Cabrerros, Espero, Luke, Say, Kanoho, Souki, Yonamine, Arakaki, Ahu Isa, Ito, Kahikina, Hiraki and Abinsay.

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING IMPLEMENTATION OF A COMPREHENSIVE MASTER PLAN FOR KOKEE AND WAIMEA CANYON STATE PARKS," was jointly offered by Representatives Kawakami, Kanoho, Morita, Chang, Luke,

Yonamine, Arakaki, Takumi, Abinsay, Ahu Isa, Ito, Cabrerros, Hiraki, Saiki, Magaoay and Espero.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S SPECIAL ASSISTANT ON HOUSING TO CONVENE A ROUNDTABLE TASK FORCE TO DEVELOP A LONG-TERM PLAN TO BUILD MORE AFFORDABLE HOUSING FOR FAMILIES, KUPUNA, AND THE HOMELESS," was offered by Representative Kahikina.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO DECLARE WAIKIKI BEACH A SMOKE-FREE AREA," was offered by Representative Ahu Isa.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EXAMINE THE FEASIBILITY OF ADDING SURFING AS A SPORT TO THE OAHU INTERSCHOLASTIC ASSOCIATION," was offered by Representative M. Oshiro.

#### ANNOUNCEMENTS

Representative Lee: "There will be a Majority Caucus immediately following today's session."

Representative Kahikina: Requested, for the Committee on Human Services and Housing, a waiver of the 48-hour hearing notice requirement for the purpose of conducting a public hearing with decision making to follow on S.B. Nos. 654; 911; 1104; 1108; 1110; 1111; 1113; and 1377. The hearing will be held on Wednesday at 8:30 a.m. in Conference Room 329, and the Chair "so ordered".

Representative Arakaki: Requested, for the Committee on Health, a waiver of the 48-hour hearing notice requirement for the purpose of conducting a public hearing on S.B. Nos. 1535 relating to Hawaii Commission for National Community Service; and also S.B. 594 relating to neurotrauma. These measures will be heard on Thursday, March 15, at 9:30 a.m. in Conference Room 329, and the Chair "so ordered".

At 12:19 o'clock p.m., Representative Gomes asked for a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:20 o'clock p.m.

#### ADJOURNMENT

At 12:20 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 14, 2001. (Representatives Takamine and Whalen were excused.)

## THIRTY-SECOND DAY

Wednesday, March 14, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:13 o'clock P.m., with the Speaker presiding.

The invocation was delivered by Father Lee Kiefer of the Epiphany Episcopal Church, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Hiraki, Thielen and Whalen who were excused.

By unanimous consent reading approval of the Journal of the House of Representatives of the Thirty-First Day was deferred.

## INTRODUCTIONS

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

Representative Yonamine introduced on behalf of Representative Takumi and himself, students from Lehua Elementary School Student Council and their teachers Ms. Faith Tomayasu; Ms. Holly MacIntyre; and Ms. Ann Nakamura.

Representative Meyer introduced her former typing teacher, Ms. Georgia Miller.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 41 through 67) and concurrent resolutions (H.C.R. Nos. 37 through 70, and S.C.R. No. 7) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
41	Committee on Energy and Environmental Protection, then to the Committee on Finance
42	Committee on Agriculture, then to the Committee on Finance
43	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Hawaiian Affairs
44	Committee on Health, then to the Committee on Consumer Protection and Commerce
45	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
46	Committee on Labor and Public Employment, then to the Committee on Finance
47	Committee on Legislative Management, then to the Committee on Finance
49	Committee on Education, then to the Committee on Finance
50	Committee on Health, then to the Committee on

Consumer Protection and Commerce, then to the Committee on Finance

51	Committee on Judiciary and Hawaiian Affairs
52	Committee on Health, then to the Committee on Education, then to the Committee on Finance
53	Committee on Judiciary and Hawaiian Affairs
56	Committee on Water and Land Use
57	Jointly to the Committee on Education and the Committee on Tourism and Culture, then to the Committee on Finance
58	Committee on Economic Development and Business Concerns, then to the Committee on Finance
59	Committee on Health, then to the Committee on Finance
60	Committee on Education, then to the Committee on Finance
61	Committee on Education, then to the Committee on Finance
62	Committee on Education, then to the Committee on Finance
63	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Legislative Management, then to the Committee on Finance
64	Committee on Energy and Environmental Protection
65	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
66	Committee on Higher Education
67	Committee on Water and Land Use, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
37	Committee on Energy and Environmental Protection, then to the Committee on Finance
38	Committee on Agriculture, then to the Committee on Finance
39	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Hawaiian Affairs
40	Committee on Health, then to the Committee on Consumer Protection and Commerce
41	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
42	Committee on Labor and Public Employment, then

to the Committee on Finance

43 Committee on Legislative Management, then to the Committee on Finance

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

45 Committee on Education, then to the Committee on Finance

46 Committee on Public Safety and Military Affairs, then to the Committee on Finance

47 Committee on Judiciary and Hawaiian Affairs

48 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance

49 Committee on Judiciary and Hawaiian Affairs

50 Committee on Judiciary and Hawaiian Affairs

51 Committee on Health, then to the Committee on Education, then to the Committee on Finance

52 Committee on Water and Land Use, then to the Committee on Finance

53 Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

54 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

55 Committee on Judiciary and Hawaiian Affairs

56 Committee on Water and Land Use

57 Committee on Water and Land Use

58 Jointly to the Committee on Education and the Committee on Tourism and Culture, then to the Committee on Finance

59 Committee on Economic Development and Business Concerns, then to the Committee on Finance

60 Committee on Health, then to the Committee on Finance

61 Committee on Education, then to the Committee on Finance

62 Committee on Education, then to the Committee on Finance

63 Committee on Education, then to the Committee on Finance

64 Committee on Energy and Environmental Protection

65 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

66 Committee on Higher Education

67 Committee on Water and Land Use, then to the Committee on Finance

68 Committee on Human Services and Housing, then to the Committee on Finance

69 Committee on Health, then to the Committee on Tourism and Culture, then to the Committee on Finance

70 Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance

**S.C.R.**  
**No.**

**Referred to:**

7 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance

**COMMITTEE REASSIGNMENTS**

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

**H.R.**  
**No.**

**Referred to:**

33 Committee on Energy and Environmental Protection

**H.C.R.**  
**No.**

**Referred to:**

28 Committee on Energy and Environmental Protection

**INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 92) was received and announced by the Clerk and the following action taken:

H.R. No. 92, entitled: "HOUSE RESOLUTION CONGRATULATING HAWAII'S PEACE CORPS PIONEERS," was offered by Representative Takumi.

On motion by Representative Takumi, seconded by Representative Takai and carried, H.R. No. 92 was adopted with Representative Bukoski, Halford, Nakasone, Thielen and Whalen being excused.

Representative Takumi introduced the following honorees who were Hawaii's pioneers in the Peace Corps:

Mrs. Mary Matayoshi, former Deputy Director of the University Peace Corps Training Center;

Mr. Richard and Mrs. Ann Port, former Peace Corps volunteers serving in Ghana, and the first American Peace Corps married couple;

Dr. Gregory Pai, former Peace Corps volunteer serving in Seoul, South Korea, and current Public Utilities Commissioner; and



Dr. Ned Schultz, former Peace Corps volunteer serving in Seoul, South Korea, and current Director of Korean Studies at the University of Hawaii.

At 12:28 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:33 p.m.

### INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 93) and concurrent resolution (H.C.R. No. 97) were received and announced by the Clerk and the following action taken:

H.R. No. 93, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO DECLARE MARCH 2001 HAWAII WOMEN'S HISTORY MONTH IN THE STATE OF HAWAII," was jointly offered by Representatives Morita, Thielen, Lee, Jaffe, Marumoto, Meyer, Leong, B. Oshiro, Magaoay, Kawakami, Ahu Isa, Auwae, Hale, Luke, Yoshinaga, Espero, Kahikina, Chang, Ito, Fox and Souki.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DECLARE MARCH 2001 HAWAII WOMEN'S HISTORY MONTH IN THE STATE OF HAWAII," was jointly offered by Representatives Morita, Thielen, Lee, Marumoto, Jaffe, Meyer, Leong, B. Oshiro, Magaoay, Kawakami, Ahu Isa, Auwae, Hale, Luke, Yoshinaga, Espero, Kahikina, Chang, Ito, Fox and Souki.

On motion by Representative Morita, seconded by Representative Lee and carried, H.R. No. 93 and H.C.R. No. 97 were adopted with Representative Bukoski, Halford, Nakasone, Souki, Thielen and Whalen being excused.

The following resolutions (H.R. Nos. 68 through 91) and concurrent resolutions (H.C.R. Nos. 71 through 96) were received referred to Printing and further action was deferred:

H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO AFFIRM THE FREEDOM OF AN INDIVIDUAL TO CHOOSE TO DONATE THEIR ORGANS," was jointly offered by Representatives Leong, Auwae, Davis, Hiraki, Ahu Isa, Kahikina, Espero, Lee, Kawakami, Ito, Yoshinaga, Morita, Thielen, Pendleton, Marumoto, Gomes, Meyer and Jaffe.

H.R. No. 69, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE A HIGHWAY EMERGENCY AT MAKAPUU POINT PURSUANT TO HAWAII REVISED STATUTES SECTION 264-17," was offered by Representative Gomes.

H.R. No. 70, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE WITH KAMEHAMEHA SCHOOLS, BISHOP MUSEUM, AND THE OFFICE OF HAWAIIAN AFFAIRS TO LEASE KALIHI VALLEY DISTRICT PARK FOR A NATIVE HAWAIIAN EDUCATION CENTER," was jointly offered by Representatives Arakaki, Ahu Isa, Kanoho, Hale, Takai, Cabreros, Ontai, Schatz, Kawakami and Abinsay.

H.R. No. 71, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT OF A CENTER FOR THE HEALTH, WELFARE, AND RIGHTS OF CHILDREN AND YOUTH IN HAWAII AND REQUESTING SUPPORT FOR THE CENTER

FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES," was jointly offered by Representatives Arakaki, Takai, Schatz, Ahu Isa, Morita, Chang, Magaoay, Hiraki, Takumi, Cabreros, Abinsay and Kawakami.

H.R. No. 72, entitled: "HOUSE RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A "STATE OF HAWAII HEALTH POLICY GUIDEBOOK" BASED ON THE HAWAII HEALTH PERFORMANCE PLAN," was jointly offered by Representatives Arakaki, Kahikina, Yonamine, Ito, Lee and McDermott.

H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING A STUDY REGARDING THE EFFICACY AND EFFICIENCY OF EEG BIOFEEDBACK IN THE TREATMENT OF ATTENTION DEFICIT HYPERACTIVITY DISORDERS, SUBSTANCE ABUSE, AND CRIMINAL RECIDIVISM," was jointly offered by Representatives Arakaki, Kawakami, McDermott, B. Oshiro, Abinsay, Takumi, Garcia and Lee.

H.R. No. 74, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND HEALTH TO CONVENE AN AD HOC TASK FORCE TO DEVELOP A COMPREHENSIVE STRATEGY TO UTILIZE FAITH-BASED HEALTH AND HUMAN SERVICES IN HAWAII," was jointly offered by Representatives Arakaki, Kahikina, Takai, Ahu Isa, Abinsay, Cabreros, Stonebraker and Kawakami.

H.R. No. 75, entitled: "HOUSE RESOLUTION ESTABLISHING BILL OF RIGHTS DAY IN THE STATE OF HAWAII," was jointly offered by Representatives Auwae, Bukoski, Leong, Thielen, Jaffe, Moses, Fox, Magaoay, Rath, Hale, Marumoto, Gomes, Kahikina, Kawakami and Davis.

H.R. No. 76, entitled: "HOUSE RESOLUTION SUPPORTING EFFORTS TO FUND IMPROVEMENTS TO THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was jointly offered by Representatives Ahu Isa and Arakaki.

H.R. No. 77, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII SUPPORT RENEWAL OF THE PRESIDENT'S FAST-TRACK NEGOTIATING AUTHORITY," was jointly offered by Representatives Fox, Pendleton, Moses, Leong, Davis, Rath, Auwae, Halford, Stonebraker, Djou, McDermott, Ontai, Marumoto, Whalen, Bukoski, Gomes, Meyer and Thielen.

H.R. No. 78, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII SUPPORT A MISSILE DEFENSE SYSTEM," was jointly offered by Representatives Fox, Moses, Leong, Davis, Rath, Auwae, Stonebraker, Djou, Marumoto, Meyer, Pendleton, McDermott, Ontai, Bukoski and Whalen.

H.R. No. 79, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII SUPPORT PRESIDENT BUSH'S TAX RELIEF PROPOSAL," was jointly offered by Representatives Fox, Pendleton, McDermott, Rath, Auwae, Halford, Stonebraker, Djou, Jaffe, Marumoto, Moses, Leong, Davis, Ontai, Whalen, Bukoski, Gomes, Meyer and Thielen.

H.R. No. 80, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII SUPPORT PRESIDENT BUSH'S SOCIAL SECURITY REFORM PROPOSAL," was jointly offered by Representatives Fox, Pendleton, Davis, Auwae, Stonebraker, Marumoto, Djou, Meyer, Thielen, Moses,

McDermott, Whalen, Bukoski, Gomes, Ontai, Rath and Leong.

H.R. No. 81, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII SUPPORT IRA EXPANSION," was jointly offered by Representatives Fox, Whalen, Djou, Auwae, Meyer, Halford, Pendleton, Moses, Marumoto, Ontai, Bukoski, Thielen, Rath, Gomes, Leong, McDermott, Davis and Stonebraker.

H.R. No. 82, entitled: "HOUSE RESOLUTION URGING THE U.S. CONGRESS AND THE U.S. DEPARTMENT OF AGRICULTURE TO ESTABLISH AND FUND A U.S. DEPARTMENT OF AGRICULTURE - PACIFIC BASIN AGRICULTURAL RESEARCH CENTER - MANAGED CACAO GERMPLASM CENTER IN HAWAII," was jointly offered by Representatives Chang, Abinsay, Kawakami, Cabrerros, B. Oshiro, Takumi, Hiraki, Magaoay, Suzuki, Case, Schatz, Kanoho, Yonamine, Souki, Hamakawa, Arakaki, Morita, Ahu Isa, Luke, Takai, Saiki, Say and Hale.

H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO CONSIDER HOW THE HILO AREA CAN MAXIMIZE THE ECONOMIC OPPORTUNITIES PRESENTED BY THE CRUISE INDUSTRY," was jointly offered by Representatives Chang, Hamakawa, Hale, Takamine, Ahu Isa, Suzuki, Magaoay, Abinsay, Takumi and Case.

H.R. No. 84, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO CONVENE A TASK FORCE TO STUDY SAFE ACCESS TO VIEW AND LEARN ABOUT HAWAII VOLCANOES," was jointly offered by Representatives Chang, Suzuki, Ahu Isa, Hale, Kahikina, Magaoay, Takai, Lee, Case, Saiki, Hiraki, Takumi, Morita, Luke, Say, Hamakawa, Souki, Yoshinaga, Kanoho, Arakaki and Schatz.

H.R. No. 85, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO EXPLORE WITH THE NATIONAL FOOTBALL LEAGUE THE FEASIBILITY OF SCHEDULING A PRE-SEASON NATIONAL FOOTBALL LEAGUE GAME IN HAWAII," was jointly offered by Representatives Chang, Suzuki, Magaoay, Yoshinaga, Kahikina, Arakaki, Takai, Hale, Ahu Isa, Lee, Say, Case, Hiraki, Takumi, Souki, Hamakawa, Morita, Luke, Saiki and Kanoho.

H.R. No. 87, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE COMPREHENSIVE STUDENT SUPPORT SYSTEM OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Kawakami, Abinsay, Arakaki, Kahikina, Lee, Ito, M. Oshiro, Nakasone, Saiki, Schatz, Garcia, Espero, Hale, Takamine, Cabrerros, Morita, Kanoho, Souki and Chang.

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF NEW DESIGN GUIDELINES FOR STATE ROAD AND BRIDGE PROJECTS," was jointly offered by Representatives Morita, Nakasone, Souki and Takamine.

H.R. No. 89, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT TO DESIGNATE A NEW NATIONAL PARK FROM KEONE 'O 'IO TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was

jointly offered by Representatives Morita, Bukoski, Halford, Souki, Nakasone and Davis.

H.R. No. 90, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TASK FORCE TO GATHER PUBLIC INPUT AND RECOMMEND STATUTORY CAVE LAW," was offered by Representative Morita.

H.R. No. 91, entitled: "HOUSE RESOLUTION SUPPORTING THE FUTURE PRESERVATION OF MAHA 'ULEPU," was jointly offered by Representatives Morita, Kawakami, Kanoho, B. Oshiro and Schatz.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THE WORK OF ISLAND TENANTS ON THE RISE FOR THEIR CONTINUING EFFORTS TO BRING LOW-INCOME PEOPLE INTO ACTIVE PARTICIPATION IN THE DEMOCRATIC PROCESS," was offered by Representative Kahikina.

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE OUT-OF-STATE INMATE TRANSFER PROGRAM," was jointly offered by Representatives Garcia, Djou, Takai, Moses, Schatz, Lee, Espero, Souki, Rath, Nakasone, Luke, M. Oshiro and Arakaki.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO AFFIRM THE FREEDOM OF AN INDIVIDUAL TO CHOOSE TO DONATE THEIR ORGANS," was jointly offered by Representatives Leong, Auwae, Davis, Hiraki, Ahu Isa, Kahikina, Espero, Lee, Kawakami, Ito, Yoshinaga, Morita, Jaffe, Case, Thielen, Pendleton, Marumoto, Gomes and Meyer.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE A HIGHWAY EMERGENCY AT MAKAPUU POINT PURSUANT TO HAWAII REVISED STATUTES SECTION 264-17," was offered by Representative Gomes.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE WITH KAMEHAMEHA SCHOOLS, BISHOP MUSEUM, AND THE OFFICE OF HAWAIIAN AFFAIRS TO LEASE KALIHI VALLEY DISTRICT PARK FOR A NATIVE HAWAIIAN EDUCATION CENTER," was jointly offered by Representatives Arakaki, Kahikina, Ahu Isa, Kanoho, Hale, Takai, Cabrerros, Abinsay, Ontai, Schatz and Kawakami.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT OF A CENTER FOR THE HEALTH, WELFARE, AND RIGHTS OF CHILDREN AND YOUTH IN HAWAII AND REQUESTING SUPPORT FOR THE CENTER FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES," was jointly offered by Representatives Arakaki, Takai, Kahikina, Schatz, B. Oshiro, Ahu Isa, Morita, Chang, Magaoay, Hiraki, Takumi, Cabrerros, Abinsay, Kawakami and Lee.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A "STATE OF HAWAII HEALTH POLICY GUIDEBOOK" BASED ON THE HAWAII HEALTH PERFORMANCE PLAN," was jointly offered by Representatives Arakaki, Kahikina, Yonamine, Ito, Lee and McDermott.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY REGARDING THE EFFICACY AND EFFICIENCY OF EEG BIOFEEDBACK IN THE TREATMENT OF ATTENTION DEFICIT HYPERACTIVITY DISORDERS, SUBSTANCE ABUSE, AND CRIMINAL RECIDIVISM," was jointly offered by Representatives Arakaki, Kawakami, McDermott, B. Oshiro, Abinsay, Garcia, Takumi and Lee.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND HEALTH TO CONVENE AN AD HOC TASK FORCE TO DEVELOP A COMPREHENSIVE STRATEGY TO UTILIZE FAITH-BASED HEALTH AND HUMAN SERVICES IN HAWAII," was jointly offered by Representatives Arakaki, M. Oshiro, Kanoho and Fox.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A HAWAII STATE LAW ON EMPLOYMENT OF SEVERELY HANDICAPPED PERSONS," was jointly offered by Representatives Takai and B. Oshiro.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM DECEMBER 15 AS BILL OF RIGHTS DAY," was jointly offered by Representatives Takai, Takumi and Ito.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SOCIAL ANXIETY DISORDER SERVICES," was jointly offered by Representatives Takai and Arakaki.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE PROCLAMATION OF FEBRUARY AS NATIONAL HEART FAILURE AWARENESS MONTH," was jointly offered by Representatives Takai and Arakaki.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT BUSH AND THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR SPECIAL EDUCATION TO MEET THE FEDERAL COMMITMENT UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT," was jointly offered by Representatives Takai, Ito, Arakaki and Saiki.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REPORT ON THE ADVANTAGES AND DISADVANTAGES OF PRIVATIZING THE HONOLULU INTERNATIONAL AIRPORT," was offered by Representative Djou.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS TO FUND IMPROVEMENTS TO THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was jointly offered by Representatives Ahu Isa and Arakaki.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT

RESOLUTION URGING THE U.S. CONGRESS AND THE U.S. DEPARTMENT OF AGRICULTURE TO ESTABLISH AND FUND A U.S. DEPARTMENT OF AGRICULTURE - PACIFIC BASIN AGRICULTURAL RESEARCH CENTER - MANAGED CACAO GERMPLASM CENTER IN HAWAII," was jointly offered by Representatives Chang, Abinsay, Kawakami, Cabrerros, B. Oshiro, Takumi, Hiraki, Magaoay, Suzuki, Case, Schatz, Kanoho, Yonamine, Souki, Hamakawa, Arakaki, Morita, Ahu Isa, Luke, Takai, Saiki, Lee, Say and Hale.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO CONSIDER HOW THE HILO AREA CAN MAXIMIZE THE ECONOMIC OPPORTUNITIES PRESENTED BY THE CRUISE INDUSTRY," was jointly offered by Representatives Chang, Hamakawa, Hale, Takamine, Ahu Isa, Suzuki, Magaoay, Abinsay, Takumi and Case.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO CONVENE A TASK FORCE TO STUDY SAFE ACCESS TO VIEW AND LEARN ABOUT HAWAII VOLCANOES," was jointly offered by Representatives Chang, Ahu Isa, Suzuki, Hale, Kahikina, Schatz, Say, Magaoay, Luke, Case, Saiki, Takai, Hiraki, Takumi, Arakaki, Morita, Kanoho, Souki, Hamakawa, Yoshinaga and Lee.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO EXPLORE WITH THE NATIONAL FOOTBALL LEAGUE THE FEASIBILITY OF SCHEDULING A PRE-SEASON NATIONAL FOOTBALL LEAGUE GAME IN HAWAII," was jointly offered by Representatives Chang, Suzuki, Magaoay, Yoshinaga, Kahikina, Takai, Hale, Arakaki, Ahu Isa, Kanoho, Souki, Hamakawa, Lee, Say, Hiraki, Case, Takumi, Morita, Luke and Saiki.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE COMPREHENSIVE STUDENT SUPPORT SYSTEM OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Kawakami, Abinsay, Arakaki, Kahikina, Lee, Ito, M. Oshiro, Nakasone, Saiki, Chang, Garcia, Takumi, Schatz, Hale, Takamine, Cabrerros, Morita, Kanoho and Souki.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF NEW DESIGN GUIDELINES FOR STATE ROAD AND BRIDGE PROJECTS," was jointly offered by Representatives Morita, Nakasone, Souki and Takamine.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO DESIGNATE A NEW NATIONAL PARK FROM KEONE 'O 'IO TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was jointly offered by Representatives Morita, Halford, Bukoski, Souki, Nakasone and Davis.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TASK FORCE TO GATHER PUBLIC INPUT AND RECOMMEND STATUTORY CAVE LAW," was offered by Representative Morita.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE FUTURE PRESERVATION OF MAHA'ULEPU," was jointly offered by Representatives Morita, Kawakami, Kanoho, B. Oshiro and

Schatz.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A SISTER STATE/CITY RELATIONSHIP FOR ECONOMIC DEVELOPMENT BETWEEN THE STATE OF HAWAII AND THE MUNICIPALITIES OF TAIPEI AND TAINAN," was offered by Representative Ahu Isa.

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

The House of Representatives reconvened at 12:37 o'clock p.m.

### ANNOUNCEMENTS

Representative Chang: Requested a waiver of the 48-hour notice requirement for the purpose of conducting a public hearing with decision making to follow on the following S.B. Nos.: 173; 174; 175; 176; 178; 80; 274; 336; and 1033, to be scheduled for Friday, at 8:30 a.m. in room 325, and the Chair "so ordered".

Representative Lee moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving resolutions and concurrent resolutions by the Clerk's Office, seconded by Representative Pendleton, and carried. (Representative Bukoski, Halford, Nakasone, Souki, Thielen and Whalen were excused.)

At this time, the House of Representatives stood for a moment of silence to observe the passing of Representative Pendleton's mother, Mrs. Alohalinda Pendleton, and aunt, Mrs. Jenny Cadelinia.

### RECESS

At 12:30 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives stood in recess until 12:00 o'clock noon tomorrow, Thursday, March 15, 2001. (Representative Bukoski, Halford, Nakasone, Souki, Thielen and Whalen were excused.)

### INTRODUCTION OF RESOLUTIONS

In accordance with the motion made earlier, the following resolutions (H.R. Nos. 94 through 170) and concurrent resolutions (H.C.R. Nos. 98 through 203) which were received in the Clerk's Office up to 6:00 o'clock p.m. this legislative day and were referred to Printing and further action was deferred:

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING THE DETERMINATION OF A STATE LEAD AGENCY ON ALIEN SPECIES TO DEAL WITH THE PROBLEM OF ALIEN SPECIES INVASIONS AND THEIR IMPACT ON HAWAII'S NATIVE ECOSYSTEMS," was offered by Representative Kanoho.

H.R. No. 95, entitled: "HOUSE RESOLUTION CALLING FOR THE REPORTING OF ALL ONGOING AND PLANNED WORK WITH GENETIC ENGINEERING IN THE STATE OF HAWAII," was offered by Representative Say.

H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION, THROUGH THE SUPERINTENDENT OF EDUCATION, TO GROUP AND RANK ALL LOWER EDUCATION PROGRAMS, INCLUDING SUPPLEMENTARY PROGRAMS, ACCORDING TO THEIR CONTRIBUTION TO THE MISSION OF THE BOARD OF EDUCATION," was offered by Representative Case.

H.R. No. 97, entitled: "HOUSE RESOLUTION SUPPORTING QUALITY MANAGED HEALTH CARE IN A LITIGIOUS HEALTH CARE MARKETPLACE AND OPPOSING THE EXPANSION OF TORT LIABILITY," was jointly offered by Representatives McDermott, Rath and Marumoto.

H.R. No. 98, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO FAVORABLY ADDRESS LEGISLATION THAT GIVES AMERICA'S SENIOR CITIZENS A RAPID REDUCTION IN THEIR MEDICARE HOSPITAL OUTPATIENT COPAYMENTS," was offered by Representative McDermott.

H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUBMIT A REPORT TO THE LEGISLATURE EXPLAINING WHY PER PUPIL EXPENDITURES FOR RADFORD COMPLEX SCHOOL FACILITIES ARE SUBSTANTIALLY LOWER THAN THE REST OF THE STATE," was jointly offered by Representatives McDermott, Moses, B. Oshiro, Fox, Leong, Ontai, Bukoski, and Marumoto.

H.R. No. 100, entitled: "HOUSE RESOLUTION URGING THE LEGISLATURE TO APPROVE AN APPROPRIATION IN THE CAPITAL BUDGET FOR PURCHASE OF A NEW AIEA LIBRARY SITE SO THAT THE AIEA LIBRARY CAN BE RELOCATED TO THE FORMER AIEA SUGAR MILL SITE," was jointly offered by Representatives McDermott, B. Oshiro, Moses, Yonamine, Rath, Pendleton, Leong, Hiraki, Bukoski, and Gomes.

H.R. No. 101, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO DREDGE AND CLEAN THE HALAWA STREAM," was jointly offered by Representatives McDermott, B. Oshiro, Moses, Yonamine, Rath, Leong, Ontai, Pendleton, Case, Hiraki, Djou and Gomes.

H.R. No. 102, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION, THROUGH THE SUPERINTENDENT OF EDUCATION, TO WITHHOLD FUNDS FOR TEXTBOOK ACQUISITION/REPLACEMENT FROM SCHOOLS THAT ARE NOT IN COMPLIANCE WITH BOARD OF EDUCATION POLICY NO. 2240 CONCERNING INSTRUCTIONAL MATERIALS," was jointly offered by Representatives McDermott, Moses, Djou, Rath, Leong, Ontai and Gomes.

H.R. No. 103, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO ALLOW THE STATES TO MAKE CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT A "PORTABLE" BENEFIT BY HAVING FEDERAL FUNDS "FOLLOW THE CHILD", RATHER THAN TARGET SCHOOLS AND COMMUNITIES WITH THE GREATEST NEED," was jointly offered by Representatives McDermott, Bukoski, Marumoto, Chang and Rath.

H.R. No. 104, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO "BLOCK GRANT" CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT INTO A SINGLE FEDERAL GRANT

PROGRAM WITH THE GOAL OF HELPING CHILDREN OVERCOME POVERTY'S NEGATIVE IMPACT ON THEIR SCHOOL ACHIEVEMENT," was jointly offered by Representatives McDermott, Case, Bukoski, Chang, Rath and Marumoto.

H.R. No. 105, entitled: "HOUSE RESOLUTION SUPPORTING THE KAMEHAMEHA HIGHWAY BEAUTIFICATION PROJECT," was jointly offered by Representatives McDermott, B. Oshiro, Moses, Case, Leong, Ontai, Fox, Ontai, and Marumoto.

H.R. No. 106, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE THE MOST EFFECTIVE RESEARCH-BASED READING INSTRUCTION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THIRD GRADE," was jointly offered by Representatives McDermott, Bukoski, Rath and Marumoto.

H.R. No. 107, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF AGRICULTURE AND LAND AND NATURAL RESOURCES TO ADDRESS THE DISREPAIR OF KAILUA RESERVOIR," was jointly offered by Representatives Gomes, Kanoho and Abinsay.

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AUDITOR TO STUDY THE DEPARTMENT OF LAND AND NATURAL RESOURCES' FAILURE TO DETERMINE THE FAIR MARKET RENTAL OF LEASES DURING SCHEDULED REOPENING PERIODS IN A TIMELY MANNER AND THE RETROACTIVE RAISING OF LEASE RENTS RESULTING FROM SUCH FAILURE," was jointly offered by Representatives Gomes, Abinsay and Kanoho.

H.R. No. 109, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A STUDY OF LEASE APPRAISAL PRACTICES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Gomes, Kanoho and Abinsay.

H.R. No. 110, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was jointly offered by Representatives Garcia, Espero, Ahu Isa, Djou, Moses, Nakasone, Saiki, Rath, Souki and Hamakawa.

H.R. No. 111, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO BLOCK EFFORTS OF THE HEALTH CARE FINANCING ADMINISTRATION'S INTRUSIVE REGULATIONS AND WORK TO PROTECT PERSONAL LIBERTY AND PRIVACY OF EVERY AMERICAN," was jointly offered by Representatives McDermott, Moses, B. Oshiro, Auwae, Stonebraker, Pendleton, Bukoski, and Marumoto.

H.R. No. 112, entitled: "HOUSE RESOLUTION SUPPORTING THE PACIFIC BASIN ECONOMIC COUNCIL AND ENCOURAGING EFFORTS TO HOLD THE 34<sup>TH</sup> INTERNATIONAL GENERAL MEETING IN HAWAII," was offered by Representative Ahu Isa.

H.R. No. 113, entitled: "HOUSE RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF THE HAWAII TOURISM AUTHORITY IN THE PURSUIT OF ITS TOURISM STRATEGIC PLAN, KE KUMU, AND ENCOURAGING THE HAWAII TOURISM AUTHORITY TO CONTINUE ITS EFFORTS TO STRENGTHEN THE TOURISM COMPONENT OF HAWAII'S ECONOMY," was

offered by Representative Ahu Isa.

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO EXAMINE ISSUES RELATED TO CRUISE SHIPS," was jointly offered by Representatives Morita, B. Oshiro, Hale, Takumi and Jaffe.

H.R. No. 115, entitled: "HOUSE RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII," was jointly offered by Representatives Morita, Lee, B. Oshiro, Jaffe, Schatz and Saiki.

H.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT," was jointly offered by Representatives Morita, B. Oshiro, Lee, Hale and Takumi.

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO COME UP WITH RECOMMENDATIONS TO MODIFY THE MAKE-UP OF ITS BOARD TO INCLUDE MORE PRIVATE SECTOR PARTICIPATION," was jointly offered by Representatives Morita, B. Oshiro, Kanoho, Hale, Takumi, Jaffe and Ahu Isa.

H.R. No. 118, entitled: "HOUSE RESOLUTION SUPPORTING PROJECT KA HALE PONO'S PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR A PARCEL OF LAND TO BUILD A YOUTH CENTER," was jointly offered by Representatives Morita, Kanoho, Kawakami, Ahu Isa and Kahikina.

H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO FORMULATE AN OBJECTIVE METHODOLOGY THAT THE LEGISLATURE MAY USE TO REVIEW THE JUSTIFICATION FOR EXISTING GENERAL EXCISE TAX EXEMPTIONS," was jointly offered by Representatives Say, Luke, M. Oshiro, Lee, Schatz, Garcia, Saiki and Nakasone.

H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF FEDERALLY MANDATED STATE PROGRAMS," was offered by Representative Saiki.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE STATE COMPTROLLER AND THE STATE FOUNDATION ON CULTURE AND THE ARTS TO USE MONEYS IN THE WORKS OF ART SPECIAL FUND TO ACQUIRE OUTDOOR SCULPTURES THAT CAN BE USED AS PLAYGROUND EQUIPMENT FOR ELEMENTARY SCHOOL STUDENTS," was jointly offered by Representatives Takumi, Chang and Takai.

H.R. No. 122, entitled: "HOUSE RESOLUTION URGING CONGRESS TO FULLY FUND INDIVIDUALS WITH DISABILITIES EDUCATION ACT," was jointly offered by Representatives Meyer, McDermott and Rath.

H.R. No. 123, entitled: "HOUSE RESOLUTION RELATING TO A STUDY OF THE PROBLEM OF VEHICLE EMISSIONS AND REMOTE SENSING DEVICES AND TAX CREDITS AS SOLUTIONS," was jointly offered by Representatives Meyer, B. Oshiro, Gomes, Thielen, Kanoho, Djou and Auwae.

H.R. No. 124, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO STUDY HOW TO ENSURE



EQUALITY IN THE AMOUNT OF THE EMPLOYER'S SHARE OF PREPAID HEALTH CARE PREMIUMS BETWEEN THE PUBLIC AND PRIVATE SECTORS," was jointly offered by Representatives Meyer, Moses, Djou, B. Oshiro, Gomes, Kanoho, Auwae, Rath and McDermott.

H.R. No. 125, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY AND PLAN FOR A DEMONSTRATION PROJECT, WORKSHOP, AND COMMUNITY OUTREACH AND EDUCATION PROGRAM ON INVASIVE MACROALGAE IN THE STATE," was jointly offered by Representatives Meyer, Kanoho, B. Oshiro, Gomes, Thielen, Moses and Auwae.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY WHETHER RESEARCH ACTIVITIES AT THE HAWAII INSTITUTE OF MARINE BIOLOGY THREATEN THE ENVIRONMENT OF KANEHOE BAY," was jointly offered by Representatives Meyer, Moses, Auwae, B. Oshiro, Gomes and Kanoho.

H.R. No. 127, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A MAKUA VALLEY TASK FORCE," was jointly offered by Representatives Auwae, Kahikina, Garcia, Kanoho, Marumoto, Jaffe, Djou, McDermott, Meyer, Ontai, Davis, Fox, Rath, Moses and Stonebraker.

H.R. No. 128, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF VOTING VIA THE INTERNET," was jointly offered by Representatives Schatz, Arakaki, B. Oshiro, Kanoho, Espero, Yonamine, Takumi, Takamine, Hale, Souki and Luke.

H.R. No. 129, entitled: "HOUSE RESOLUTION PRESERVING THE COMPETITIVENESS AND HEALTH OF HAWAII'S LARGEST INDUSTRY," was offered by Representative Ahu Isa.

H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING THAT THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF HAWAII AGREE TO A MORATORIUM ON FLUORIDATION LEGISLATION UNTIL SUCH A TIME AS THE ISSUE OF FLUORIDATION, WHICH IS CURRENTLY UNDER INVESTIGATION BY CONGRESS, SHOULD BE DEBATED BY THE CONGRESS OF THE UNITED STATES AND/OR LITIGATED IN THE UNITED STATES SUPREME COURT, AND THOSE FINDINGS ARE PUBLISHED," was jointly offered by Representatives Stonebraker, Auwae, McDermott and Ontai.

H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING A REDUCTION OF THE TIMELINE FOR THE KALANIANA'OLE HIGHWAY WATER MAINS INSTALLATION AND IMPROVEMENT PROJECT," was jointly offered by Representatives Stonebraker, Auwae, Davis, Marumoto and Ontai.

H.R. No. 132, entitled: "HOUSE RESOLUTION REQUESTING THAT THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII AGREE TO FACILITATE PARTNERSHIPS BETWEEN FAITH-BASED ORGANIZATIONS AND GOVERNMENT TO TACKLE SOCIAL PROBLEMS," was jointly offered by Representatives Stonebraker, Auwae, Davis, Ontai, McDermott, Ahu Isa, Kanoho, Kahikina and Magaoay.

H.R. No. 133, entitled: "HOUSE RESOLUTION CONDEMNING THE CONTINUING VIOLENCE IN

SUDAN," was jointly offered by Representatives Stonebraker, McDermott, Kanoho, Ahu Isa, Kahikina and Magaoay.

H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADOPT A PRACTICE OR RULES CALLING FOR THE INCLUSION OF EARLY COMPLETION INCENTIVES IN MAJOR CONSTRUCTION PROJECTS WHICH IMPEDE TRAFFIC FLOW AND REDUCE CAPACITY ON MAJOR THOROUGHFARES FOR AN EXTENDED PERIOD OF TIME," was jointly offered by Representatives Marumoto, Moses, Yoshinaga, Espero, Souki, Halford and Djou.

H.R. No. 135, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO CONVENE A COMMITTEE TO DESIGNATE OFFICIAL SYMBOLS OF THE STATE OF HAWAII," was jointly offered by Representatives Marumoto, Halford, Cabrerros, Ahu Isa, Ontai, Abinsay, Magaoay, Chang and Davis.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY RELATING TO THE ESTABLISHMENT OF AN ELECTED STATE COMPTROLLER," was jointly offered by Representatives Marumoto, Davis, Djou, Ontai, Halford, Hiraki, Morita and Cabrerros.

H.R. No. 137, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO REPORT TO THE LEGISLATURE ON THE FEASIBILITY OF ENTERING INTO A RECIPROCAL INCOME TAX AGREEMENT WITH THE STATE OF CALIFORNIA," was offered by Representative Luke.

H.R. No. 138, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT PREVENTING THE FEDERAL COURTS FROM LEVYING TAXES AGAINST THE STATES," was offered by Representative Luke.

H.R. No. 139, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE," was offered by Representative Luke.

H.R. No. 140, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR CAPITOL TELEVISION CABLECASTS OF HOUSE PROCEEDINGS," was jointly offered by Representatives Say and Luke.

H.R. No. 141, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENTS OF HEALTH, AGRICULTURE, AND EDUCATION TO FURTHER ENCOURAGE CONSUMPTION OF FIVE OR MORE DAILY SERVINGS OF FRUITS AND VEGETABLES," was jointly offered by Representatives Lee, Morita, Kahikina, Thielen, Cabrerros, B. Oshiro, Arakaki, Takai, Case, Saiki, M. Oshiro, Hiraki, Hale, Takumi, Ito and Abinsay.

H.R. No. 142, entitled: "HOUSE RESOLUTION URGING THE STATE DEPARTMENTS OF HEALTH, AGRICULTURE, AND EDUCATION, AND THE HAWAII SCHOOL FOOD SERVICE TO DEVELOP NUTRITIONALLY SOUND MENU PLANS THAT WILL PROVIDE OPTIONAL VEGETARIAN SCHOOL LUNCHES," was jointly offered by Representatives Lee, Thielen, M. Oshiro,

B. Oshiro, Ito, Takai, Morita, Kahikina, Cabrerros, Arakaki, Schatz, Case, Garcia, Espero, Saiki, Hiraki, Takumi and Abinsay.

H.R. No. 143, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPLICATIONS OF EXCLUDING PRINCIPALS FROM COLLECTIVE BARGAINING," was offered by Representative Ito.

H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING A WORKING GROUP BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE EAGLE PROGRAM FOR FIREARM SAFETY," was jointly offered by Representatives Ito, Takumi, Schatz, Abinsay, Takai, Stonebraker, McDermott and Ontai.

H.R. No. 145, entitled: "HOUSE RESOLUTION REQUESTING A SOLUTION TO INCREASE THE RECYCLING RATES OF BEVERAGE CONTAINERS," was jointly offered by Representatives Morita, B. Oshiro, Schatz and Hale.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PLACE ANKLE BRACELET MONITORS ON DOMESTIC VIOLENCE OFFENDERS WITH RESTRAINING ORDERS AS A PAROLE REQUIREMENT," was jointly offered by Representatives Pendleton, Thielen, Fox, Bukoski, Djou, Marumoto, Leong, Davis, Rath, Jaffe, Gomes, Meyer, Stonebraker, Whalen, Ontai and Auwae.

H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING A COMMISSION TO STUDY THE MECHANICS OF AND PROPOSE LEGISLATION FOR DECENTRALIZING THE BOARD OF EDUCATION," was jointly offered by Representatives Pendleton, McDermott, Djou, Fox, Jaffe, Thielen, Bukoski, Marumoto, Leong, Meyer, Whalen, Halford, Davis, Rath, Gomes, Stonebraker, Ontai and Auwae.

H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY AND ADVISABILITY OF MOVING FROM A DEFINED BENEFIT PENSION SYSTEM TO A DEFINED CONTRIBUTION PENSION SYSTEM," was jointly offered by Representatives Pendleton, Suzuki, Moses, Ahu Isa, Davis, Leong, Thielen, Fox, Chang, B. Oshiro, Espero, Garcia, Souki, Arakaki, Ito, Abinsay, Yonamine, Auwae, Meyer, Ontai, Rath, Hiraki, Halford, Case, Kanoho, Magaoay, Cabrerros, Whalen, Gomes, Kawakami, McDermott, Kahikina, Marumoto, Hamakawa and Djou.

H.R. No. 149, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A COMMUNITY-BASED HAZARDOUS MATERIAL EXPOSURE RESPONSE PLAN," was jointly offered by Representatives B. Oshiro, Takai and McDermott.

H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY COMPENSATION OF LICENSED ATTORNEYS EMPLOYED BY THE STATE OF HAWAII," was offered by Representative B. Oshiro.

H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD AND DEPARTMENT OF EDUCATION TO REEVALUATE READING GOALS FOR STUDENTS IN HAWAII'S PUBLIC SCHOOLS AND INCREASE SYSTEM ACCOUNTABILITY FOR ATTAINING THOSE GOALS," was jointly offered by

Representatives Arakaki, Ito, Kahikina, Abinsay, Ahu Isa, Takai, Cabrerros, Fox, Lee, McDermott, Ontai, Garcia and Auwae.

H.R. No. 152, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO ENGAGE IN A COMPREHENSIVE REVIEW OF THE ISSUES, AND THE DIFFERING VIEWPOINTS, CONCERNING THE AGE OF CONSENT FOR CONSENSUAL SEX CONDUCT," was jointly offered by Representatives Arakaki, Morita, Ahu Isa, Espero, Lee and B. Oshiro.

H.R. No. 153, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUING OF CHARTERS TO OPERATE NEW CENTURY CHARTER SCHOOLS," was jointly offered by Representatives Takai, Arakaki, Kahikina, Ito and Morita.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO RECOMMEND POLICY ELEMENTS NEEDED TO IMPLEMENT A SYSTEM WHEREBY PERSONS WITH LIMITED ENGLISH PROFICIENCY CAN ACCESS GOVERNMENT SERVICES, ACTIVITIES, AND PROGRAMS," was jointly offered by Representatives Takai, Arakaki, Kahikina, Ito, Morita and Fox.

H.R. No. 155, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE SELECTION OF KAHI MOHALA AS A JUVENILE SEX OFFENDER TREATMENT FACILITY," was jointly offered by Representatives Arakaki, Kahikina and Takai.

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING SOCIALLY RESPONSIBLE INVESTMENT," was jointly offered by Representatives Arakaki, Kahikina, Kawakami, Morita and Ahu Isa.

H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE REVENUES REQUIRED TO MEET ITS OBLIGATIONS FOR ALL HARBORS, WHARVES, AND ITS OTHER PROPERTIES, AND TO ADJUST WHARFAGE RATES WHEREBY THE SAME WHARFAGE RATES WILL APPLY TO INTERISLAND AND INTRAISLAND CARGOES THAT CROSS OVER WHARVES THE SAME NUMBER OF TIMES," was offered by Representative Souki.

H.R. No. 158, entitled: "HOUSE RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM OF HAWAII TO STUDY CURRENT PENSION BENEFITS OFFERED TO PUBLIC SECTOR EMPLOYEES AND MAKE RECOMMENDATIONS TO MODIFY SUCH BENEFITS INCLUDING THE ADDITION OF AN ALTERNATIVE DEFINED CONTRIBUTION PENSION PLAN," was offered by Representative Souki.

H.R. No. 159, entitled: "HOUSE RESOLUTION COMMISSIONING INTERIM ACTIVITY FOR THE HOUSE COMMITTEES ON WATER AND LAND USE AND AGRICULTURE TO ADDRESS LAND USE MATTERS AS MANDATED IN ARTICLE XI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII," was jointly offered by Representatives Kanoho and Abinsay.

H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING FURTHER ACTION ON THE DESIGNATION OF A STATE RECREATIONAL AND HISTORIC PARK AND NATURE RESERVE AT KAPUA, HONOMALINO, OKOE, KAULANAMAUNA, AND MANUKA DISTRICTS IN



SOUTH KONA AND KA'U, ISLAND OF HAWAII," was offered by Representative Hamakawa.

H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO STUDY THE FEASIBILITY OF ESTABLISHING AN EDUCATION AND RESEARCH CENTER OF THE UNIVERSITY OF HAWAII AT HILO TO BE LOCATED IN HONOKAA, HAWAII," was jointly offered by Representatives Takamine, Hamakawa.

H.R. No. 162, entitled: "HOUSE RESOLUTION URGING GARY RODRIGUES TO TEMPORARILY REMOVE HIMSELF FROM THE JUDICIAL SELECTION COMMISSION," was jointly offered by Representatives Fox, Whalen, Djou, Leong, Meyer, Moses, Rath, Auwae, McDermott, Marumoto, Jaffe, Davis, Ontai, Gomes, Stonebraker, Halford and Pendleton.

H.R. No. 163, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO REVIEW THE FEASIBILITY OF ELIMINATING THE STATE INCOME TAX AND INCREASING THE GENERAL EXCISE TAX," was jointly offered by Representatives Ahu Isa, Arakaki and Kahikina.

H.R. No. 164, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO DESIGN AND IMPLEMENT A PLAN TO MAKE THE CAPITOL BUILDING SAFER FOR VISITORS AND CAPITOL EMPLOYEES," was offered by Representative Gomes.

H.R. No. 165, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO MAKE THE CAPITOL MORE USER-FRIENDLY AND BEAUTIFUL," was offered by Representative Gomes.

H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE FUNDS FOR ANOTHER LIFEGUARD AT WAIMANALO BEACH," was offered by Representative Gomes.

H.R. No. 167, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO APPROPRIATE FUNDS FOR A FULL-TIME TEMPORARY EXEMPT POSITION FOR THE WOMEN'S COMMUNITY CORRECTIONAL CENTER IN KAILUA TO SUPERVISE INMATES AND WORKERS IN WCCC'S NURSERY AND BUILDING MAINTENANCE PROGRAM," was offered by Representative Gomes.

H.R. No. 168, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO DEVELOP STRATEGIES TO MEET THE ORAL HEALTH CARE NEEDS OF UNDERSERVED AREAS AND UNDERSERVED POPULATIONS, ESPECIALLY CHILDREN," was jointly offered by Representatives Arakaki, Kahikina, Ito and Morita.

H.R. No. 169, entitled: "HOUSE RESOLUTION CALLING FOR THE VOLUNTARY REDUCTION OF THE USE OF PESTICIDES, HERBICIDES, AND INSECTICIDES IN THE STATE OF HAWAII AND THE INTRODUCTION OF AN INTEGRATED PESTICIDE MANAGEMENT PROGRAM WHEREVER POSSIBLE," was offered by Representative Yoshinaga.

H.R. No. 170, entitled: "HOUSE RESOLUTION CALLING FOR THE LABELING OF GENETICALLY ENGINEERED FOODS PRODUCED AND SOLD IN HAWAII," was offered by Representative Yoshinaga.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DETERMINATION OF A STATE LEAD AGENCY ON ALIEN SPECIES TO DEAL WITH THE PROBLEM OF ALIEN SPECIES INVASIONS AND THEIR IMPACT ON HAWAII'S NATIVE ECOSYSTEMS," was offered by Representative Kanoho.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE REPORTING OF ALL ONGOING AND PLANNED WORK WITH GENETIC ENGINEERING IN THE STATE OF HAWAII," was introduced by Representative Say.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONTINUE TO OVERSEE, ON THE LEGISLATURE'S BEHALF, THE STATE'S EFFORTS TO PROVIDE EFFECTIVE SERVICES TO FELIX CLASS CHILDREN," was offered by Representative Say.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE UNIVERSITY OF HAWAII TO STUDY THE ADVISABILITY OF ADDING ELECTROENCEPHALOGRAPH BIOFEEDBACK TO THE ROSTER OF "BEST PRACTICES" TREATMENTS AFFORDED CHILDREN AND YOUTHS IN THE STATE OF HAWAII UNDER THE FELIX CONSENT DECREE," was offered by Representative Say.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR ACUPUNCTURE SERVICES," was offered by Representative Say.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION, THROUGH THE SUPERINTENDENT OF EDUCATION, TO GROUP AND RANK ALL LOWER EDUCATION PROGRAMS, INCLUDING SUPPLEMENTARY PROGRAMS, ACCORDING TO THEIR CONTRIBUTION TO THE MISSION OF THE BOARD OF EDUCATION," was offered by Representative Case.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ORDER DEFENDANTS IN ANIMAL CRUELTY CASES TO PAY FOR, AND SUCCESSFULLY COMPLETE, COUNSELING DESIGNED TO EVALUATE AND TREAT BEHAVIOR OR CONDUCT DISORDERS," was offered by Representative McDermott.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO DREDGE AND CLEAN THE HALAWA STREAM," was jointly offered by Representatives McDermott, B. Oshiro, Yonamine, Rath, Case, Hiraki, Ontai and Bukoski.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION, THROUGH THE SUPERINTENDENT OF EDUCATION, TO WITHHOLD FUNDS FOR TEXTBOOK ACQUISITION/REPLACEMENT FROM SCHOOLS THAT ARE NOT IN COMPLIANCE WITH BOARD OF EDUCATION POLICY NO. 2240 CONCERNING INSTRUCTIONAL MATERIALS," was jointly offered by

Representatives McDermott, Rath, Leong and Ontai.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO ALLOW THE STATES TO MAKE CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT A "PORTABLE" BENEFIT BY HAVING FEDERAL FUNDS "FOLLOW THE CHILD", RATHER THAN TARGET SCHOOLS AND COMMUNITIES WITH THE GREATEST NEED," was offered by Representative McDermott.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO "BLOCK GRANT" CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT INTO A SINGLE FEDERAL GRANT PROGRAM WITH THE GOAL OF HELPING CHILDREN OVERCOME POVERTY'S NEGATIVE IMPACT ON THEIR SCHOOL ACHIEVEMENT," was offered by Representative McDermott.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE KAMEHAMEHA HIGHWAY BEAUTIFICATION PROJECT," was jointly offered by Representatives McDermott, B. Oshiro, Case, Fox, Ontai and Marumoto.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE THE MOST EFFECTIVE RESEARCH-BASED READING INSTRUCTION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THIRD GRADE," was jointly offered by Representatives McDermott, B. Oshiro, Moses, Hale, Leong, Case, Fox, Bukoski and Marumoto.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF AGRICULTURE AND LAND AND NATURAL RESOURCES TO ADDRESS THE DISREPAIR OF KAILUA RESERVOIR," was jointly offered by Representatives Gomes, Kanoho and Abinsay.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO STUDY THE DEPARTMENT OF LAND AND NATURAL RESOURCES' FAILURE TO DETERMINE THE FAIR MARKET RENTAL OF LEASES DURING SCHEDULED REOPENING PERIODS IN A TIMELY MANNER AND THE RETROACTIVE RAISING OF LEASE RENTS RESULTING FROM SUCH FAILURE," was jointly offered by Representatives Gomes, Abinsay and Kanoho.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A STUDY OF LEASE APPRAISAL PRACTICES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Gomes, Kanoho and Abinsay.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was jointly offered by Representatives Garcia, Espero, Ahu Isa, Djou, Moses, Nakasone, Saiki, Rath, Hamakawa and Souki.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PACIFIC BASIN ECONOMIC COUNCIL AND ENCOURAGING EFFORTS TO HOLD THE 34<sup>TH</sup> INTERNATIONAL GENERAL MEETING IN HAWAII," was offered by Representative Ahu Isa.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF THE HAWAII TOURISM AUTHORITY IN THE PURSUIT OF ITS TOURISM STRATEGIC PLAN, KE KUMU, AND ENCOURAGING THE HAWAII TOURISM AUTHORITY TO CONTINUE ITS EFFORTS TO STRENGTHEN THE TOURISM COMPONENT OF HAWAII'S ECONOMY," was offered by Representative Ahu Isa.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF SAME-DAY VOTER REGISTRATION IN HAWAII," was jointly offered by Representatives Espero, B. Oshiro, McDermott, Kanoho, Rath, Lee, Magaoay, Cabrerros, Hale and Schatz.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO ALLOW THE PUBLIC TO USE NON-MOTORIZED WATERCRAFT ON A PORTION OF THE WEST LOCH OF PEARL HARBOR," was jointly offered by Representatives Espero, Garcia, Takumi and Moses.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT ON THE FEASIBILITY OF MERGING ALL FUNCTIONS RELATED TO AQUACULTURE UNDER A SINGLE DEPARTMENT," was jointly offered by Representatives Espero, Cabrerros, Case, Takai, Abinsay, Magaoay, Hale and Kanoho.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXAMINE THE FEASIBILITY OF USING STATE HIGHWAY REVENUE BONDS TO FINANCE THE PLANNING, DESIGN, AND CONSTRUCTION OF EITHER AN OVERSEAS BRIDGE OR AN UNDERSEA TUNNEL FROM IROQUOIS POINT TO HICKAM AIRFORCE BASE, IN ORDER TO LINK KALAELOA, KAPOLEI, EWA, AND EWA BEACH TO HONOLULU," was jointly offered by Representatives Espero, Garcia, Takumi and Moses.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO EXAMINE ISSUES RELATED TO CRUISE SHIPS," was jointly offered by Representatives Morita, B. Oshiro, Hale, Takumi and Jaffe.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII," was jointly offered by Representatives Morita, Lee, B. Oshiro, Jaffe, Schatz and Saiki.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT," was jointly offered by Representatives Morita, B. Oshiro, Lee, Hale and Takumi.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO COME UP WITH RECOMMENDATIONS TO MODIFY THE MAKE-UP OF ITS BOARD TO INCLUDE MORE PRIVATE SECTOR PARTICIPATION," was jointly offered by Representatives Morita, B. Oshiro, Kanoho, Hale, Takumi, Jaffe and Ahu Isa.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PROJECT KA HALE PONO'S PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR A PARCEL OF LAND TO BUILD A YOUTH CENTER," was introduced by Representatives Morita, Kanoho, Kawakami, Ahu Isa and Kahikina.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO FORMULATE AN OBJECTIVE METHODOLOGY THAT THE LEGISLATURE MAY USE TO REVIEW THE JUSTIFICATION FOR EXISTING GENERAL EXCISE TAX EXEMPTIONS," was jointly offered by Representatives Say, Luke, M. Oshiro, Lee, Garcia, Saiki, Nakasone and Schatz.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF FEDERALLY MANDATED STATE PROGRAMS," was offered by Representative Saiki.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE COMPTROLLER AND THE STATE FOUNDATION ON CULTURE AND THE ARTS TO USE MONEYS IN THE WORKS OF ART SPECIAL FUND TO ACQUIRE OUTDOOR SCULPTURES THAT CAN BE USED AS PLAYGROUND EQUIPMENT FOR ELEMENTARY SCHOOL STUDENTS," was jointly offered by Representatives Takumi, Chang and Takai.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF A STATE PHARMACEUTICAL ASSISTANCE PROGRAM," was offered by Representative Takumi.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO FULLY FUND INDIVIDUALS WITH DISABILITIES EDUCATION ACT," was jointly offered by Representatives Meyer, Djou, Auwae, McDermott, Jaffe and Rath.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A STUDY OF THE PROBLEM OF VEHICLE EMISSIONS AND REMOTE SENSING DEVICES AND TAX CREDITS AS SOLUTIONS," was jointly offered by Representatives Meyer, B. Oshiro, Gomes, Kanoho and Auwae.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO STUDY HOW TO ENSURE EQUALITY IN THE AMOUNT OF THE EMPLOYER'S SHARE OF PREPAID HEALTH CARE PREMIUMS BETWEEN THE PUBLIC AND PRIVATE SECTORS," was jointly offered by Representatives Meyer, Moses, Djou, B. Oshiro, Gomes, Kanoho, Auwae, Rath and McDermott.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY AND PLAN FOR A DEMONSTRATION PROJECT, WORKSHOP, AND COMMUNITY OUTREACH AND EDUCATION PROGRAM ON INVASIVE MACROALGAE IN THE STATE," was jointly offered by Representatives Meyer, Kanoho, B. Oshiro, Gomes, Thielen, Moses and Auwae.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF

HAWAII TO STUDY WHETHER RESEARCH ACTIVITIES AT THE HAWAII INSTITUTE OF MARINE BIOLOGY THREATEN THE ENVIRONMENT OF KANEOHE BAY," was jointly offered by Representatives Meyer, Moses, Auwae, B. Oshiro, Gomes and Kanoho.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A MAKUA VALLEY TASK FORCE," was jointly offered by Representatives Auwae, Kahikina, Garcia, Jaffe, Marumoto, Djou, Meyer, Kanoho, Ontai, Davis, Rath, Fox, Moses, Stonebraker and McDermott.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF VOTING VIA THE INTERNET," was jointly offered by Representatives Schatz, Arakaki, B. Oshiro, Espero, Kanoho, Yonamine, Takumi, Hamakawa, Hale, Souki and Luke.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF ELECTION OFFICER TO CONVENE AN ELECTIONS PARTICIPATION TASK FORCE TO PROPOSE A PLAN TO INCREASE PARTICIPATION IN ELECTIONS, TARGETING BOTH REGISTERED VOTERS WHO DO NOT VOTE AND ELIGIBLE VOTERS WHO ARE NOT REGISTERED," was offered by Representative Schatz.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION PRESERVING THE COMPETITIVENESS AND HEALTH OF HAWAII'S LARGEST INDUSTRY," was offered by Representative Ahu Isa.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF HAWAII AGREE TO A MORATORIUM ON FLUORIDATION LEGISLATION UNTIL SUCH A TIME AS THE ISSUE OF FLUORIDATION, WHICH IS CURRENTLY UNDER INVESTIGATION BY CONGRESS, SHOULD BE DEBATED BY THE CONGRESS OF THE UNITED STATES AND/OR LITIGATED IN THE UNITED STATES SUPREME COURT, AND THOSE FINDINGS ARE PUBLISHED," was jointly offered by Representatives Stonebraker, Auwae, McDermott and Ontai.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REDUCTION OF THE TIMELINE FOR THE KALANIANA'OLE HIGHWAY WATER MAINS INSTALLATION AND IMPROVEMENT PROJECT," was jointly offered by Representatives Stonebraker, Auwae, Davis, Marumoto and Ontai.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF HAWAII AGREE TO FACILITATE PARTNERSHIPS BETWEEN FAITH-BASED ORGANIZATIONS AND GOVERNMENT TO TACKLE SOCIAL PROBLEMS," was jointly offered by Representatives Stonebraker, Auwae, Davis, Ontai, McDermott, Ahu Isa, Kanoho, Kahikina and Magaoay.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE CONTINUING VIOLENCE IN SUDAN," was jointly offered by Representatives Stonebraker, McDermott, Ahu Isa, Kanoho, Magaoay and Kahikina.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL

AND THE COUNTY POLICE DEPARTMENTS TO WORK TOGETHER TO IMPLEMENT THE "WATCH YOUR CARS" PROGRAM," was jointly offered by Representatives Chang, Moses, Fox, Djou, Morita, Ontai, Whalen, Auwae, Gomes, Marumoto, Souki and Kanoho.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE ACTIVITIES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF STATE PARKS WITH RESPECT TO THE AHUPUA'A 'O KAHANA STATE PARK," was offered by Representative Meyer.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADOPT A PRACTICE OR RULES CALLING FOR THE INCLUSION OF EARLY COMPLETION INCENTIVES IN MAJOR CONSTRUCTION PROJECTS WHICH IMPEDE TRAFFIC FLOW AND REDUCE CAPACITY ON MAJOR THOROUGHFARES FOR AN EXTENDED PERIOD OF TIME," was jointly offered by Representatives Marumoto, Moses, Yoshinaga, Espero, Souki, Halford and Djou.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO CONVENE A COMMITTEE TO DESIGNATE OFFICIAL SYMBOLS OF THE STATE OF HAWAII," was jointly offered by Representatives Marumoto, Halford, Cabrerros, Ahu Isa, Ontai, Abinsay, Magaoay, Chang, Davis.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY RELATING TO THE ESTABLISHMENT OF AN ELECTED STATE COMPTROLLER," was jointly offered by Representatives Marumoto, Davis, Ontai, Djou, Halford, Hiraki, Morita and Cabrerros.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO REPORT TO THE LEGISLATURE ON THE FEASIBILITY OF ENTERING INTO A RECIPROCAL INCOME TAX AGREEMENT WITH THE STATE OF CALIFORNIA," was offered by Representative Luke.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT PREVENTING THE FEDERAL COURTS FROM LEVYING TAXES AGAINST THE STATES," was offered by Representative Luke.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE," was offered by Representative Luke.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENTS OF HEALTH, AGRICULTURE, AND EDUCATION TO FURTHER ENCOURAGE CONSUMPTION OF FIVE OR MORE DAILY SERVINGS OF FRUITS AND VEGETABLES," was jointly offered by Representatives Lee, Morita, Kahikina, Thielen, Cabrerros, B. Oshiro, Arakaki, Takai, Case, Saiki, M. Oshiro, Hiraki, Hale, Takumi, Ito and Abinsay.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT

RESOLUTION URGING THE STATE DEPARTMENTS OF HEALTH, AGRICULTURE, AND EDUCATION, AND THE HAWAII SCHOOL FOOD SERVICE TO DEVELOP NUTRITIONALLY SOUND MENU PLANS THAT WILL PROVIDE OPTIONAL VEGETARIAN SCHOOL LUNCHES," was jointly offered by Representatives Lee, Thielen, M. Oshiro, B. Oshiro, Takai, Morita, Kahikina, Cabrerros, Arakaki, Ito, Schatz, Case, Garcia, Espero, Abinsay, Saiki, Hiraki and Takumi.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPLICATIONS OF EXCLUDING PRINCIPALS FROM COLLECTIVE BARGAINING," was jointly offered by Representatives Ito, Takai and Case.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A WORKING GROUP BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE EAGLE PROGRAM FOR FIREARM SAFETY," was jointly offered by Representatives Ito, Takumi, Schatz, Abinsay, Ontai, McDermott, Takai and Stonebraker.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FUNDING AND REGULATION OF NEW CENTURY CHARTER SCHOOLS," was offered by Representative Ito.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPLICATIONS OF ESTABLISHING LOCAL BOARDS OF EDUCATION ALONG COUNTY BOUNDARIES," was offered by Representative Ito.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SOLUTION TO INCREASE THE RECYCLING RATES OF BEVERAGE CONTAINERS," was jointly offered by Representatives Morita, Schatz, B. Oshiro and Hale.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PLACE ANKLE BRACELET MONITORS ON DOMESTIC VIOLENCE OFFENDERS WITH RESTRAINING ORDERS AS A PAROLE REQUIREMENT," was jointly offered by Representatives Pendleton, Thielen, Fox, Djou, Bukoski, Marumoto, Leong, Davis, Rath, Jaffe, Gomes, Meyer, Whalen, Stonebraker, Ontai and Auwae.

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A COMMUNITY-BASED HAZARDOUS MATERIAL EXPOSURE RESPONSE PLAN," was jointly offered by Representatives B. Oshiro, Takai and McDermott.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY COMPENSATION OF LICENSED ATTORNEYS EMPLOYED BY THE STATE OF HAWAII," was offered by Representative B. Oshiro.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE KAMEHAMEHA SCHOOLS TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A RESOURCE CENTER FOR STUDENTS, PARENTS AND TEACHERS ON THE ISLAND OF KAUAI,"

was jointly offered by Representatives Kawakami, Morita and Kanoho.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE CONTINUANCE OF THE 21ST CENTURY GRANTS," was offered by Representative Kahikina.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD AND DEPARTMENT OF EDUCATION TO REEVALUATE READING GOALS FOR STUDENTS IN HAWAII'S PUBLIC SCHOOLS AND INCREASE SYSTEM ACCOUNTABILITY FOR ATTAINING THOSE GOALS," was jointly offered by Representatives Arakaki, Ito, Kahikina, Abinsay, Ahu Isa, Takai, Cabreros, Fox, Lee, McDermott, Auwae, Ontai and Garcia.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO ENGAGE IN A COMPREHENSIVE REVIEW OF THE ISSUES, AND THE DIFFERING VIEWPOINTS, CONCERNING THE AGE OF CONSENT FOR CONSENSUAL SEX CONDUCT," was jointly offered by Representatives Arakaki, Morita, Ahu Isa, Espero, Lee and B. Oshiro.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND, THE DEPARTMENT OF HUMAN SERVICES, AND THE INSURANCE COMMISSIONER TO DETERMINE THE FEASIBILITY OF COMBINING THE TWO STATE HEALTH INSURANCE PROGRAMS FOR THE PURPOSE OF LOWERING HEALTH CARE COSTS OR PROVIDING GREATER BENEFITS FOR INDIVIDUALS IN THESE PROGRAMS," was jointly offered by Representatives Arakaki, Takai, Kahikina, Lee, McDermott, Abinsay, Ito, Kawakami, Schatz and Souki.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF WHETHER COMPETENCY IN CHELATION THERAPY SHOULD BE REQUIRED AS A CONDITION OF PHYSICIAN LICENSURE," was jointly offered by Representatives Arakaki, Kahikina, Takai, Auwae, McDermott, Abinsay, Ito, Kawakami, Souki and Schatz.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF EDUCATION TO EXAMINE THE PROBLEM OF CHILDHOOD OBESITY AND TO RECOMMEND STRATEGIES TO ADDRESS THIS PROBLEM," was jointly offered by Representatives Arakaki, Lee, McDermott, Takai, Abinsay, Ito, Kawakami, Kahikina, Souki and Schatz.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO REVIEW FEDERAL EMPLOYER-EMPLOYEE LAWS AND PRACTICES AS A MODEL FOR FURTHER CIVIL SERVICE REFORM IN HAWAII," was jointly offered by Representatives Arakaki, Takai, Kahikina, McDermott, Abinsay, Ito, Kawakami, Souki, Schatz and Lee.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO COLLABORATE WITH MAJOR HEALTH INSURANCE PLANS IN THE STATE TO UNDERTAKE A COST-BENEFIT ANALYSIS OF ROUTINE INFANT CIRCUMCISION," was jointly offered by Representatives

Kanoho, Kahikina, M. Oshiro, Takumi and Arakaki, by request.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SOCIALLY RESPONSIBLE INVESTMENT," was jointly offered by Representatives Arakaki, Kahikina, Kawakami, Morita and Ahu Isa.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUING OF CHARTERS TO OPERATE NEW CENTURY CHARTER SCHOOLS," was jointly offered by Representatives Takai, Arakaki, Kahikina, Ito and Morita.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO RECOMMEND POLICY ELEMENTS NEEDED TO IMPLEMENT A SYSTEM WHEREBY PERSONS WITH LIMITED ENGLISH PROFICIENCY CAN ACCESS GOVERNMENT SERVICES, ACTIVITIES, AND PROGRAMS," was jointly offered by Representatives Takai, Arakaki, Kahikina, Ito, Morita and Fox.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE SELECTION OF KAHI MOHALA AS A JUVENILE SEX OFFENDER TREATMENT FACILITY," was jointly offered by Representatives Arakaki, Kahikina and Takai.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAINTAIN THE CRISIS SHELTER AND CRISIS TEAM ON THE GROUNDS OF THE OLD WAIMANO HOME INDEFINITELY," was jointly offered by Representatives Arakaki, Ito, Takai, Takumi, McDermott, Lee, Yonamine, Kahikina, Stonebraker and Auwae.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A DEFINITIVE STUDY ON THE EFFECTIVENESS OF FLUORIDATION THAT ALSO ADDRESSES CONCERNS RELATING TO THE HEALTH AND SAFETY OF FLUORIDATING HAWAII'S DRINKING WATER," was jointly offered by Representatives Arakaki, Takai, Kahikina, Morita, Fox, Lee and Espero.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE REVENUES REQUIRED TO MEET ITS OBLIGATIONS FOR ALL HARBORS, WHARVES, AND ITS OTHER PROPERTIES, AND TO ADJUST WHARFAGE RATES WHEREBY THE SAME WHARFAGE RATES WILL APPLY TO INTERISLAND AND INTRAISLAND CARGOES THAT CROSS OVER WHARVES THE SAME NUMBER OF TIMES," was offered by Representative Souki.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM OF HAWAII TO STUDY CURRENT PENSION BENEFITS OFFERED TO PUBLIC SECTOR EMPLOYEES AND MAKE RECOMMENDATIONS TO MODIFY SUCH BENEFITS INCLUDING THE ADDITION OF AN ALTERNATIVE DEFINED CONTRIBUTION PENSION PLAN," was offered by Representative Souki.

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYER-UNION TRUST COMMITTEE TO STUDY AND REPORT ON ISSUES RELATED TO CHANGING THE PUBLIC EMPLOYEES HEALTH FUND TO AN EMPLOYER-UNION



TRUST," was offered by Representative Yoshinaga.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO ADDRESS THE GROWING PROBLEM OF VIOLENCE IN THE WORKPLACE," was offered by Representative Yoshinaga.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE PRESIDENT AND MEMBERS OF CONGRESS TO STUDY THE TRANSFER OF AUTHORITY RELATED TO NONIMMIGRANT VISAS AND THE VISA WAIVER PILOT PROGRAM FROM THE DEPARTMENT OF STATE TO THE DEPARTMENT OF COMMERCE," was jointly offered by Representatives Fox, Moses, Djou, Ontai, Auwae, Jaffe, Gomes, Marumoto, McDermott, Meyer and Davis.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE TO ENFORCE VOTER FRAUD LAWS WHEN COMMITTED BY RESIDENT ALIENS WHO VOTE," was jointly offered by Representatives Fox, Meyer, Djou, Whalen, Davis and Gomes.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DELAY IN CLOSING THE HAWAII LONGLINE FISHERY ON MARCH 15, 2001, TO ENABLE THE ESTABLISHMENT OF AN EXPERIMENTAL SWORD FISHERY TO ADOPT ALTERNATIVE TURTLE MITIGATION MEASURES AND AVOID ADVERSE ECONOMIC IMPACT," was offered by Representative Kanoho.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE KEEHI SMALL BOAT HARBOR AND OTHER ADJACENT LANDS TO A PRIVATE DEVELOPER FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, RESEARCH, AND LIGHT INDUSTRIAL PURPOSES," was offered by Representative Kanoho.

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE GOVERNOR'S PLAN TO CONSIDER KALAELOA AS AN ALTERNATE SITE FOR THE UNIVERSITY OF HAWAII-WEST OAHU CAMPUS," was offered by Representative Kanoho.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FURTHER ACTION ON THE DESIGNATION OF A STATE RECREATIONAL AND HISTORIC PARK AND NATURE RESERVE AT KAPUA, HONOMALINO, OKOE, KAULANAMAUNA, AND MANUKA DISTRICTS IN SOUTH KONA AND KA'U, ISLAND OF HAWAII," was jointly offered by Representative Hamakawa.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO STUDY THE FEASIBILITY OF ESTABLISHING AN EDUCATION AND RESEARCH CENTER OF THE UNIVERSITY OF HAWAII AT HILO TO BE LOCATED IN HONOKAA, HAWAII," was jointly offered by Representatives Takamine and Hamakawa.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION URGING GARY RODRIGUES TO TEMPORARILY REMOVE HIMSELF FROM THE JUDICIAL SELECTION COMMISSION," was jointly offered by Representatives Fox, Whalen, Djou, Leong, Meyer, Moses, Rath, Auwae, McDermott, Marumoto, Jaffe, Davis, Ontai,

Gomes, Stonebraker, Halford and Pendleton.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO REVIEW THE FEASIBILITY OF ELIMINATING THE STATE INCOME TAX AND INCREASING THE GENERAL EXCISE TAX," was jointly offered by Representatives Ahu Isa, Arakaki and Kahikina.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO ESTABLISH A MEDICAL FEE ADVISORY COUNCIL," was offered by Representative Yoshinaga.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO DESIGN AND IMPLEMENT A PLAN TO MAKE THE CAPITOL BUILDING SAFER FOR VISITORS AND CAPITOL EMPLOYEES," was offered by Representative Gomes.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO MAKE THE CAPITOL MORE USER-FRIENDLY AND BEAUTIFUL," was offered by Representative Gomes.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE FUNDS FOR ANOTHER LIFEGUARD AT WAIMANALO BEACH," was offered by Representative Gomes.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO APPROPRIATE FUNDS FOR A FULL-TIME TEMPORARY EXEMPT POSITION FOR THE WOMEN'S COMMUNITY CORRECTIONAL CENTER IN KAILUA TO SUPERVISE INMATES AND WORKERS IN WCCC'S NURSERY AND BUILDING MAINTENANCE PROGRAM," was offered by Representative Gomes.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO DEVELOP STRATEGIES TO MEET THE ORAL HEALTH CARE NEEDS OF UNDERSERVED AREAS AND UNDERSERVED POPULATIONS, ESPECIALLY CHILDREN," was jointly offered by Representatives Arakaki, Kahikina, Ito and Morita.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN RESOURCES DEVELOPMENT TO CONVENE A TEMPORARY TASK FORCE TO PROPOSE CHANGES TO THE COLLECTIVE BARGAINING AND BUDGET LAWS," was offered by Representative Yoshinaga.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT AND ANALYSIS OF THE BENEFITS PROVIDED BY HAWAII PUBLIC EMPLOYEES HEALTH FUND," was offered by Representative Yoshinaga.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF COMPENSATION AND BENEFITS ANALYSES TO ASSIST IN RECRUITING AND RETAINING HIGHLY QUALIFIED STATE EMPLOYEES," was offered by Representative Yoshinaga.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT

RESOLUTION CALLING FOR THE VOLUNTARY REDUCTION OF THE USE OF PESTICIDES, HERBICIDES, AND INSECTICIDES IN THE STATE OF HAWAII AND THE INTRODUCTION OF AN INTEGRATED PESTICIDE MANAGEMENT PROGRAM WHEREVER POSSIBLE," was offered by Representative Yoshinaga.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE LABELING OF GENETICALLY ENGINEERED FOODS PRODUCED AND SOLD IN HAWAII," was offered by Representative Yoshinaga.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAIIAN HUMANE SOCIETY TO NEUTER, SPAY, AND TAG ALL DOGS, CATS, AND OTHER ANIMALS BROUGHT INTO THE STATE AS PETS," was offered by Representative Yoshinaga.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A ONE YEAR BLUE RIBBON COMMISSION TO REVIEW AND EVALUATE PENSION AND RETIREMENT BENEFITS FOR ALL MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM," was offered by Representative Yoshinaga.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE REPORTING OF ALL ONGOING AND PLANNED WORK WITH GENETIC ENGINEERING IN THE STATE OF HAWAII," was offered by Representative Yoshinaga.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION HONORING RICHARD "BUFFALO" KALOLO'O'KALANI KEAULANA AS AN AMBASSADOR OF SURFING," was jointly offered by Representatives Kahikina and Ito.

#### **ADJOURNMENT**

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon, Thursday, March 15, 2001.



## THIRTY-THIRD DAY

Thursday, March 15, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:15 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered in song by Representative Kahikina, after which the Roll was called showing all members present with the exception of Representatives Ito, Rath, Souki, Takai, Whalen and Yoshinaga, who were excused.

On motion by Representative Lee, seconded by Representative Pendleton and carried, reading of the Journals was dispensed with and the Journals of the Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second and Twenty-Third Days were approved. (Representatives Rath, Souki, Takai and Whalen were excused.)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 169 through 172) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 169, transmitting the 2000 State Energy Resources Coordinator's Annual Report, pursuant to Section 196-4(11), Hawaii Revised Statutes.

Gov. Msg. No. 170, transmitting the Hawaii Paroling Authority's Annual Report for Fiscal Year Ending June 30, 2000.

Gov. Msg. No. 171, transmitting the 2000 Annual Report prepared by the non-government members of the Marine and Coastal Zone Management Advisory Group (MACZMAG) pursuant to Section 205A 3.5, Hawaii Revised Statutes and Section 3 of Act 104, SLH 1995.

Gov. Msg. No. 172, transmitting the first report of the Small Business Regulatory Review Board prepared by the Business Support Division of the Department of Business, Economic Development, and Tourism pursuant to Act 168, SLH 1998.

## INTRODUCTIONS

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

Representative Hamakawa introduced Fifth grade students from Waieka Waena Elementary School and their teachers Ms. Joann Ikemori; and Ms. Charlene Miyashiro. Also introduced were Ms. Netlie Yokoyama; Mrs. Angella Brandt; Ms. Sandy Machado; Ms. Carol Takamura; Ms. Jewel Castro; Ms. Naomi Ashman and Mr. Roy Fujimoto of the Big Island Association of Student Councils.

Representative Jaffe introduced members of the Taiko Center of the Pacific who were seated in the gallery.

Representative McDermott introduced his constituent Mr. Ed Wake.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 68 through 91) and concurrent resolutions (H.C.R. Nos. 71 through 96) were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
68	Committee on Health, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
69	Committee on Transportation, then to the Committee on Finance
70	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
71	Jointly to the Committee on Human Services and Housing and the Committee on Legislative Management, then to the Committee on Finance
72	Committee on Health, then to the Committee on Finance
73	Jointly to the Committee on Health and the Committee on Human Services and Housing and the Committee on Public Safety and Military Affairs, then to the Committee on Finance
74	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
75	Committee on Judiciary and Hawaiian Affairs
76	Committee on Human Services and Housing, then to the Committee on Finance
77	Committee on Economic Development and Business Concerns, then to the Committee on Finance
78	Committee on Public Safety and Military Affairs
79	Committee on Finance
80	Committee on Human Services and Housing, then to the Committee on Finance
81	Committee on Finance
82	Committee on Agriculture
83	Committee on Tourism and Culture, then to the Committee on Finance
84	Committee on Tourism and Culture, then to the Committee on Finance
85	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture, then to the

	Committee on Finance
87	Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance
88	Committee on Transportation, then to the Committee on Finance
89	Committee on Water and Land Use
90	Committee on Water and Land Use, then to the Committee on Finance
91	Committee on Water and Land Use, then to the Committee on Finance

**H.C.R.**  
**Nos.**

**Referred to:**

71	Committee on Human Services and Housing, then to the Committee on Finance
72	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Legislative Management, then to the Committee on Finance
73	Committee on Health, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs
74	Committee on Transportation, then to the Committee on Finance
75	Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
76	Jointly to the Committee on Human Services and Housing and the Committee on Legislative Management, then to the Committee on Finance
77	Committee on Health, then to the Committee on Finance
78	Jointly to the Committee on Health and the Committee on Human Services and Housing and the Committee on Public Safety and Military Affairs, then to the Committee on Finance
79	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
80	Committee on Health, then to the Committee on Labor and Public Employment, then to the Committee on Finance
81	Committee on Judiciary and Hawaiian Affairs
82	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
83	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
84	Committee on Education, then to the Committee on

Finance

85	Committee on Transportation, then to the Committee on Labor and Public Employment, then to the Committee on Finance
86	Committee on Human Services and Housing, then to the Committee on Finance
87	Committee on Agriculture
88	Committee on Tourism and Culture, then to the Committee on Finance
89	Committee on Tourism and Culture, then to the Committee on Finance
90	Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture, then to the Committee on Finance
91	Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance
92	Committee on Transportation, then to the Committee on Finance
93	Committee on Water and Land Use
94	Committee on Water and Land Use, then to the Committee on Finance
95	Committee on Water and Land Use, then to the Committee on Finance
96	Committee on Economic Development and Business Concerns, then to the Committee on Finance

**COMMITTEE REASSIGNMENTS**

The following Senate bills were re-referred to committee by the Speaker.

**S.B.**  
**Nos.**

**Re-referred to:**

210	Committee on Transportation, then to the Committee on Consumer Protection and Commerce
216	Jointly to the Committee on Water and Land Use and the Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs
540	Committee on Finance
545	Committee on Finance
549	Committee on Finance
588	Committee on Finance
838	Committee on Finance
995	Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs
1122	Committee on Health, then to the Committee on

	Finance
1242	Committee on Finance
1262	Committee on Finance
1405	Committee on Finance
1500	Committee on Transportation, then to the Committee on Finance

### INTRODUCTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 171) was received and announced by the Clerk and the following action taken:

H.R. No. 171, entitled: "HOUSE RESOLUTION ON PRAISING TAIKO MASTER KENNY ENDO ON HIS CONTRIBUTIONS TO MUTUAL UNDERSTANDING BETWEEN EAST AND WEST," was offered by Representative Jaffe.

On motion by Representative Jaffe, seconded by Representative Saiki and carried, H.R. No. 171 was adopted with Representatives Case, Kahikina, Rath, Takai and Whalen being excused.

Representative Jaffe introduced the honoree and his family who were seated on the House floor:

Mr. Kenny Endo, taiko drum master and leader of the Kenny Endo Taiko Ensemble;

Mrs. Chizuko Endo, wife of the honoree; and

Mr. Miles Endo and Mr. Zenya Endo, sons of the honoree.

At 12:32 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 875) recommending that S.B. No. 1108, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1108, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FUNERAL ASSISTANCE PAYMENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Bukoski, Case, Hiraki, Pendleton, Rath, Takai, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 876) recommending that S.B. No. 1111, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee

was adopted and S.B. No. 1111, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REIMBURSEMENT FOR NONINSTITUTIONAL PROVIDERS OF MEDICAL CARE FOR SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Bukoski, Case, Hiraki, Pendleton, Rath, Takai, Whalen and Yonamine being excused.

### INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 172) and concurrent resolution (H.C.R. No. 204) were received by the Clerk and further action was deferred:

H.R. No. 172, entitled: "HOUSE RESOLUTION COMMENDING HOUSE TECHNICAL SUPPORT SERVICES AND SENATE DATA SYSTEMS FOR THEIR OUTSTANDING COLLABORATIVE EFFORTS IN DEVELOPING THE "ECLIPSE" LEGISLATIVE COMPUTER SYSTEM," was offered by Representative Schatz.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING HOUSE TECHNICAL SUPPORT SERVICES AND SENATE DATA SYSTEMS FOR THEIR OUTSTANDING COLLABORATIVE EFFORTS IN DEVELOPING THE "ECLIPSE" LEGISLATIVE COMPUTER SYSTEM," was offered by Representative Schatz.

### ANNOUNCEMENTS

Representative Garcia: "Your Committee on Public Safety and Military Affairs will be reconvening immediately following today's session in room 309."

Representative Cabrerros: "Today the Committee Advisory Group, CAG of the Hawaii Farm Bureau Federation is hosting the Third Annual Agricultural Day at the State Capitol from noon until 3 p.m. on the Fourth Floor."

Representative Fox: "There will be a Republican Caucus right after the conclusion of session. Thank you."

### ADJOURNMENT

At 1:03 o'clock p.m., on motion by Representative Lee, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 16, 2001. (Representatives Ahu Isa, Bukoski, Case, Hiraki, Pendleton, Rath, Takai, Yonamine and Whalen were excused.)

## THIRTY-FOURTH DAY

Friday, March 16, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:14 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Associate Pastor Ian McKnight of the Hawaii Kai Christian Church, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Fox, Hiraki, McDermott, Morita, Rath, Takai, Takamine, Whalen and Yoshinaga, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 173 and 174) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 173, transmitting the Research Corporation of the University of Hawaii's 2000 Annual Report, as mandated by Section 307-6, Hawaii Revised Statutes.

Gov. Msg. No. 174, transmitting the Hawaii Performance Partnerships Board Report for 2000, pursuant to Act 160, Part IV, Session Laws of Hawaii 1999.

## INTRODUCTIONS

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

Representative Pendleton introduced his legislative staff members, Mr. Scott Rosen; Ms. Amber Porter; Mr. Justin Bagnol; and Mr. Mike Souza.

Representative Ahu Isa introduced Mr. Andrew Poepoe, U.S. Small Business Administration Director; Ms. Jane Sawyer; and Ms. Doreen Ezuka.

Representative Lee introduced on behalf of Representative Garcia, Espero, Takumi and herself, Mr. Mike Conroy, member of the Waipahu Neighborhood Board 22.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

**S.B.****Nos.****Re-referred to:**

498	Committee on Finance
638	Committee on Finance
836	Committee on Finance
877	Committee on Finance
995	Committee on Judiciary and Hawaiian Affairs

1011	Committee on Finance
1203	Committee on Transportation, then to the Committee on Finance
1227	Committee on Finance
1314	Committee on Economic Development and Business Concerns, then to the Committee on Finance
1356	Committee on Finance
1390	Committee on Consumer Protection and Commerce
1401	Committee on Finance
1501	Committee on Water and Land Use, then to the Committee on Finance

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 173) was received and announced by the Clerk and the following action taken:

H.R. No. 173, entitled: "HOUSE RESOLUTION COMMENDING HAWAII'S 2001 SMALL BUSINESS AWARD WINNERS FOR THEIR ENTREPRENEURSHIP, BUSINESS ACHIEVEMENTS, AND CONTRIBUTIONS TO THE COMMUNITY," was jointly offered by Representatives Ahu Isa, Morita, Magaoay, Kanoho, Ito, Souki, Yonamine, M. Oshiro, Suzuki, McDermott, Chang, Rath, Espero, Ontai, Pendleton and Cabrerros.

On motion by Representative Ahu Isa, seconded by Representative Magaoay and carried, H.R. No. 173 was adopted with Representatives Arakaki, Chang, Fox, Kanoho, McDermott, Morita, Nakasone, Rath, Takai, Whalen and Yoshinaga were excused.

Representative Ahu Isa and Representative Magaoay introduced the Hawaii Small Business Administration's 2001 Award recipients who were seated on the House floor:

Small Business Person of the Year  
Mr. Jeffrey Phillip Bloom, The Computer Training Academy;

Small Business Exporter of the Year  
Ms. Elvira Lo, Elvira Chocolate;

Small Business Young Entrepreneur of the Year  
Mr. Yates T. Honma, Wholesale Unlimited Express;

Accountant Advocate of the Year  
Mr. Peter A. Matsumoto, Century Small Business Solutions;

Financial Services Advocate of the Year  
Ms. Kelly Walsh, Bank of Hawaii;

Minority Small Business Advocate of the Year  
Dr. Robert Chase, Small Business Development Center Network;

Small Business Journalist of the Year

Ms. Gina Mangieri, Pacific Business News; and  
 Women in Business Advocate of the Year  
 Ms. Leslie R. Wilkins, Maui Economic Development  
 Board.

The following recipient was also recognized but was not in attendance:

Entrepreneurial Success Award  
 Mr. James W. Wright, Property Merchants Inc.

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

The House of Representatives reconvened at 12:44 p.m.

### STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 877) recommending that S.B. No. 209, SD 2, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 209, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 878) recommending that S.B. No. 181, SD 3, as amended in HD 1 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 181, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 879) recommending that S.B. No. 720, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 720, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 880) recommending that S.B. No. 774, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 774, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," passed Second Reading and was referred to the Committee on Transportation, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 881) recommending that S.B. No. 1123, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1123, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 882) recommending that S.B. No. 1126, SD 1, pass Second Reading and be referred jointly to the Committees on Education and Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1126, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY," passed Second Reading and was referred jointly to the Committees on Education and Judiciary and Hawaiian Affairs, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a joint report (Stand. Com. Rep. No. 883) recommending that S.B. No. 1535, SD 2, pass Second Reading and be referred jointly to the Committees on Education and Higher Education.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1535, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred jointly to the Committees on Education and Higher Education, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 884) recommending that S.B. No. 1580, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1580, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott,

Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.

At 12:45 o'clock p.m., the Representative Stonebraker requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 p.m.

#### **LATE INTRODUCTION**

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

Representative Bukoski introduced his legislative "shadow" and daughter Ms. Deven Bukoski accompanied by Ms. Mona Kapaku, his Office Manager.

#### **ANNOUNCEMENT**

Representative Pendleton: "I just want to remind the Republican Caucus that we'll have a brief caucus immediately following session."

#### **ADJOURNMENT**

At 12:47 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, March 19, 2001. (Representatives Chang, Fox, Hiraki, Kahikina, Kawakami, Kanoho, McDermott, Morita, Rath, Suzuki, Takai, Whalen and Yoshinaga were excused.)

## THIRTY-FIFTH DAY

Monday, March 19, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:15 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Bertha C. Kawakami, after which the Roll was called showing all members present with the exception of Representatives Meyer and Whalen, who were excused.

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

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com No. 14) was received by the Clerk and was placed on file:

Dept. Com. No. 14, from Mr. Neal Miyahira, Director, Department of Budget and Finance, transmitting copies of the State of Hawaii Program Structure, supplementing the Program and Financial Plan and Executive Budget.

## INTRODUCTIONS

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

Representative Djou introduced students from the Windward Community College Political Science Leadership Development Class, Mr. Kapono Andermann; Mr. Bryan Gomet; Mr. James Soong; and Ms. Jennifer Furuyama, accompanied by their instructor, Mr. Jarren Uyehara.

Representative Magaoay introduced staff members of Waialua Elementary School, Ms. Carol Nishimoto; Ms. Sharon Nakagawa; and Ms. Debbie Yamaguchi. Also introduced were Representative Magaoay's legislative staff members, Mr. Larry Sagaysay; Ms. Imelda Andres; Ms. Florence Jefferson; Mr. Florencio Baguio Jr.; and the daughter of Mr. Larry Sagaysay, Ms. Trina Sagaysay;

Representative Takai introduced the following guests who seated in the gallery: Mr. James Miura; Ms. Janet Miura; Mr. Clark Hirota; Ms. Sharon Nakagawa; Ms. Debra Yamauchi; Mr. Alvin Miyashiro; Mr. Tom Jennings; Ms. Virginia Jennings; Mr. Randy Morehouse; Master Cameron Davids; Ms. Karen Jennings; and Ms. Shari Muir.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

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

758     Committee on Transportation, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

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

**H.R.**  
**Nos.**

**Referred to:**

- |     |  |
|-----|--|
| 94  | Jointly to the Committee on Agriculture and the Committee on Energy and Environmental Protection, then to the Committee on Finance                                 |
| 95  | Jointly to the Committee on Higher Education and the Committee on Economic Development and Business Concerns, then to the Committee on Finance                     |
| 96  | Committee on Education, then to the Committee on Finance   |
| 97  | Committee on Judiciary and Hawaiian Affairs  |
| 98  | Jointly to the Committee on Health and the Committee on Human Services and Housing   |
| 99  | Committee on Education, then to the Committee on Finance   |
| 100 | Committee on Education, then to the Committee on Finance   |
| 101 | Committee on Water and Land Use, then to the Committee on Finance  |
| 102 | Committee on Education, then to the Committee on Finance   |
| 103 | Committee on Education, then to the Committee on Finance   |
| 104 | Committee on Education, then to the Committee on Finance   |
| 105 | Committee on Transportation, then to the Committee on Finance  |
| 106 | Committee on Education, then to the Committee on Finance   |
| 107 | Jointly to the Committee on Agriculture and the Committee on Water and Land Use, then to the Committee on Finance  |
| 108 | Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Legislative Management, then to the Committee on Finance |
| 109 | Committee on Water and Land Use, then to the Committee on Legislative Management, then to the Committee on Finance   |
| 110 | Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance               |
| 111 | Committee on Human Services and Housing, then jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs     |



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|-----|---|-----|--|
| 112 | Committee on Economic Development and Business Concerns   | 133 | Committee on Judiciary and Hawaiian Affairs  |
| 113 | Jointly to the Committee on Tourism and Culture and the Committee on Economic Development and Business Concerns, then to the Committee on Finance   | 134 | Committee on Transportation, then to the Committee on Finance  |
| 114 | Jointly to the Committee on Tourism and Culture and the Committee on Energy and Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance               | 135 | Committee on Tourism and Culture   |
| 115 | Jointly to the Committee on Energy and Environmental Protection and the Committee on Higher Education, then to the Committee on Finance   | 136 | Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Legislative Management, then to the Committee on Finance             |
| 116 | Committee on Energy and Environmental Protection, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance   | 137 | Committee on Finance   |
| 117 | Committee on Energy and Environmental Protection  | 138 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 118 | Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs   | 139 | Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance                                 |
| 119 | Committee on Finance  | 140 | Committee on Legislative Management  |
| 120 | Committee on Finance  | 141 | Committee on Health, then to the Committee on Finance  |
| 121 | Committee on Tourism and Culture, then to the Committee on Finance  | 142 | Committee on Education, then to the Committee on Finance   |
| 122 | Committee on Education, then to the Committee on Finance  | 143 | Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance                                  |
| 123 | Committee on Energy and Environmental Protection, then to the Committee on Finance  | 144 | Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance                             |
| 124 | Committee on Health, then to the Committee on Labor and Public Employment, then to the Committee on Finance   | 145 | Committee on Energy and Environmental Protection   |
| 125 | Committee on Energy and Environmental Protection, then to the Committee on Finance  | 146 | Jointly to the Committee on Public Safety and Military Affairs and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance |
| 126 | Jointly to the Committee on Higher Education and the Committee on Energy and Environmental Protection, then to the Committee on Finance   | 147 | Committee on Education, then to the Committee on Finance   |
| 127 | Jointly to the Committee on Public Safety and Military Affairs and the Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance | 148 | Committee on Labor and Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance                          |
| 128 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance  | 149 | Committee on Energy and Environmental Protection, then to the Committee on Finance   |
| 129 | Committee on Tourism and Culture, then to the Committee on Finance  | 150 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 130 | Committee on Health   | 151 | Committee on Education, then to the Committee on Finance   |
| 131 | Committee on Transportation, then to the Committee on Finance   | 152 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance  |
| 132 | Jointly to the Committee on Human Services and Housing and the Committee on Health and the Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs                        | 153 | Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance                                  |
|     |   | 154 | Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance                                 |
|     |   | 155 | Committee on Health, then to the Committee on Finance  |

156	Committee on Finance	105	Committee on Water and Land Use, then to the Committee on Finance
157	Committee on Transportation, then to the Committee on Finance	106	Committee on Education, then to the Committee on Finance
158	Committee on Labor and Public Employment, then to the Committee on Finance	107	Committee on Education, then to the Committee on Finance
159	Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Legislative Management	108	Committee on Education, then to the Committee on Finance
160	Committee on Water and Land Use, then to the Committee on Finance	109	Committee on Transportation, then to the Committee on Finance
161	Committee on Higher Education, then to the Committee on Finance	110	Committee on Education, then to the Committee on Finance
162	Committee on Judiciary and Hawaiian Affairs	111	Jointly to the Committee on Agriculture and the Committee on Water and Land Use, then to the Committee on Finance
163	Committee on Finance	112	Jointly to the Committee on Water and Land Use and the Committee on Agriculture, then to the Committee on Legislative Management, then to the Committee on Finance
164	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Legislative Management, then to the Committee on Finance	113	Committee on Water and Land Use, then to the Committee on Legislative Management, then to the Committee on Finance
165	Committee on Legislative Management, then to the Committee on Finance	114	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance
166	Committee on Water and Land Use, then to the Committee on Finance	115	Committee on Economic Development and Business Concerns
167	Committee on Public Safety and Military Affairs, then to the Committee on Finance	116	Jointly to the Committee on Tourism and Culture and the Committee on Economic Development and Business Concerns, then to the Committee on Finance
168	Committee on Health, then to the Committee on Finance	117	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
169	Committee on Energy and Environmental Protection	118	Committee on Public Safety and Military Affairs
170	Committee on Consumer Protection and Commerce	119	Committee on Agriculture, then to the Committee on Finance
<b><u>H.C.R.</u></b>		120	Committee on Transportation, then to the Committee on Finance
<b><u>Nos.</u> Referred to:</b>		121	Jointly to the Committee on Tourism and Culture and the Committee on Energy and Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance
98	Jointly to the Committee on Agriculture and the Committee on Energy and Environmental Protection, then to the Committee on Finance	122	Jointly to the Committee on Energy and Environmental Protection and the Committee on Higher Education, then to the Committee on Finance
99	Jointly to the Committee on Higher Education and the Committee on Economic Development and Business Concerns, then to the Committee on Finance	123	Committee on Energy and Environmental Protection, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
100	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance	124	Committee on Energy and Environmental Protection
101	Jointly to the Committee on Health and the Committee on Human Services and Housing and the Committee on Public Safety and Military Affairs, then to the Committee on Finance	125	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
102	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management, then to the Committee on Finance		
103	Committee on Education, then to the Committee on Finance		
104	Committee on Judiciary and Hawaiian Affairs		

126	Committee on Finance	148	Committee on Finance
127	Committee on Finance	149	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
128	Committee on Transportation, then to the Committee on Finance	150	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
129	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Legislative Management, then to the Committee on Finance	151	Committee on Health, then to the Committee on Finance
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133	Committee on Energy and Environmental Protection, then to the Committee on Finance	155	Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance
134	Jointly to the Committee on Higher Education and the Committee on Energy and Environmental Protection, then to the Committee on Finance	156	Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance
135	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Water and Land Use, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	157	Committee on Energy and Environmental Protection
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141	Jointly to the Committee on Human Services and Housing and the Committee on Health and the Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs	163	Committee on Education, then to the Committee on Finance
142	Committee on Judiciary and Hawaiian Affairs	164	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance
143	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance	165	Committee on Labor and Public Employment, then to the Committee on Finance
144	Jointly to the Committee on Water and Land Use and the Committee on Legislative Management, then to the Committee on Finance	166	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Legislative Management, then to the Committee on Finance
145	Committee on Transportation, then to the Committee on Finance	167	Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance
146	Committee on Tourism and Culture	168	Jointly to the Committee on Labor and Public Employment and the Committee on Legislative Management, then to the Committee on Finance
147	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Legislative Management, then to the Committee on Finance	169	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to

- the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 170 Committee on Finance
- 171 Jointly to the Committee on Education and the Committee on Legislative Management, then to the Committee on Finance
- 172 Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
- 173 Committee on Health, then to the Committee on Finance
- 174 Committee on Health, then to the Committee on Finance
- 175 Committee on Health, then to the Committee on Finance
- 176 Committee on Transportation, then to the Committee on Finance
- 177 Committee on Labor and Public Employment, then to the Committee on Finance
- 178 Committee on Labor and Public Employment, then to the Committee on Finance
- 179 Committee on Labor and Public Employment, then to the Committee on Finance
- 180 Committee on Judiciary and Hawaiian Affairs
- 181 Committee on Judiciary and Hawaiian Affairs
- 182 Committee on Water and Land Use
- 183 Committee on Water and Land Use, then to the Committee on Finance
- 184 Committee on Higher Education, then to the Committee on Finance
- 185 Committee on Water and Land Use, then to the Committee on Finance
- 186 Committee on Higher Education, then to the Committee on Finance
- 187 Committee on Judiciary and Hawaiian Affairs
- 188 Committee on Finance
- 189 Committee on Labor and Public Employment, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 190 Jointly to the Committee on Public Safety and Military Affairs and the Committee on Legislative Management, then to the Committee on Finance
- 191 Committee on Legislative Management, then to the Committee on Finance
- 192 Committee on Water and Land Use, then to the Committee on Finance
- 193 Committee on Public Safety and Military Affairs, then to the Committee on Finance
- 194 Committee on Health, then to the Committee on Finance
- 195 Committee on Labor and Public Employment, then to the Committee on Finance
- 196 Committee on Labor and Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
- 197 Committee on Labor and Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
- 198 Committee on Energy and Environmental Protection
- 199 Committee on Consumer Protection and Commerce
- 200 Committee on Agriculture, then to the Committee on Finance
- 201 Committee on Labor and Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
- 202 Jointly to the Committee on Higher Education and the Committee on Economic Development and Business Concerns, then to the Committee on Finance
- 203 Committee on Tourism and Culture

#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 174 and 175) were announced by the Clerk and the following action was taken:

H.R. No. 174, entitled: "HOUSE RESOLUTION COMMENDING AND HONORING THE 80<sup>TH</sup> ANNIVERSARY OF THE FOUNDING OF THE UNIVERSITY OF HAWAII ARMY RESERVE OFFICERS TRAINING CORPS," was jointly offered by Representatives Garcia, Moses, McDermott, Djou, Chang, Takai, Schatz, Cabrerros, Lee, Espero, Souki, Luke, Say, Saiki, Takumi.

On motion by Representative Garcia, seconded by Representative Espero and carried, H.R. No. 174, was adopted, with Representatives Meyer, Saiki and Whalen being excused.

Representative Garcia introduced the following honorees of the University of Hawaii Army Reserve Training Corps: Retired Lieutenant General Alan Ono; Retired Brigadier General Edward Hirata; Retired Colonel Edward Gayagas; Lieutenant Colonel Bob Takao; and Dr. Peter Naughton.

H.R. No. 175, entitled: "HOUSE RESOLUTION CONGRATULATING JILL HIROTA, BESS JENNINGS, CHARLENE MIYASHIRO AND DEVORA LEMUS FOR ATTAINING NATIONAL BOARD CERTIFICATION FOR PROFESSIONAL TEACHING AND FOR ELEVATING HIGH QUALITY STANDARDS OF TEACHING THROUGHOUT THE STATE," was offered by Representative Ito.

On motion by Representative Ito, seconded by Representative Takai and carried, H.R. No. 175 was adopted, with Representatives Arakaki, Meyer, Nakasone and Whalen were excused.

Representative Hamakawa introduced the following honorees: Ms. Jill Hirota, a second grade teacher at Wailua Elementary School; Ms. Bess Jennings, a resource teacher at the Hawaii District Office Department of Education; Ms. Charlene Miyashiro, a fifth grade teacher at Waiakeawaena School; and Ms. Devora Lemus, a K-6 teacher at Maili Elementary School.

At 12:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

### STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 885) recommending that S.B. No. 207, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 207, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND VEHICLE TRANSFERS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Arakaki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 886) recommending that S.B. No. 210, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 210, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Arakaki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 887) recommending that S.B. No. 212, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 212, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY INSTRUCTION PERMIT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Arakaki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 888) recommending that S.B. No. 748, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 748, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Arakaki being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 889) recommending that S.B. No. 495, SD 2, pass Second

Reading and be referred to the Committee on Water and Land Use.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 495, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," passed Second Reading and was referred to the Committee on Water and Land Use, with Representative Arakaki being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 890) recommending that S.B. No. 1180, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1180, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Arakaki being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 891) recommending that S.B. No. 552, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 552, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A KOREAN WAR MUSEUM," passed Second Reading and was referred to the Committee on Finance, with Representative Arakaki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 892) recommending that S.B. No. 205, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 205, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative McDermott rose on a potential conflict of interest, stating:

"I'm a Persian Gulf veteran."

"The Chair ruled 'no conflict'."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 205, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 893) recommending that S.B. No. 752, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 752, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BOATING FACILITIES," passed Second Reading and was referred to the

Committee on Finance, with Representative Arakaki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 894) recommending that S.B. No. 755, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 755, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Arakaki being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 895) recommending that S.B. No. 94, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 94, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Case rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative McDermott then rose and asked that the Clerk register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 94, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Case and McDermott voting no and Representative Arakaki being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 896) recommending that S.B. No. 1205, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1205, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Arakaki being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 897) recommending that S.B. No. 1206, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1206, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Arakaki being excused.

Representative Takumi, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 898) recommending that S.B. No. 1208, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1208, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 899) recommending that S.B. No. 1377, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1377, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"First of all; this bill would move members who are presently exempt from the civil service to becoming full-fledged civil service. I have no problem with these particular individuals. I don't know these individuals.

"But the concern is that they have been serving fine, providing good services to our population here in their current exempt status. Moving them to civil service does nothing to raise quality or provide further services or create efficiencies or save monies. It does none of those things, but what it does do, moving them from the exempt to the civil service status, is to constrain and limit our options as a State.

"It seems to me though, at this point, when we are looking at things like privatization, when we're looking at things to empower managers and to create efficiencies and accountability, we ought to be trying to maximize our options rather than minimize our options or limit options.

"This particular measure, while it deals with an important issue, we want to make sure that people in nursing homes are taken care of or make sure that the services, medical services what have you, that need to be provided are provided.

"But we can do that under the current system. With these people serving as exempt as opposed to civil service, who knows the impact of trying to move privatization in this area once they are civil servants? Certainly doesn't increase our options, it limits and constrains some options.

"So Mr. Speaker for those reasons I'd like to raise the issue that if we want to look at the kind of flexibility we as a State government may need in the future if we're trying to create efficiencies as opposed to this measure which, while continuing provision of services does in a way which limits and restricts our options in the future. Thank you."

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

Representative Fox continued, stating:

"I would also like add that the Department of Human Services is opposed to this bill according to the Committee Report. Thank you."

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

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

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

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

"I concur with the remarks of the Minority Floor Leader. Thank you."

Representative Auwae rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

Representative Pendleton rose and stated:

"May I clarify my vote? It's a vote in support of this measure with reservations."

Representative Marumoto rose to speak in support with reservations on the measure, stating:

"I note that if we do nothing, then this bill will continue with it's same number of workers who are exempt. But at this point I find reservations because it may, the conversion may occur in the budget and we may not be able to see this measure again to vote on it on Third Reading. So at this point I'd like to mention that our budget contained almost a thousand new civil service positions and I think we should not add more 'fuel to the fire'. Thank you."

Representative Meyer rose and asked the Clerk to register a no vote for her and to enter the remarks of Representative Pendleton into the Journal as her own, and the Chair "so ordered". (By reference only.)

Representative Jaffe rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

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

"I appreciate this Second Reading discussion here and I appreciate all the thoughts of reservations and opposition. The purpose of this bill is to turn some exempt positions into civil service. These positions have been exempt in some cases for over ten years.

"And Mr. Speaker, this is a fine example of talking about attrition, and accounting in government. In this bill, it does talk to, and I'm going to address the testimony of the Department of Human Services who is opposed to this measure. They were opposed because they felt that there were other worthy people who were exempt and needed to be civil servants – converted into civil service. And they didn't want to be in-between choosing one component against the other.

"But in this bill it does speak to the deceiving position count as we go through our budget. And I do realize that GOP has been asking for, more education on the budget. And in the budget, there are a lot of exempt positions that we don't see, but it's in the budget already. Now the reason why your Committee has passed this measure on is because attrition and cutting government has been going on for over the past six years and our site visits have proven that our morale is so low...."

"Our morale is so low Mr. Speaker, I would wish that our worthy GOP would go to the sites and visit this government that they want to cut. Visit..."

Representative Pendleton rose on a point of order, stating:

"This measure is not concerning the GOP on the budget, I think the gentleman is moving off of the text of the bill."

The Chair responded, stating:

"Representative Pendleton, your point is well taken and Representative Kahikina can you confine your remarks to the bill dealing with those exempt positions that are being converted."

Representative Thielen then rose on a point of clarification:

"Mr. Speaker, point of clarification please. I don't believe there's anything in the bill about cutting positions and if the speaker could correct that statement. Thank you."

The Chair responded, stating:

"I'm allowing Representative Kahikina to confine his remarks to the measure. So please proceed Representative Kahikina."

Representative Kahikina continued, stating:

"Mr. Speaker, I think this bill speaks for itself. It's supporting our workers, especially those nurses in the Nursing Homes Without Walls that would prevent our ailing citizens from going into more expensive services. And I hope and pray that more people would realize that there is no fiscal impact because we're paying for it already, and it gives us a true count of our positions. But more so we would be building the morale of our staff of our government workers who some of them without permanency, they're about to walk and find other jobs. Thank you Mr. Speaker."

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

"I would like to speak in support of the bill. I think the point by Chair Kahikina is well taken. This program was established back in 1988 as a demonstration project and everything that is said about the program is true. It was a demonstration project, it expanded, the quality of service increased and there is an increase of highly specialized, trained workers who could take over this program. It was expanded where the private sector can not adequately even supplant.

"So I think in terms of 1988 to where it is today, what we're saying is that this program is essentially an essential critical service that government can provide where the private sector at this point cannot compete with or provide those services. So in keeping with what we've done before, I think we should give permanent status. Because these very hard working people who started with this program in 1988 and now is part of this ongoing program for the State of Hawaii much needed, very critical area. And I think we should support this bill and keep in the spirit of making sure that government can provide for its workers who provide essential critical services with a high quality. Thank you."

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

"I rise in opposition. The last immediate past speaker 'hit the nail on the head' with the issue, it's not a matter about not



wanting the services or providing them to our constituencies. But the problem is privatization in civil service. It was pointed out that the issue is that right now the private sector cannot supply these needs. I think that's arguable. But our solution to create civil service positions to fill in this need when in light of the Konno decision would forever bar us from moving to the private sector to fulfill those needs. For argument sake, if they become available. There's one thing to make the positions permanent and it's another think to create civil service positions. And I believe if I'm not mistaken, the arguments I'm hearing is that we shouldn't be leaning towards the civil service aspect of it. Nothing about the services themselves or anything else. And for those matters in regards to that, that's where my opposition lies Mr. Speaker in that we are struggling so tremendously with the issue of privatization, the misnomer of managed competition, and everything else and yet we're expanding that area of service and in terms limiting..."

Representative Lee rose on a point of order, stating:

"I believe the speaker is diverging from the subject matter of the bill."

The Chair responded, stating:

"Thank you, but I believe the speaker does have the right to speak about it because we are converting temporary, exempt positions to permanent positions that are going to be 'grandfathered'. And the issue before us is an issue of civil service reform that is also trying to address ties to this measure."

Representative Whalen continued, stating:

"Thank you Mr. Speaker, I'll bring it to a point. In regard to that Mr. Speaker, I think we would be counter-productive to be voluntarily limiting our options at this point when we are trying to in one sense go in that direction. Thank you."

Representative Stonebraker rose and asked the Clerk to register and aye vote with reservations for him, and the Chair "so ordered".

Representative Thielen then rose and asked the Clerk to register and aye vote with reservations for her, and the Chair "so ordered".

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

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

Representative Moses then rose on a point of clarification, stating:

"As the previous speaker mentioned, the GOP had asked the speaker..."

The Chair interjected, stating:

"I ruled him out of order in regards to making..."

Representative Moses then interjected, stating:

"I understand that. It's a point of clarification Mr. Speaker. The GOP didn't ask for any education on the budget. We just want the work..."

The Chair responded, stating:

"Representative Moses, there is no relevance to the statement that you're making."

Representative Moses then rose and stated:

"Okay, 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. 1377, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Jaffe, Meyer, Rath and Whalen voting no and Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 900) recommending that S.B. No. 123, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 123, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 901) recommending that S.B. No. 911, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 911, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I know I should tread lightly asking any questions of a bill that comes out of Housing although the Chair did suggest that we raise the GE Tax to support such a measure.

"The problem I have comes on page 5, if you notice that our tax dollars would be spent on counseling that would include the use of traditional healers and the native Hawaiian and traditional healing services when there's documentation in the patient's medical record and so forth. And so really this bill proposes to use tax dollars to pay for religious services and possibly marks a return to an ancient 'kapu' system.

"And I'm reminded of the history of Hawaii's monarchy when King Liholiho banned the use of these practices and forever forbade a return to them. And so I can't in good conscience support a measure such as this as written. And I believe that if great Hawaiian ancestors such as Liliuokalani, Keopualani, Bernice Pauahi Bishop and Kapiolani were alive today, they would stand with me in opposition so I 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. 911, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," passed Second Reading and was referred to the Committee on Finance, with Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 902) recommending that S.B. No. 1113, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 903) recommending that S.B. No. 1104, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1104, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF FOSTER PARENTS TO PROVIDE CONSENTS FOR THE FOSTER CHILD'S EDUCATIONAL AND RECREATIONAL NEEDS," passed Second Reading and was referred to the Committee on Education, with Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 904) recommending that S.B. No. 1103, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1103, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," passed Second Reading and was referred to the Committee on Higher Education, with Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 905) recommending that S.B. No. 1112, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1112 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Moses rose and asked that the Clerk 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. 1112, entitled: "A BILL FOR AN ACT RELATING TO OHANA CONFERENCING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Arakaki being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 906) recommending that S.B. No. 1110, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1110, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Arakaki being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 907) recommending that S.B. No. 16, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 16, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL FEE SCHEDULES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representative Arakaki being excused.

### ANNOUNCEMENTS

Representative Takai: "Your Committee on Education respectfully request a waiver of the 48 hour advance notice requirement for the purpose of conducting a public hearing with decision making to follow on the following bills:

Senate Bill 1212, relating to education;  
Senate Bill 1213, making appropriation for the establishment and continuation of professional development schools;  
Senate Bill 1214, relating to National Board Certification for Department of Education teachers;  
Senate Bill 1215, relating to the re-hiring of retired teachers in the Department of Education;  
Senate Bill 1211 relating to school facilities;  
Senate Bill 493 relating to public schools;  
Senate Bill 382 relating to education;  
Senate Bill 1385 relating to the salary structure of education officers in the Department of Education;  
Senate Bill 865 relating to school work;  
Senate Bill 584 relating to the Department of Education personnel; and  
Senate Bill 1361 relating to the volunteer incentive program.

"These bills Mr. Speaker will be heard tomorrow, at 2:00 p.m. in Conference Room 329."

Representative Gomes rose on a point of inquiry, stating:

"If I may ask why the previous speaker is requesting a waiver in the first place. I know often the waivers are generally asked for and granted on a regular basis here and they seem to be innocuous enough. But certainly the Committee has prepared its agenda for the year, and for what's coming up from the other side and I'm a little confused as to why this couldn't have been posted with sufficient notice without requesting the waiver. And in addition it seems to be very many bills that are being asked to be waived for this notice provision. And once again, it's more to the point of the matter that these waivers are regularly asked for and regularly given and maybe with a good reason, but I don't know what it is Mr. Speaker."

At 1:01 o'clock p.m., Representative M. Oshiro asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:06 o'clock p.m., the Chair stated:

"Representative Gomes, I hope your concerns and questions have been addressed by the Chair and Vice-Chair of the Education Committee."

Representative Gomes responded:

"Thank you Mr. Speaker, I appreciate the recess from the Majority Leader. They've been explained to me and I would simply request that the lead chair and vice chair simply explain for the record and our listeners, the rationale for the requested waiver. And that we just put it on the record. There is no good reason not to. That's my only request. Thank you Mr. Speaker."

Representative Takai responded:

"Unfortunately on Saturday when this hearing notice was prepared, all the offices were closed. Therefore this is the first business day, Monday, and we filed it first thing this morning. In addition to those bills, I have a few more. These are a little different, that's why I did it differently."

"For the purpose of receiving testimony and discussion, the Committee will be conducting a public hearing on the following bills which reflect the deletion of its current contents and insertion of the language in a proposed amended form:

Senate Bill 1315 relating to education, the proposed HD1 authorizes the department to establish custodial counts for the deposit of annuity payments for employees;  
Senate Bill 1081 relating to education;  
Senate Bill 1364, SD 1 relating to teachers to appropriate funds for the creation of 16 new arts positions in the Department of Education; and  
Senate Bill 535, relating to education to clarify the departments after school and weekend programs for childcare and recreational purposes.

"Mr. Speaker, these bills will also be heard on Tuesday, March 20, 2001 at 2:00 o'clock p.m., in conference room 329. Thank you."

The Chair then addressed the body, stating:

"For the members. In the legislative process, you realize that we also have some internal deadlines that we try to keep. And these particular measures that the Education Committee has scheduled a hearing on, if the Chair of the Finance Committee and the staff decide to have a hearing on it, the general public will have an opportunity once more to have their particular input and testimony reflected."

"But for the operations of this House, I would like to state to you that all Chairs are responsible for their actions. And with these types of waivers, the Chair really doesn't want to accept them because you should have known what your role and responsibility is in meeting these deadlines. So at this time, I just want to put on record why the Chair is a little concerned. But everyone does it, in the past years and in the future. That is part of the rules that we have that we allow them the waiver."

"So at this time, any further announcements?"

Representative Gomes rose and stated:

"I appreciate the comments just made that you provided to your Committee Chairs and I definitely appreciate the provision in the rules for the waiver. And again, my sense is that it's designed more for an anomaly or an exception rather than as a method of regular business practice which I think the

waiver's have become. So, thank you anyway Mr. Speaker for your attention to that."

Representative Lee: "Speaker, I'd just like to announce that will be a Committee Chairs meeting directly following today's session in the Majority Caucus Room."

## ADJOURNMENT

At 1:10 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 20, 2001. (Representatives Arakaki, Kahikina and Whalen were excused.)

**THIRTY-SIXTH DAY****Tuesday, March 20, 2001**

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:16 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Dale Burke, Chaplain at Hawaii Pacific University, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Bukoski, Halford, Whalen and Yoshinaga, who were excused.

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

**SENATE COMMUNICATION**

The following communication from the Senate (Sen. Com No 448) was received and announced by the Clerk was placed on file:

Sen. Com. No. 448, returning H.B. No. 700, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF POISONS," which passed Third Reading in the Senate on March 19, 2001.

**INTRODUCTION**

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

Representative Gomes introduced his legislative staff members: Ms. Leslie Chow, Ms. Melissa Finsand, and Ms. Jan Harmon; and his daughter and legislative "shadow" Ms. Anna Gabriella Mireles.

**ORDER OF THE DAY****COMMITTEE REASSIGNMENTS**

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

**S.B.**  
**Nos.**

**Re-referred to:**

- |      |  |
|------|--|
| 495  | Committee on Judiciary and Hawaiian Affairs  |
| 1126 | Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance |

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

**H.R.**  
**Nos.**

**Re-referred to:**

- |     |   |
|-----|---|
| 58  | Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture, then to the Committee on Finance |
| 116 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance   |

- |     |   |
|-----|---|
| 125 | Committee on Water and Land Use, then to the Committee on Finance |
|-----|---|

- |     |   |
|-----|---|
| 135 | Committee on Tourism and Culture, then to the Committee on Legislative Management, then to the Committee on Finance |
|-----|---|

**H.C.R.**  
**Nos.**

**Re-referred to:**

- |     |   |
|-----|---|
| 59  | Jointly to the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture, then to the Committee on Finance |
| 123 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance   |
| 133 | Committee on Water and Land Use, then to the Committee on Finance   |
| 146 | Committee on Tourism and Culture, then to the Committee on Legislative Management, then to the Committee on Finance                               |

**INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 176 and 177) were received and announced by the Clerk, and the following action taken:

H.R. No. 176, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING 24 SECOND GRADE STUDENTS FROM EWA BEACH ELEMENTARY SCHOOL FOR THEIR NOTEWORTHY ACCOMPLISHMENTS ON GAINING NATIONAL RECOGNITION IN WINNING HONORABLE MENTION FOR THE MAKE A DIFFERENCE DAY CONTEST," was jointly offered by Representatives Espero, Luke, Kanoho, Ahu Isa, Chang, Say, Lee and Magaoay.

On motion by Representative Espero, seconded by Representative Ito and carried, H.R. No. 176 was adopted, with Representatives Bukoski, Halford, Hamakawa, Nakasone, Rath, Saiki, Whalen and Yoshinaga being excused.

Representative Espero introduced the following honorees from the second grade class at Ewa Beach Elementary School, creators of "Arthur's Hawaiian Adventure – an Original Play."

Seated on the House floor were teacher, Mrs. Janet Okamura; and student representatives, Christian Wilding, Garen Damo, and Angela Cezar.

Seated in the gallery were Principal Mrs. Aileen Hirota and the rest of the second grade students.

H.R. No. 177, entitled: "HOUSE RESOLUTION CONGRATULATING LEILEHUA HIGH SCHOOL JUNIOR RESERVE OFFICERS TRAINING CORPS EXHIBITION DRILL TEAM WITH ARMS AS THE 2000-01 STATE CHAMPIONS," was jointly offered by Representatives M. Oshiro, Garcia, Schatz, Ito, Chang, Abinsay, Ahu Isa, Yoshinaga, Lee, Morita, Takai, Hiraki, Souki, Kanoho, Luke

and Hamakawa.

On motion by Representative M. Oshiro, seconded by Representative Ito and carried, H.R. No. 177 was adopted, with Representatives Bukoski, Halford, Hamakawa, Nakasone, Rath, Saiki, Souki and Whalen being excused.

Representative M. Oshiro introduced the following honorees from the Leilehua High School Junior Reserve Officers Training Corps Exhibition Drill Team:

Seated on the House floor were Cadet Captain Lionel Cabanit, First Sergeant Raymond Hawk, Cadet Sergeant Krisette Ayson, Cadet Captain Michael Ligsay, and advisor, Drill Master Joseph Madela.

Seated in the gallery were Cheyne Bagoyo, Rhey Dacucyuy, Devaughn Hall, Jerry Ko, Ikaika Macapagal, Jessica Mowdy-Sanchez, Christina Rivera, Cedric Storay, Dayne Tavares, and advisor, Sergeant Major Harry Kwon.

At 12:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

At 12:41 o'clock p.m., Representative M. Oshiro requested a recess, and the Chair declared a recess, subject to the call of the Chair.

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

## STANDING COMMITTEE REPORTS

### Stand. Com. Rep. No. 911 and S.B. No. 1188, SD 2:

By unanimous consent, action was deferred one legislative day.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 908) recommending that S.B. No. 120, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 120, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Takai rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Takumi then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 120, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Takai and Takumi voting no.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 909) recommending that S.B. No. 124, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 124, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL," passed Second Reading and was referred to the Committee on Finance.

Representatives Garcia and Yoshinaga, for the Committee on Public Safety and Military Affairs and the Committee on Labor and Public Employment presented a joint report (Stand. Com. Rep. No. 910) recommending that S.B. No. 1177, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1177, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL HEALTH CARE," passed Second Reading and was referred to the Committee on Finance.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 912) recommending that S.B. No. 174, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 913) recommending that S.B. No. 175, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 175, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 914) recommending that S.B. No. 176, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 176, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 915) recommending that S.B. No. 173, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 173, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 916) recommending that S.B. No. 178, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 178, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 917) recommending that S.B. No. 180, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 180, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred jointly to the Committees on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 918) recommending that S.B. No. 523, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 523, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPOINTED PUBLIC OFFICIALS," passed Second Reading and was referred to the Committee on Finance.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 919) recommending that S.B. No. 1060, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1060, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was referred to the Committee on Finance.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 920) recommending that S.B. No. 594, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 594, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

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

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

"It's a special fund situation and there's a dubious linkage between the funds and the recipients of it. Thank you."

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

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

Representative Ontai 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. 594, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 921) recommending that S.B. No. 336, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 336, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker as you well know, the purpose of this bill is to eliminate the Hawaii Tourism Authority, to take it out of existence. I would think that the House of Representatives could rise above this action and not support it in any way, shape, or form.

"Many members of this body participated in a long and vigorous discussion that created the Hawaii Tourism Authority. It was an expression of this body's feeling that tourism marketing was not being handled well in Hawaii, it could be handled better. And so we moved the marketing of tourism away from the Department of Business, Economic Development, and Tourism and the HVCB and created a body that was made up of public representatives and representatives of the industry itself to oversee with broad authority the marketing of tourism in Hawaii.

"And this experiment so far seems to be working, but it's just begun and we've hardly given this body a chance to really see whether or not it can fully raise our visitor industry numbers. But they have gone up and every year that the Hawaii Tourism Authority been in existence, we've seen imaginative marketing programs.

"I see no reason at this stage to even consider a bill like this and this body should vote this bill down at this time. Thank you Mr. Speaker."

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

"Thank you Mr. Speaker, I also rise in opposition to this measure with brief remarks.

"Mr. Speaker, my sentiments are the same as those of the Minority Leader. I do understand that some members of this Legislature, who I believe to be virtually exclusively of the other body, have some problems with the Hawaii Tourism Authority. I believe that the Hawaii Tourism Authority, while we can debate some of the specifics, has been something that has worked, something that we have done right, and something that has proven out.

"This bill is simply 'over-kill' addressing some isolated concerns by other members of the Legislature, and I agree very much that, although there might be some benefit in continuing some of the discussions having to do with HTA as we are, this particular discussion should end right now. Thank you."

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

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

"Mr. Speaker, our economy unfortunately depends on tourism to too great a degree. Campaign promises notwithstanding, campaign promises over the last 10 or 20 years for a diversified economy, one that would allow our economy to stand on several legs and be balanced haven't been fulfilled. In fact, our budget to agriculture has been diminished over the years that I've been here."

Representative Schatz rose on a point of order, stating:

"I don't believe the current speaker is speaking to the merits of the bill."

The Chair responded, stating:

"Thank you very much. Representative Halford, please..."

Representative Halford interjected, stating:

"Mr. Speaker, I am speaking to the merits of the bill."

The Chair responded, stating:

"In regards to the review, please review..."

Representative Halford responded, stating:

"Because we are in a position now to support the tourism industry to this extent even though they're the private sector and there may be some logic where the government shouldn't support the private sector.

"In this case since tourism is such a large part of our economy, we can't risk that it might go down. We're in a position where we have to support tourism to an extent like this.

"And my previous comments just went to the point that the State has neglected to support other areas of our economy, campaign promises notwithstanding. So Mr. Speaker, I have to support the HTA and oppose this bill. Thank you."

Representative Leong rose and asked the Clerk to register a no vote for her and that the remarks of Representatives Fox and Case be entered into the Journal as her own, and the Chair "so ordered". (By reference only.)

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

"First, I'd like to point out that the genesis of this measure was not in the State House of Representatives. It was not. This was a Senate bill that crossed over. I think that is very important to note.

"Your Minority Party is often criticized in government as the loyal opposition and that is kind of our role to a minor degree, to make sure that things are going okay and to check on things. But in this measure, this is an organization that

seems to be running quite well. In fact the head of it is doing a fine job, I think he is a gentleman and he's a member of your party. So if we wanted to take 'cheap shots' as minority this would be a perfect opportunity.

"But the fact is, this is an organization that's being run pretty well. Now Mr. Speaker if you go to the Committee Report I think it's interesting that only one person testified in support of this bill, one person and we don't even have his name here, could be a homeless guy off the street, who knows?

"But what is striking is the people, the breadth and width of folks who testified against this. Of course the HTA did, but the Chamber of Commerce of Hawaii, the Hawaii Attractions Association, Retail Merchants of Hawaii, Neighbors of Ala Wai, Hawaii Business Roundtable, Hawaii Hotel Association, Maui Hotel Association, Hawaii Restaurant Association, Maui Marriott Resorts and Ocean Club, Yacht Harbor Towers, several others. I mean this is the 'who's who' of the visitor industry that is against this bill.

"They are experts in the visitor industry. I am not. I will defer to them on matters that regard tourism and visitors. And we only have the one anonymous person who testified in support of this bill. Now I commend the Chairman of the Tourism Committee because it looks like he recognized this as a pretty bad bill and basically 'denuetured' it. He took out the requirement for an audit and he changed the effective date to 2020.

"I would hope that this is going to Finance next which, of course, is a big funnel. I would hope that this measure dies the death of benign neglect in Finance. However, after hearing the discussion from my colleagues and myself and realizing and maybe the genesis of this measure was not our better angels but some of our darker angels. I would like to make a motion at this time to recommit the bill to Committee."

At this time, Representative McDermott moved that S.B. No. 336, SD 3, HD 1, be recommitted to the Committee on Tourism and Culture, seconded by Representative Fox.

At 12:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m.

Representative Moses rose to request a roll call vote on the motion for recommitment.

The request for a roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Roll call having been requested, the motion that S.B. 336, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," be recommitted to the Committee on Tourism and Culture was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 29: Abinsay, Ahu Isa, Cabrerros, Chang, Espero, Garcia, Hale, Hamakawa, Hiraki, Ito, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, B. Oshiro, M. Oshiro Saiki, Say, Schatz, Suzuki, Takai, Takamine, Takumi, Yonamine and Yoshinaga.

Ayes, 20: Auwae, Bukoski, Case, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker, Thielen and Whalen.

Excused, 2: Arakaki and Souki.

Representative Arakaki then rose and stated:

"Mr. Speaker, may I be permitted to vote?"



The Chair responded, stating:

"We can't at this point. It's after the vote. If you're not in your seat when the vote is called, you're excused. Members we are now back to the main motion, the Chair would recognize Representative Chang."

#### MAIN MOTION:

Representative Chang rose in support of the measure, stating:

"Thank you Mr. Speaker. Members, especially those who spoke in support of the Hawaii Tourism Authority, I appreciate your comments and I appreciate the work that they've done to support the tourism industry and the State in creating revenues for our State. But members please be patient with this measure because it's still a work in progress. The measure signifies an enactment date of repeal in the year 2020, and that in itself will show that we are not supportive of a repeal of the Hawaii Tourism Authority until the year 2020, if this bill ever gets that far. So members please be patient with this bill, we have a long way to go. And hopefully we'll work it out in conference. If not, the bill dies in conference. Thank you very much."

Representative Meyer rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

"I think from the debate that went on previously on this measure that we're creating a false impression that it is the intention of this body and this Committee that reported out this bill to kill Hawaii Tourism Authority and that's far from what we intend to do.

"Today we had a hearing and in the same Committee we passed out two Senate bills dealing with the continuing operation, and hopefully the better operation and more efficient operation with fiscal responsibility of the Hawaii Tourism Authority – that was Senate Bill 1029, SD 3 and Senate Bill 1169, SD 2.

"By moving on these measures it is clearly the intent of the Tourism and Culture Committee to continue the process. One of the elements brought up in the hearing of this bill before us is the Legislative Auditor's involvement in the audit of the Tourism Authority. It's an audit that would encompass three years from its very inception and this audit would cost approximately \$100,000.

"We have a terrible problem in getting funds available out of our Tourism Fund. We want to get it out of the Tourism Special Fund, in fact, that's where they want the money to come out of to audit themselves. The problem is this vehicle will not work for us, in speaking to the Legislative Auditor, because we cannot use the vehicle. And if this bill moves to Finance and if we can find a vehicle, we want legislative involvement by appropriating funds to the Legislature.

"The current budget of the Legislative Auditor does not allow a spending of \$100,000, there's no way we can do the audit that's required. It's not merely a financial audit. It's also a management audit. We want to make sure the public understands this. If the Legislative Auditor is involved, HTA clearly understands that it would add a lot more credibility where our Legislative Auditor is involved as opposed to having the Tourism Authority themselves contract and do an RFP and retaining the CPAs to do the financial audit than the management audit.

"So for all those reasons I urge the members to support backing this measure. Thank you."

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

"Let me make for the record that I do cast a no vote, and not to belabor the point but again, I want to point out that this is not a House matter and the Chair or Vice-Chair did not come up with this. So with all due respect to those two gentlemen.

"But on page 5 of the Order of the Day it says, 'HTA repeal.' That's what this bill says. If you go to Committee Report, the purpose of this bill is to, number one, to require an audit. Number two, to repeal the HTA. That's the purpose of this. I can't go into the personalities behind what brings us here without deviating from the merits, so I won't do that. But we all know why this measure is before us today and I think it's a bad measure. And I think the Minority offered the Majority an opportunity to let this thing die a death by recommitment and we failed to do that. So I hope it dies a death in Finance and I hope we don't see this again. Thank you."

Representative Ahu Isa then rose and asked that the Clerk register an aye vote with reservations for her, and the Chair "so ordered".

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

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

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

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

Representative Stonebraker then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Rath then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Djou then rose and asked the Clerk to register an aye vote with reservations, and the Chair "so ordered".

Representative Bukoski then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 336, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Bukoski, Case, Fox, Halford, Leong, McDermott, Pendleton, Rath and Stonebraker voting no.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 922) recommending that S.B. No. 1033, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 1033, SD 3, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Rath rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Meyer rose and asked the Clerk to register a no vote for her and to have her remarks inserted into the Journal, and the Chair "so ordered".

Representative Meyer's remarks are as follows:

"Mr. Speaker, I rise with reservations regarding HSCR 922, SB 1033, SD3, HD1.

"Recent articles that I have read said that Bishop Museum has spent a considerable amount of money enlarging the area of their campus, having plans drawn up, and working with consultants with the intention of building a new building in Liliha for their Science Learning Museum. I regret I do not have the exact amount of money that they spent, but it is a lot.

"Now enters the State with all this vacant land in Kakaako. The State is trying to figure out what to do with it, what would be reasonable - what would be an asset. Suddenly we are willing to float general obligation bonds up to an amount of \$10 million to lure Bishop Museum to Kakaako to be closer to Waikiki. I suppose the idea is that a Bishop Museum Science Learning Center located in Kakaako will get more tourist visitors.

"Unfortunately, tourists and residents are not visiting the different science exhibits that Dr. Duckworth has brought to Hawaii. These exhibits are popular at first, but attendance then seems to dwindle over time.

"I question whether this project is the best thing for us to do with this \$10 million in bonds. Although the money will lapse by 2004, I feel very squeamish about supporting it. Thank you."

Representative Gomes then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Jaffe then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Moses then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Thielen then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1033, SD 3, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE BERNICE PAUAAHI BISHOP MUSEUM, OAHU," passed Second Reading and was referred to the Committee on Finance, with Representatives Gomes, Jaffe, Meyer, Moses, Rath and Thielen voting no.

#### ANNOUNCEMENTS

Representative B. Oshiro: "I just wanted to make an announcement that the 2001 House of Representatives Food Bank Drive will be hosting the House Dunking Booth tomorrow at the Capitol lawn by the flagpole starting at 2:00 p.m. and ending at 6:00 p.m. So everyone come out and attend and try and dunk your 'favorite' Representative. I apologize to anybody in case we didn't contact you and invite you to be a part of the booth, but you're more than welcome to come up to me after and we'll put your name on the list.

"But right now I'd like to extend my 'Mahalo' to all the Representatives who have volunteered to be in the booth and

that includes Representatives Stonebraker, Case, Marcus Oshiro, Galen Fox, Morita, Gomes, Schatz and myself. Hope to see you all there. Thank you very much."

Representative Lee: "I'd like to announce that there'll be a Majority Caucus meeting immediately following this session."

#### ADJOURNMENT

At 1:34 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 21, 2001.

## THIRTY-SEVENTH DAY

Wednesday, March 21, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:14 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Bertha F.K. Leong, after which the Roll was called showing all members present with the exception of Representatives Garcia, McDermott, Takamine, Whalen and Yoshinaga, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 175 through 177) were received and announced by the Clerk were placed on file:

Gov. Msg. No. 175 transmitting the Baby Boomer Data Hawaii 2000 prepared by the Executive Office on Aging.

Gov. Msg. No. 176 transmitting the Report to the Twenty-First Legislature, State of Hawaii, 2001, Pursuant to Act 137, Session Laws of Hawaii, 2000, Requiring the Department of Health to Provide an Annual Financial Report for the Hawaii Children's Trust Fund.

Gov. Msg. No. 177 transmitting the Comprehensive Review of the Provisions of Chapter 171, HRS in response to Act 109, Session Laws of Hawaii 1996.

## INTRODUCTIONS

Representative Ahu Isa introduced members of the Chinese community who were here with the Narcissus Queen and her court: Mrs. Suzanne Chun, Vice-President of the Aloha Born Free Fashion Inc.; Ms. Michelle Choi, Director on the Board of the Chinese Chamber of Commerce of Hawaii; escorts Mr. Warren Lung and Mr. Darren Sugai; and Mr. and Mrs. Dar Chong Lee, parents of the 2001 Narcissus Queen.

Representative Leong introduced her son-in-law, Dr. Derrick Dang and her daughter Mrs. Caroline Dang.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

**S.B.**  
**Nos.**

**Re-referred to:**

- |     |   |
|-----|---|
| 589 | Committee on Consumer Protection and Commerce, then to the Committee on Finance           |
| 678 | Committee on Economic Development and Business Concerns, then to the Committee on Finance |

1082 Committee on Labor and Public Employment, then to the Committee on Finance

1207 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Finance

1325 Committee on Human Services and Housing, then to the Committee on Finance

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 178) was received and announced by the Clerk and the following action taken:

H.R. No. 178, entitled: "HOUSE RESOLUTION CONGRATULATING THE 2001 NARCISSUS FESTIVAL QUEEN YING YING LEE AND THE MEMBERS OF THE COURT: FIRST PRINCESS BRANDI JIM ON; SECOND PRINCESS MICHELLE LOO; THIRD PRINCESS RACYN YOUNG; AND FOURTH PRINCESS MELODEE YOUNG was jointly offered by Representatives Ahu Isa, Morit Kahikina, Abinsay, Case, Hale, Souki, Espero, Arakaki, Takai, Ito and Magaoay.

On motion by Representative Ahu Isa, seconded by Representative Chang and carried, H.R. No. 178 was adopted, with Representatives Garcia, McDermott, Nakasone, Rath, Takamine, Whalen and Yoshinaga being excused.

The 2001 Narcissus Festival Queen and members of her court, who were seated on the House floor, were introduced as follows:

Representative Ahu Isa introduced Queen Ying Ying Lee and First Princess Brandi Jim On.

Representative Leong introduced Second Princess Michelle Loo.

Representative Case introduced Third Princess Racyne Young.

Representative Schatz introduced Fourth Princess Melodee Young.

Representative Ahu Isa then introduced Mr. Ban Chun, President of the Chinese Chamber of Commerce of Hawaii.

At 12:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening, at 12:40 o'clock p.m., the Vice Speaker assumed the rostrum.

## UNFINISHED BUSINESS

**Stand. Com. Rep. No. 911 and S.B. No. 1188, SD 2, HD 1**

By unanimous consent, action was deferred one legislative day.

## STANDING COMMITTEE REPORTS

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand.

Com. Rep. No. 923) recommending that S.B. No. 859, SD 1 as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. 859, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Thielen rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 859, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representative Thielen voting no, and Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 924) recommending that S.B. No. 678, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Water and Land Use.

Representative M. Oshiro moved that notwithstanding the report of the Committee, S.B. 678, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

The motion was put to vote by the Chair and carried, and notwithstanding the report of the Committee, S.B. No. 678, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 925) recommending that S.B. No. 1292, SD 2, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1292, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Education with Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 926) recommending that S.B. No. 164, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. 164, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs seconded by Representative Lee.

Representative Rath rose in opposition to the measure, stating:

"I think the State is going a little too far with the requirements and mandating almost everything. Thank you."

Representative Moses 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. 164, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOY VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representative Rath voting no, and Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 927) recommending that S.B. No. 758, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 758, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 928) recommending that S.B. No. 751, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. 751, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I've talked about this numerous times. This is a general excise tax exemption on the leasing of aircraft and engines. The way the bill is constructed restricts it to the two airlines Aloha and Hawaiian. And I would have no objection to it whatsoever if we were to be inclusive of the other aviation companies which is helicopters, inter-island and doing business alike.

"But they've used some obscure technical language to be able to classify this only to the two inter-island carriers. And I think it wouldn't be that much more of an exemption for leasing to be inclusive of the other inter-island and aircraft uses.

"So hopefully at some point this will get made so that it's a fair and equitable bill to everybody in that industry as opposed to just Hawaiian and Aloha. Thank you."

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

"In the Committee Report, on the first page, it mentions inserting the provisions of H.B. No. 658. That would be the wrong number. Make the correction to 685, rather than 658."

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

"Just simply, is this as I understand it, part of this body's financial package? I wish that we would have adopted our exemptions from the GE Tax on food, medical services and rent. Thank you."

Representative Souki then rose and stated:

"It seems that I again need to make clarification and a correction. I mentioned the bill number. The correct House Bill was 685; it's 1685. For the record, not HB 685, but HB 1685. Thank you very much."

Representative Case then rose in support of the measure with reservations, stating:

"I simply wish to incorporate by reference, my comments on Third Reading on H.B. 1685." [see March 6, 2001, Day 27]

Representative Thielen then rose and asked that Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 751, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 929) recommending that S.B. No. 932, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 932, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 930) recommending that S.B. No. 1061, SD 1, as amended in HD 1, passed Second Reading and was placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1061, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Garcia, McDermott, Takamine and Whalen being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 931) recommending that S.B. No. 1276, SD 1, as amended in HD 1, passed Second Reading and was placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1276, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSQUATTING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Garcia, McDermott, Takamine and Whalen being excused.

#### ANNOUNCEMENTS

Representative Kahikina: "Your Committee on Human Services and Housing respectfully requests a waiver of the 48-hour advance notice requirement for the purpose of conducting a public hearing with decision making to follow on

H.B. 1325 Relating to Conveyance Tax, this measure will be heard on Thursday, March 22nd at 10:00 a.m. in conference room 329."

Representative Yoshinaga: "This is to request a waiver of the 48-hour notification rule on a bill that was re-referred, S.B. 1082 Relating to Education. We would like to have a hearing on this at 9:00 a.m. Friday in Conference Room 329. Also for public notification purposes there was an error and we are also amending our decision-making notice. I had verbally announced at our Labor Committee Hearing that we would be having decision-making on all prior deferred bills and for some reason Senate Bill 1058 was not listed on the written hearing notification of decision making. So I'm also adding that to an amended agenda. Thank you."

Representative B. Oshiro: "Just another reminder we'll be having our dunking booth at 2:00 p.m. today so please try and come out. We have to do a slight shift so the first person in the booth will be our very own Frank Arakaki, so 2:00 p.m. be out on the Capitol lawn. Thank you very much."

Representative Davis: "Just a reminder to the members there's a Fellowship Meeting in Conference Room 423 following session. Thank you."

Representative Lee: "I'd just like to announce that tomorrow, New Economy Days will be honoring the film industry at the Capitol - 'Economic Development in the New Economy.' This announcement is for tomorrow at 10:00 a.m., the celebration is called 'Film Industry Day at the Capitol'. There'll be a panel discussion which will take place in the Capitol Auditorium preceded by lunch sponsored by City Bank in the lobby of the Chamber Level. Lunch tickets will be distributed to House members. Also there will be a popcorn stand on the Fourth Floor just as an incidental event. So if you have further questions, please see Representative Nestor Garcia who is in charge of this event."

#### ADJOURNMENT

At 12:45 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 22, 2001. (Representatives Garcia, McDermott, Takamine and Whalen were excused.)

## THIRTY-EIGHTH DAY

Thursday, March 22, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:22 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. James Yamada, Jr., President, A-1 A-Lectrician, Inc., after which the Roll was called showing all members present with the exception of Representatives Marumoto, Meyer, Rath, Souki, Takamine and Whalen, who were excused.

On motion by Representative Lee, seconded by Representative Pendleton and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Fourth Day was subsequently approved. (Representative Marumoto, Meyer, Rath, Souki, Takamine and Whalen were excused.

## INTRODUCTIONS

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

Representative Yonamine introduced on behalf of Representatives B. Oshiro, Takai and Takumi and himself student "shadows" from Pearl City High School: Ms. Kyla Kitashiro, Ms. Paula Imada, and Ms. Chelsea Duldulao; and Ms. Corey Waymack, legislative staff.

Representative Hale introduced her legislative staff members: Ms. Barbara Hale; Ms. Lani Alicaba; and Ms. Kaipo Kincaid.

Representative Arakaki introduced his nephew, Mr. Aaron Yamasato, a film maker.

Representative Chang introduced his friend from Hilo High School, Mr. Wayne Myao, an executive with City Bank.

Representative Stonebraker introduced former California State Assemblyman and Insurance Commissioner, and current constituent, Mr. Chuck Quackenbush.

Representative Davis introduced his good friend from Maui, Ms. Georja Skinner, County of Maui Film Office Director.

Representative M. Oshiro introduced the wife of Representative Ed Case, Mrs. Audrey Case.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

**S.B.  
Nos.**

**Re-referred to:**

950	Committee on Finance
1292	Committee on Economic Development and Business Concerns, then to the Committee on Finance

## INTRODUCTION OF RESOLUTIONS

## (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 179 and 180) were received and announced by the Clerk and the following action taken:

H.R. No. 179, entitled: "HOUSE RESOLUTION CONGRATULATING ROSE TSENG ON BECOMING A SENIOR VICE PRESIDENT OF THE UNIVERSITY OF HAWAII AND THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT HILO," was jointly offered by Representatives Hale, Chang, Kawakami, Ahu Isa, Thielen, Yoshinaga, Morita, Hamakawa, Rath, Takamine, Auwae, Meyer, Lee, Marumoto, Luke, Jaffe and Whalen.

On motion by Representative Hale, seconded by Representative Morita and carried, H.R. No. 179 was adopted, with Representatives Nakasone, Rath, Souki, Takamine and Whalen being excused.

Representative Hale introduced the honoree and representative from the University of Hawaii at Hilo, who was seated on the House floor:

Dr. Rose Tseng, Senior Vice President of the University of Hawaii and Chancellor of the University of Hawaii at Hilo; and

Mr. Gerald De Mello, Director of University Relations of the University of Hawaii at Hilo.

H.R. No. 180, entitled: "HOUSE RESOLUTION CONGRATULATING AND RECOGNIZING THE FILM OFFICES OF THE HAWAIIAN ISLANDS FOR THEIR ACHIEVEMENTS IN THE FILM INDUSTRY," was offered by Representative Garcia.

On motion by Representative Ahu Isa, seconded by Representative Chang and carried, H.R. No. 180 was adopted, with Representatives Case, Nakasone, Rath, Souki, Takamine and Whalen being excused.

Representative Ahu Isa introduced the following honorees from the Film Offices of the Hawaiian Islands, who were seated on the House floor:

Ms. Georgette Deemer, former Manager of the Hawaii State Film Office of the Department of Business, Economic Development, and Tourism;

Ms. Donne Dawson, Manager of the Hawaii State Film Office of the Department of Business, Economic Development, and Tourism;

Ms. Walea Constantinou, Oahu Film Office and Honolulu Film Commissioner;

Ms. Judy Drosd, Kauai Film Office and Kauai Film Commissioner; and

Ms. Marilyn Killeri, Big Island Film Office and Big Island Film Commissioner.

Representative Ahu Isa also recognized Ms. Amy Kastens, Maui Film Office and Maui Film Commissioner, who was not in attendance.

Representative Garcia introduced key members of the local film and television industry who were seated in the gallery, including:

Film and Television Development Board Chairperson, Dr. Elizabeth Lindsey Buyers, and members Mr. Ray Lovell, and Mr. Jack Bates;

Ms. Sharon Narimatsu, Deputy Director of the Department of Business, Economic Development, and Tourism; and

Mr. Cary Hiroyuki Tagawa, major motion picture and television actor, and Kauai resident.

Representative Garcia also recognized Representative K. Mark Takai for his role in the establishment of the Board.

At 12:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representative reconvened at 2:00 o'clock p.m.

### LATE INTRODUCTIONS

Representative M. Oshiro introduced former colleague and member of the House of Representatives, Mr. Devon Nekoba.

Representative Case also rose to introduce his nephew, Mr. Devon Nekoba.

### UNFINISHED BUSINESS

Representatives Garcia and Arakaki for the Committee on Public Safety and Military Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 911) recommending that S.B. No. 1188, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. 1188, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

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

"Mr. Speaker this is the bill that is causing the City Prosecutor great concern. It includes a feature that causes many of us great concern and that is, it repeals the mandatory minimum sentence for promoting a dangerous drug in the third degree. This is for an offense involving methamphetamine.

"The Prosecutor is part of a group in Hawaii that believes very strongly in Drug Court. The way Drug Court works, is that you have a hammer that you can hold over the defendant when he is in the process of appearing before the Court. That 'hammer' is mandatory sentencing. You have to go to prison if you don't cooperate and that 'hammer' is used to encourage people to be involved in Drug Court.

"That is a very important provision. It was not present in the House Bill that went over to the Senate and it has emerged into this bill. It has emerged as an amendment and it is a very unfortunate development and it has the City Prosecutor very worried.

"I would like to point out that there are additional problems with this bill. One of them is that it takes away the judges'

authority to send a first time offender to prison. This is a very, very rarely used authority. In almost all cases, Mr. Speaker, when somebody comes before a judge on a drug charge, and it is the first time offense and the only reason they're up there is because of drugs, the Judge issues probation of some sort and the person does not go to prison.

"In the dialog between the judge, the Prosecutor and the defense attorney, sometimes that fact that the judge can send the person to prison, again results in a more cooperative situation in which the person agrees to go into a drug treatment program. It's very important that the person do that. That's what we are looking for and we all agree on that.

"One of the problems that you see in the bill and is a misunderstanding of what's really going on. On page 9 of the bill, it says that one of the advantages of the bill is that it is going: "To halt the wasteful expenditure of hundreds of millions of dollars each year on the incarceration of non-violent drug possession defendants who would be better served by community-based treatment." This is a hypothetical hundreds of millions of dollars. The actual savings are virtually "zero" because these people are already in the category in which they are not going to prison.

"If somebody votes for this bill thinking that they are sending somebody to a nice drug treatment program that's existing, instead of prison, they are making a mistake. Because the way judges are handling the program now, is not to send them to prison and to encourage them to go into a drug treatment program. Our big problem is that we don't have enough money for drug treatment.

Representative Fox then moved that S.B. No. 1188, SD 2, HD 1 be recommitted to the Committees on Public Safety and Military Affairs and Health, seconded by Representative Pendleton.

At this time, Representative Djou requested a roll call vote.

The request for a roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Roll call having been requested, the motion that S.B. No. 1188, SD 2, HD 1 entitled: "A BILL FOR AN ACT RELATING TO SENTENCING FOR DRUGS AND INTOXICATING COMPOUNDS OFFENSES," be recommitted to the Committees on Public Safety and Military Affairs and Health failed to carry on the following show of Noes and Ayes:

Noes, 28: Abinsay, Ahu Isa, Arakaki, Cabrerros, Case, Chang, Espero, Garcia, Hale, Hamakawa, Ito, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Suzuki, Takai, Takumi and Yoshinaga.

Ayes, 18: Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Pendleton, Rath, Stonebraker and Thielen.

Excused, 5: Hiraki, Souki, Takamine, Whalen and Yonamine.

### MAIN MOTION:

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

"Before I move to the text of my delivery, I wanted to make a couple of points.

"First of all, on page 8 of the bill, line 3, there's going to be a correction. The number you see before you is 4,800. Four



thousand eight hundred offenders are incarcerated in State and mainland correctional facilities.

"Mr. Speaker, I have just been informed this week by the Director of Public Safety that the figure now stands at above 5,000. For the first in our State's history, we are now above 5,000 offenders incarcerated in our State and mainland facilities. What this means, Mr. Speaker, is that for the first time, when they actually mean it, the Administration is going to move on emergency release. It's in the law and he can do it. What they're going to do is have all the wardens tallying up the number in each of their facilities and those offenders who have about a month left in their prison term, will be the first to go and it will continue as a rolling release. One month offenders first, then two months and three months.

"We have to do this because we don't want to be faced with another Sprees Consent Decree. If you recall, that consent decree applied to OCCC and the Women's Facility. We got out from under that a couple of years ago. But now we are faced with this one more time, now that the number has climbed above 5,000, and that is the reason for this bill.

"The people of Hawaii really need this bill. Because absent any other measure that deals with prison capacity, we all know the Governor is not an advocate or a fan of building a new prison. We don't have any money in the budget, he likes to throw that argument in our face, but apparently we're not going to be increasing our prison capacity anytime soon. In the alternative, this is what we have.

"I seem to recall that the members on both sides of the aisle, are in favor of drug treatment. We disagree I guess, on how we want to apply it. We have a proposal here before us, that deals squarely with what the problem is. Members if you recall earlier this week the Health Department released a survey about drug abuse in our community. Granted the problem seemed to "zero in" on alcohol abuse. Take a look at what they said about crystal methamphetamine. Quoting from an Advertiser article: "Hawaii continues to lead the nation in crystal methamphetamine use -- about 15-20% higher than national numbers and distinction it has held since about 1996. In 1998, an estimated 8,100 adults needed treatment for use of 'ice', compared to 6,200 in 1995." We have a problem and we have to do something about it.

"What this bill is trying to do Mr. Speaker, is really to address a number of concerns. If you take a look at it from a criminal justice perspective, I understand the concerns raised by our Minority Leader and there are some of us in our caucus that have concerns about whether or not we're getting soft on crime. We're getting smart on crime and we're going to deal with the sick people. This is what we're dealing with here, these are sick people. Sick people being treated in prison? Where's the sense in that?

"Members, there's a offensive phrase to some people found on page 23, where we talk about the mandatory minimum."

Representative Luke rose to yield her time.

Representative Garcia continued, stating:

"Page 23, here is the problem for some people. Dealing with the mandatory minimum on crystal meth. It took out the language where we speak of possession. We're still dealing with the full force of the law which is still in effect for the distributors, manufacturers and those who sell to our kids. They're going to 'whack' them. Even with the enactment of this law, should it go that far. We're still going to get 'whacked' and I'm still trying to get to the sick people.

"First, I believe that public safety and public health are equally important to the people of Hawaii. The existing system, however, provides substance abuse treatment for too

few unhealthy offenders and then, when left untreated in an incarcerated environment, these substance abusers are more likely to leave that environment in a condition that makes he or she a larger threat to public safety. Simply put, we need to institute a new approach that can better address these public health and public safety concerns. This measure intends to do just that.

"Secondly, the bill in its previous form, H.B. No. 176 which was referenced in my earlier testimony, did not properly acknowledge the characteristics of the disease of the addiction. Relapse is a part of recovery. To expect an addict to successfully overcome his or her addiction on the first treatment attempt is simply unrealistic. It is not medically sound policy to have a relapse result in a term of incarceration. The policy of revoking parole and probation for relapse is one area where so-called "judicial discretion" has been, I argue, overstepping its bounds and dabbling in the profession of medicine and the result has neither been conducive to public health nor to public safety. I note that no other disease is punishable by incarceration--- addiction should not be the exception.

"Third, even though the population eligible for diversion under this bill consists of individuals convicted of possession of all forms of drugs, the removal of the mandatory minimum sentence for simple possession of methamphetamine is a key element of this strategy that has been blatantly absent in previous drafts of this measure. We should have dealt with it in H.B. No. 176, but nevertheless, it is now before us.

"Mr. Speaker, before I spare the Chamber of the rest of this oratory, I want to review that concern that was raised by the Minority Leader. It's going to be a legitimate concern and members please, if we could continue the bill for further discussion. I will remain open about your concern about judicial discretion. I'm open, I have concerns about it, but if this is what it is going to take for people on both sides of the aisle to make this work then come up with your arguments and let's see how we can make this bill address the concerns that we all have in our communities.

"It's not a criminal justice problem but a problem that almost everyone of us in this room that knows somebody that has a substance abuse problem. Somebody's auntie, uncle or cousin. If we don't deal with this now, let me warn you, not just that the prison is going to get more overcrowded than it is already. It shouldn't take too much to understand why those two escaped from OCCC last night. When you're triple bunking and you have close to 80 people on the floor it gets very, very dangerous. We need to deal with this squarely in the face and I urge the members to support this bill as it moves along and I will promise to remain open to any and all other concerns that might arise. Thank you, very much."

Representative Pendleton then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

"Nothing against my dear friend and colleague, the Chair of Public Safety. But I definitely agree with Drug Court, it is necessary and preferred. But without the 'hammer' that the prosecutors and the courts now have, the mandatory prison sentencing, without that hammer, nobody is going to choose to go into a drug rehab. If they wanted to they could do it now, before they are apprehended.

"So for that reason I am afraid it's not going to work. Prison overcrowding, even with early release, gives these people a taste of prison. Whether they serve nine months or six months, before they are released at least they figure out that is something they don't want to do more of. It will give them

incentive if they don't do it while they're in prison then at least afterward they may want to go to rehab. Again they need the hammer.

"This bill calls for mandatory 'no prison'. That's what this bill should be called because they are doing away with mandatory prison. This is not the way to handle prison overcrowding. We don't let robbers out just because the prisons are full. We don't let murderers out just because the prison is full, this is somebody that breaks the law. It doesn't matter what the law is, if this body felt that it important enough to pass the law, then this body should be behind the law. If somebody breaks the law, that's not a medical problem. That's because they don't care about the law. And for the previous speaker, I don't know a single person that is addicted to crystal meth."

Representative Rath rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

"Mr. Speaker I am uncomfortable rebutting the remarks of the Chair of the Public Safety Committee on the very day he fed me.

"But let me just say a few things. He referred to a time to be smart on crime and that's is certainly something we all want to do. I can't help but thinking back to 1996 when crime was the biggest issue in this community. We realized pretty much across the board that we had to do something about building more prison space. I know that the Chair of the Public Safety Committee shares this concern. This is basically the other part of the picture that we need to deal effectively with crime. We have to have more prison capacity. I regret very much that the Governor isn't there. I regret that the previous Director on this issue is not in the right place. I am saddened by the fact that the previous Director of Public Safety essentially resigned over this issue and his differences with the Governor about the need for more prison space.

"The decision that we made in 1996 is: 1) we need more prison space; and 2) we've got to do something about crystal meth and we have to make it mandatory prison time if you do crystal meth. The issue between possession and distribution is an extremely 'fuzzy' one. It's the reason why the law sends you to prison. If you possess an ounce of crystal meth, because if you're in the business of possessing crystal meth, you're often in the business of distributing it. Crystal meth is a violent substance and it makes the people using it violent and to have them under control is very important.

"We have said, and we will say repeatedly, that drug treatment is the goal we are seeking. We believe in the Drug Court system and the people who operate the drug courts and who work with the drug courts are on our side and they're on the side of the mandatory sentencing for crystal meth. If our colleagues from across the aisle know differently, please tell us. Our understanding is that to make Drug Court work you have to have mandatory sentencing.

"So, let's have real drug treatment. Let's supplement this with a prison system that has a capacity to take all of the people that need to be imprisoned. Let's have the guts to support privatization because through privatization we can have that prison system within the budget that we are dealing with. The private sector will build and operate a prison for the price that we just pay to operate it. So, we can have a new prison.

"So, the answer is to defeat this bill or to fix it and get out the provision on crystal meth, to support drug treatment. We've given you a way to support drug treatment, use the money in the 'rainy day fund' to build the prison we need and afford it through privatization."

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

"First of all, before people start painting this bill as a little minded "soft on crime" strategy to deal with prison overcrowding. I just want to mention that we're trying to learn a lesson that California has learned. Basically they tried to out-build their crime problem and they found out they couldn't. They found out they're spending millions of dollars building prisons and prison beds, to a point where they had more people in prison than some small countries.

"It wasn't the government that decided that they didn't want to do this anymore, it was the people. The people of California rose up and said that they didn't want their hard earned tax dollars spent on incarceration knowing that these people are going to be coming out of prison one day, back on the community and will still have their problem. They wanted their problems dealt with from the very beginning. This is a trend across the country. It doesn't matter if there is a Democratic governor or Republican governor, everyone is realizing that you can't build enough beds to deal with the drug problem.

"The war on drugs has obviously failed. So, we're going to have to look at it as what it really is. It is a public health problem. It's a disease that needs to be dealt with. In Hawaii we got more crystal meth users than any other place in the country. It is important that we learn the lessons and utilize our precious and limited resources to attack the problems where they are.

"One of the things that the study we had on substance abuse mentioned was that alcohol is actually an even greater problem. But why aren't we dealing with it? We're picking on a small little population because of the fears that were raised? I just want to point out from a study that was done by Mr. Andrew R. Ovenden, who is part of an Arrestee Drug Abuse Monitoring Program here in Hawaii. One of the few nationwide. It says:

Methamphetamine use has also been linked to violent crime due to a few high profile criminal cases. Again, there is no evidence to back up the claim that methamphetamine use necessarily causes more violence. It can be argued that alcohol is as much a factor in violent crimes than any other substance including methamphetamine. Even if there were a direct causative link between methamphetamine and violence, that would make treatment for first-time, non-violent offenders more imperative.

Because of the prevalence of methamphetamine use in the arrested population, it makes no sense to exclude methamphetamine users for first-time, non-violent drug possession offenses. Doing so means that the drug-using population who need treatment the most may be excluded.

"Again, as your Health Chair Mr. Speaker, we don't want to deal with our health problems by locking them up. We can't out-build the problem. We need to deal with the problem where it is and we need to honor besides this bill the funding and the commitment to substance abuse treatment. Not just from a 'rainy day fund' because "rainy day funds" are temporary. If we're really going to make a commitment, to substance abuse treatment then it should be in the base budget,

or the general fund if need be. But unless we make that commitment we are going to be forced to lock up these people out of fear. We don't want fear to drive our public policy. We want what is best for the people of Hawaii. Thank you, Mr. Speaker."

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

"I have to disagree with the Chair of Health when he says whether we don't know whether 'ice' users become violent. In a recent Committee hearing the Prosecutor said that in the last five murders in Hawaii, the perpetrators were all 'ice' users. So I don't think that it is just anecdotal. It's clear that 'ice' has a very negative affect on the users and I don't think it's a small group of people which he also alluded to. We have an epidemic of 'ice' use here.

"Addiction is addiction. Whether you're addicted to alcohol or addicted to 'ice' or marijuana or whatever it is. It's hard to get people to treatment and where some would argue that the court sending them to treatment is 'no good', they have to come to it on their own. It's true. Most addicted people have to hit bottom, but going to court and having the threat of going to prison throws you to the bottom pretty fast and often makes people move to the direction that their mothers, fathers and loved ones wanted them to go to. They wouldn't go on their own and that's what we are concerned about. Yes, addiction is a sickness. But when people are addicted they lose sight of their moral standards and everything and they will not listen to reason and they are breaking the law. If we really care for these people, we want them to get treatment as soon as possible and the courts can help us in this effort.

"I don't think it is appropriate that we take this discretion away from the judges and the prosecutors. In this same Committee hearing, the prosecutors said that in almost every case for a first time defendant, they don't ask for them to go to prison. They want them to go to Drug Court. Another thing that there was quite a lot of debate about was on what you should do if somebody has maybe an ounce or more of 'ice' on their person. Well, a regular addicted user who needs this 'ice' to get up and do his job is buying it if he can afford it, and it's running his life and he can't go to work unless he goes to Kailua or wherever he's going to his dealer to buy it. He would not have an ounce on him because it costs about \$1,500. So, it's not unreasonable to make the assumption that if somebody has that quantity of 'ice' on their person, they are selling some of it to pay for their habit.

"So, I cannot support this and I would hope that everyone would look carefully at this bill before they vote yes. Thank you."

Representative Halford rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

"I didn't know the dealers were all in Kailua, but now that we know that...."

Representative Thielen then rose on a point of personal privilege, stating:

"There were a couple of 'ice houses' in our community and we were able to shut them down. The information seems to be dated. Thank you."

Representative Stonebraker continued, stating:

"No offense by that, I'm sorry. Now I know we don't all agree on this but there has been some concerns raised. I know the 'crack heads' in my district are for this bill and unfortunately I am not going to go with them. They're not a big caucus. Maybe they are in other Representatives' areas but the question that has been raised is that this bill seems to mandate non-sentencing and it really 'handcuffs' the judges and that's why the Attorney General is opposed to it. We've mentioned that our 'crack use' in Hawaii is higher than any other state and the things they've done in California and Arizona. We're beginning to follow suit with this bill.

"It's my concern that Arizona and California haven't been tested, they've barely started these programs and we have no idea what's going to happen. I propose that possibly our numbers will be rapidly lower than Arizona and California, and before we take a step following California, we need to check out what they've done and look at the crisis they are facing now with energy, for example. I certainly hope that this body wouldn't pass any measure similar to California that has to do with energy. I don't think we want to face rolling blackouts.

"So, before we jump into this feet first I think there are some questions that we need to ask as well is, is it a disease, really? And if it is a disease, then perhaps we need to consider that it's contagious. Back a couple hundred years ago we sent all of our victims of Hansen's disease to Kalaupapa on Molokai. That was because it was contagious and it was harmful for the general public.

"So, rather than forcing these criminals or victims on the treatment centers or rehabs, we need to ask: Who will be the victims if we pass this bill? Will it be the offenders? In that they are not necessarily willing to go to these treatment centers, they're being forced to. Or will it be the rehab centers who will now face a flood of unwilling participants in their programs and will they experience more problems.

"For those reasons, I stand in opposition."

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

Representative Gomes' remarks are as follows:

"First, I agree we should move away from mandatory minimum sentencing for non-violent drug offenses, especially for first-time non-violent offenders convicted of possession where there was no intention to sell, manufacture, or distribute. In addition, we should reconsider our policy to slap mandatory minimums on 'ice' users, merely because 'ice' is their drug of choice. While there is anecdotal evidence, and some empirical data, to support the conclusion that 'ice' increases the user's propensity for violence, the empirical data does not demonstrate that all 'ice' users are prone to violence. In fact, the evidence suggests just the opposite, that many, if not most, 'ice' users do not inflict violence on themselves or others, nor do they steal or destroy property.

"I raise this issue, Mr. Speaker, because our mandatory minimum approach is premised on the unjustified assumption that all 'ice' users are extremely violent people who are out of control and need to be locked up, no questions asked. Thus, we must best our 'knee-jerk' irrational non-solution to the drug scourge with a sane, rational, and wiser approach so that the 'time fits the crime.'"

"Another reason I support this measure but only with reservations, Mr. Speaker, is that it means we 'flip-flop' from one extreme to another from mandatory minimum

incarceration for first-time non-violent ice offenders, to mandatory probation. This 'schizophrenic about-face' from the punitive to the palliative reflects less an enlightened drug policy than it does yet another "Hail Mary" approach to a vexing, but winnable problem. Instead, we should follow the more prudent course and restore the court's discretion to impose incarceration or probation -- or a combination of both - - when deciding, based on the facts, the appropriate criminal penalty for the convicted offender.

"Thank you, Mr. Speaker."

Representative McDermott rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Auwae rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

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

Representative Jaffe rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

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

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

Representative Bukoski rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

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

"For years now, the United States has incarcerated thousands of drug offenders who have not committed any violent crime. And remember we are talking about non-violent offenders today. We are now faced with serious prison overcrowding problems with hundreds of Hawaii residents transferred to far away mainland facilities. This is not only very expensive, but often cuts off the prisoners from ohana and friends who might otherwise have a beneficial impact on their lives and make them better able to re-adapt when their terms are over. This particularly applies to women who are incarcerated.

"As a registered nurse, I am aware that what many non-violent offenders need most is treatment, not incarceration. A high percentage of our prison population have drug problems, some estimates put it as high as 80%. Bitter experience has taught us that many illegal drugs are readily available in prison. Simply placing someone in a room with nothing to do, except to continue to take illegal drugs, gets us nowhere.

"I would like to offer a brief summary of the testimony in support of this measure, especially for the benefit of those members not in attendance at the joint hearing.

"Without fail, every testifier supported the interagency cooperation regarding substance abuse treatment that this measure establishes. The State agencies, non-profits, and concerned individuals all see the need for a coordinated effort and this measure puts the DOH in charge of that effort."

"There was moving testimony from the late Mackey Fearey's sister, Ms. Dancetta Kamai, who described her brother's struggle with substance abuse and how the policy of incarceration for relapse contributed to his tragic death. This measure would help, as Ms. Kamai quotes from her brother's last written words, to fulfill his request to "please don't let my death be in vain."

"There was testimony from the Arrestee Drug Abuse Monitoring Program which has been gathering data at the Central Receiving Division of the Honolulu Police Department. They report that Honolulu has higher methamphetamine use than any other of the 35 cities which are part of the study.

"Other than the Prosecutor and the police department, all of the testimony that explicitly mentions methamphetamine supports including methamphetamine in the diversion program to provide the necessary substance abuse treatment. By the way, if you ever saw the results of a drug screening you would note, very seldom is there only one drug in a drug screen.

"Most notable, is the testimony from the Departments of Health and Public Safety. These agencies support a full-scale diversion program for the limited population proscribed before us in this measure, non-violent offenders.

"The controversy around this bill centers around the issues of discretion. Much has been written about mandatory minimum terms for drug offenses, both in support and in opposition. I would like to quote today from the May 17, 1999 *National Review*; a source which, without too much debate, we could label a conservative periodical. In a piece entitled: Against Mandatory Minimums; Drug Sentencing Run Amok, by Jon Diulio, Jr., the Princeton Criminologist recently selected by President Bush to lead his efforts at faith-based social services, writes:

Most people in the communities from which these prisoners come, tend to strongly oppose drug legalization and want drug dealers routed from street corners. By the same token, most of them strongly favor drug treatment and do not support the long-term imprisonment of their drug-only-offending neighbors. Their preferences ought to register in new public anti-drug laws that mandate community-supervised sentences and treatment.

"Politics makes strange bedfellows. In this case, I heartily agree with Dr. Diulio.

"In addition, in a recent state of the union address, Republican Governor Gary Johnson of New Mexico included a call to "reform our drug policies." He further stated that this goal is to help those addicted to drugs "find a better way." Often they cannot find a better way in prison. New Mexico, Arizona and California may well be able to lead the nation in policy reform.

"In Hawaii we would do well to look at the successful policies of our neighbors in the western states.

"I urge the members to allow this bill to go forward. Thank you, Mr. Speaker."

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1188, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING FOR DRUGS AND INTOXICATING COMPOUNDS OFFENSES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with

Representatives Bukoski, Fox, Jaffe, McDermott, Meyer, Moses, Pendleton and Rath voting no, and Representatives Gomes, Halford, Hiraki, Kanoho Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

### STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 932) recommending that S.B. No. 1007, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1007, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 933) recommending that S.B. No. 1162, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1162, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC NOTICE REQUIREMENTS FOR PUBLIC LAND DISPOSITIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 934) recommending that S.B. No. 1165, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1165, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 935) recommending that S.B. No. 1452, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1452, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 936) recommending that S.B. No. 1397, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1397, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 937) recommending that S.B. No. 1603, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1603, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL, DRUGS, AND HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 938) recommending that S.B. No. 1341, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. 1341, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Ito rose to declare a potential conflict of interest, stating:

"I serve as a board member for the United States Selective Service."

The Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1341, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNITED STATES SELECTIVE SERVICE SYSTEM," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 939) recommending that S.B. No. 1199, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1199, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 940) recommending that S.B. No. 984, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 984, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 941) recommending that S.B. No. 224, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 224, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 942) recommending that S.B. No. 264, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 264, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATION FOR TAX EXEMPTION," passed Second Reading and was referred to the Committee on Finance.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 943) recommending that S.B. No. 1070, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1070, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION COURSES AND COURSE PROVIDERS FOR INSURANCE LICENSEES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 944) recommending that S.B. No. 992, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 992, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 945) recommending that S.B. No. 499, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 499, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVE SHARING," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 946) recommending that S.B. No. 813, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO REPORTS," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 947) recommending that S.B. No. 797, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 797, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 948) recommending that S.B. No. 1317, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1317, entitled: "A BILL FOR AN ACT RELATING TO THE FILING DATE OF ANNUAL FINANCIAL INTERESTS DISCLOSURE STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Suzuki, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 949) recommending that S.B. No. 1430, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. 1430, pass Second Reading and be referred to the Committee on Judiciary and Hawaii Affairs, seconded by Representative Lee.

Representative Rath rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".



Representative Meyer rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Gomes rose in opposition to the measure, stating:

"It seems to be an attempt to do away with a time honored tradition of 'carpet bagging'. Mr. Speaker, I think that it is an unnecessary measure and I understand the proponents of the bill seek to protect the district from anyone who doesn't have an interest or doesn't know or understand the district from running for an office in that district, and put in a timeline of when they have to register or be a resident of that district.

"There is already sufficient notice to anybody who cares to look in terms of who's running for what office and when. My understanding is that we all have to file sometime before July. That's plenty of opportunity and I don't see the wisdom of requiring that the person must also be formally a resident of that particular district. There could be lots of good reason, none of them may fair, as to why someone is not in their particular district at a particular time when running for office.

"But the principle reason that I am opposed to it, is that this suggests that the voters themselves can't figure it out. They certainly can and they certainly should, and we should not be passing out laws and constitutional amendments that seek to take the voters off the hook as it were, from their own responsibilities so they can otherwise remain engaged in the election process and in the democratic process. If we want to encourage more participation then we should be doing the right thing here in our own body as we attempt to go about debating our own measures and represent our various views in our districts with dignity and decorum as we try to do here in this House this Session.

"The other thing is that I would hate for this to be sort of passed off as an election reform measure of some kind as if this body were really dabbling with election reform by putting these arbitrary time limits out there. At any rate, I don't see it as that at all. So, for those reasons, Mr. Speaker, I stand opposed to this. Thank you."

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

"I just wanted to point out that there were two organizations that testified in support of this measure and they were the League of Women Voters of Hawaii and Common Cause. The fact of the matter is, that the Constitution allows someone to run against anyone of us in our districts and not need to move into the district until one day prior to or on the day of the general election. I don't think that goes along with the spirit of running for an office of a district that you are intending to represent.

"So, I truly support this measure and I think that the members of the public should be made aware that the people who are intending to represent them, either in the Legislature or any elected office, should be on the day of filing their nomination papers, a legitimate resident of that district. Thank you."

Representative Gomes then rose and stated:

"I think the other assumption is that once we implement a law like this that will ensure the public that, that person has the best interest of that district at heart and knows what the district needs and wants. Certainly it doesn't assure that whoever can make this deadline doesn't mean anything in terms of their dedication to the district or understanding the

district issues or that they even know what should be done for the State of Hawaii.

"So, it does nothing to address some of the issues of concern. Thank you."

Representative Meyer then rose and stated:

"I just wanted to point out while I did vote "no" on this for the same reasons that my colleague from Waimanalo has mentioned. In addition to that, it does sort of set a double standard. If somebody who wants to run and has never been in office, they must be living there before he files as a candidate. But if it is an incumbent who is displaced it would be a different standard and I don't think that is right. Thank you."

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

"I just wanted to take the opportunity to point out that for the United States Congress residency isn't a requirement, before or after the election. Thank you."

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

"It just seems to me that this is the kind of issue that should be put to the public. All we're doing is giving the public an opportunity to vote "aye" or "no". They're the ones who should make the decision because this is a constitutional requirement and I can't see any objection to it and I support it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1430, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Gomes, Meyer and Rath voting no, and Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 950) recommending that S.B. No. 257, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 257, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 951) recommending that S.B. No. 597, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 597, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COUNCIL ON



DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 952) recommending that S.B. No. 1138, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1138, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE NEWBORN HEARING SCREENING PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 953) recommending that S.B. No. 469, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 469, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 954) recommending that S.B. No. 1122, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1122, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISABILITY AND COMMUNICATION ACCESS BOARD," passed Second Reading and was referred to the Committee on Finance.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a joint report (Stand. Com. Rep. No. 955) recommending that S.B. No. 118, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committee was adopted and S.B. No. 118, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CANCER," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 956) recommending that S.B. No. 630, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 630, SD 1, entitled: "A BILL FOR

AN ACT RELATING TO INTOXICATING LIQUORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 957) recommending that S.B. No. 654, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 654, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 958) recommending that S.B. No. 1015, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1015, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 959) recommending that S.B. No. 1016, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1016, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 960) recommending that S.B. No. 1019, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1019, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 961) recommending that S.B. No. 1021, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1021, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 962) recommending that S.B. No. 1109, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1109, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE RECOVERY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 963) recommending that S.B. No. 1105, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1105, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ON THE NATURAL PARENTS OF THE ADOPTED MINOR CHILD," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 964) recommending that S.B. No. 1129, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1129, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 965) recommending that S.B. No. 1435, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1435, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HYDROGEN RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen and Yonamine being excused.

#### ANNOUNCEMENTS

Representative Takai: "The Committees on Health and Education will be reconvening in room 329 for decision-making on bills that were heard this morning and in addition to that, we were supposed to be meeting at 2:00 o'clock p.m.,

but the Committee on Education will be meeting immediately after session."

Representative Kahikina: "Members of the Hawaiian Caucus there will be a short meeting immediately following session in the Majority Caucus Room."

Representative Lee: "There will be a Majority Caucus at 4:00 o'clock p.m., in the Majority Caucus Room."

Representative Hamakawa: Requested a waiver of the 48-hour hearing notice requirement for the purpose of holding a public hearing for the following:

S.B. No. 98, relating to legal services for the indigent  
S.B. No. 1110, relating to childcare; and  
S.B. No. 1161, relating to disposition of abandoned or seized property on public lands.

These bills will be heard following at 2:30 o'clock p.m., this afternoon.

I also request a waiver for:

S.B. No. 848, relating to law enforcement officers.

To be heard tomorrow morning at 9:00 a.m., and the Chair "so ordered."

Representative Pendleton: "There will be a Minority Caucus tomorrow at 5:00 o'clock p.m."

Representative Arakaki: "Ongoing right now, is the briefing on the Tobacco Prevention Control Trust Fund. They are presenting their strategic plan for the next five years. So, those of you who have ideas on how we should spend that money should attend the briefing. At 3:00 o'clock p.m., we have a joint House and Senate briefing on the issue of nursing shortages, in room 309."

Representative Garcia: "A reminder for the members of Public Safety and Military Affairs Committee. We will reconvene for decision making jointly with the Judiciary and Hawaiian Affairs Committee shortly after today's session."

#### LATE INTRODUCTION

Representative Leong introduced members of HSTA who were seated in the gallery.

#### ADJOURNMENT

At 2:53 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 6:00 o'clock p.m., tomorrow, Friday, March 23, 2001. (Representatives Hiraki, Kanoho, Souki, Stonebraker, Takamine, Whalen, Yonamine and Yoshinaga were excused.)

## THIRTY-NINTH DAY

Friday, March 23, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 6:50 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representatives Ahu Isa, Bukoski, Kahikina, Kanoho and Kawakami, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Ontai, Pendleton, Rath, Stonebraker, Takumi and Yoshinaga, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 178 through 180) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 178, transmitting copies of the 2001 Report of the Governor on Hawaii Workforce Development prepared by the Workforce Development Council pursuant to Section 202-2, Hawaii Revised Statutes.

Gov. Msg. No. 179, transmitting copies of the Foreign-Trade Zone No. 9's annual report to the Foreign Trade Zones Board for federal fiscal year ending September 30, 2000.

Gov. Msg. No. 180, transmitting copies of a statement of goals and objectives for the Department of Human Resources Development pursuant to Part II, Section 7 of Act 100, Session Laws of Hawaii, 1999.

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com No. 15) was received by the Clerk and was placed on file:

Dept. Com. No. 15, from Mr. Robin K. Matsunaga, Ombudsman, transmitting copies of a report entitled "A study of the geographic exception program of the Department of Education".

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 449) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 449, returning H.B. No. 692, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," which passed Third Reading in the Senate on March 22, 2001.

## INTRODUCTION

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

Representative Whalen introduced members of the American Association of University Women from Kona: Ms. Alice Lakot; Ms. Sonia Edmonds; and Ms. Dot Sygnes.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
589	Committee on Consumer Protection and Commerce
706	Committee on Finance
1096	Committee on Finance
1102	Committee on Judiciary and Hawaiian Affairs
1188	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Health, then to the Committee on Finance

The following concurrent resolution was re-referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
100	Jointly to the Committee on Education and the Committee on Health and the Committee on Legislative Management, then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 966) recommending that S.B. No. 1365, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1365, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 967) recommending that S.B. No. 1073, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1073, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 968) recommending that S.B. No. 1013, SD 3, as amended in HD 1,

pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1013, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Thielen rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, the report of the Committee was adopted and S.B. No. 1013, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 969) recommending that S.B. No. 1028, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1028, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT DISTRICTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a joint report (Stand. Com. Rep. No. 970) recommending that S.B. No. 927, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 927, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT DAY HEALTH CARE CENTERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 971) recommending that S.B. No. 1101, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1101, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 972) recommending that S.B. No. 1195, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1195, SD 1, entitled: "A BILL

FOR AN ACT RELATING TO TAXPAYER COMMUNICATION CONFIDENTIALITY PRIVILEGES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 973) recommending that S.B. No. 1406, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1406, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 974) recommending that S.B. No. 1414, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1414, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR UNIFORM LAWS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 975) recommending that S.B. No. 72, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 72, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHŌ'OLAWÉ ISLAND RESERVE COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 976) recommending that S.B. No. 1460, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1460, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Fox rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Thielen rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

Representative Meyer rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1460, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," passed Second Reading and was referred to the Committee on Finance, with Representative Fox voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 977) recommending that S.B. No. 1400, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1400, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 978) recommending that S.B. No. 1514, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1514, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 979) recommending that S.B. No. 1575, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1575, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 980) recommending that S.B. No. 900, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 900, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE APPLICATIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 981) recommending that S.B. No. 926, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 926, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Case rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

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

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

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

Representative Thielen rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

Representative Halford 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. 926, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance, with Representative Case voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 982) recommending that S.B. No. 582, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 582, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSPACE ENTREPRENEURS ACADEMIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 983) recommending that S.B. No. 197, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 197, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Arakaki 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. 197, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Second Reading and was referred to the

Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 984) recommending that S.B. No. 525, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 525, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEXTBOOKS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 985) recommending that S.B. No. 530, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 530, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ADMINISTRATORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 986) recommending that S.B. No. 535, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 535, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 987) recommending that S.B. No. 865, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 865, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 988) recommending that S.B. No. 1081, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1081, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, this bill is essentially an attempt to 'strangle the baby in the crib'. We're having a really difficult time getting charter schools going in Hawaii and it's not made any

easier by this bill which throws up several barriers in the path of those trying to organize charter schools.

"I do not understand why, in a State that has a single monopoly school district, the only monopoly school district in the United States of America, we fight so hard for the least bit inkling and effort on the whole scene to try to do something different. It's like the only thing we can see is total uniformity and we're afraid of anything that looks slightly different.

"So, I think this is an extremely unfortunate bill and I wish that it would die. Thank you, Mr. Speaker."

Representative Leong rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

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

Representative Thielen rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

Representative Meyer rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

Representative Gomes rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1081, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Fox, Gomes and Leong voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 989) recommending that S.B. No. 1211, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1211, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses 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. 1211, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 990) recommending that S.B. No. 1214, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1214, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL BOARD



CERTIFICATION FOR DEPARTMENT OF EDUCATION TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 991) recommending that S.B. No. 1362, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1362, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COACHES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 992) recommending that S.B. No. 1577, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1577, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 993) recommending that S.B. No. 940, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 940, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 994) recommending that S.B. No. 1068, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1068, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCER LICENSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 995) recommending that S.B. No. 1213, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1213, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT AND CONTINUATION OF PROFESSIONAL DEVELOPMENT SCHOOLS," passed

Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 996) recommending that S.B. No. 1215, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1215, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 997) recommending that S.B. No. 1315, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1315, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 998) recommending that S.B. No. 1385, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1385, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALARY STRUCTURE OF EDUCATIONAL OFFICERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 999) recommending that S.B. No. 274, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 274, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Chang and Kanoho, for the Committee on Tourism and Culture and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1000) recommending that S.B. No. 1029, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the joint report of the Committees be adopted and S.B. No. 1029, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.



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

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 1029, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Chang and Kanoho, for the Committee on Tourism and Culture and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1001) recommending that S.B. No. 1169, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1169, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

"I talked to you and to all members of this Chamber that were present when we passed the Hawaii Tourism Authority, and set up a special fund to deal with tourism development and continued funding the counties as part of that process.

"What we have is a fund that is being managed by a group of people made up of people from the visitor industry, government officials and people who are representatives of the administration, they meet and they determine how to spend money. Again, we are dealing in the early stages of an effort we essentially promised as part of the creation of the Special Fund from the Transient Accommodations Tax and the creation of the Hawaii Tourism Authority, to stand back and keep our 'cotton picking hands' off the money in that fund and allow that people who were charged with administering those funds to make decisions based on what they thought was best for the State of Hawaii.

"It is entirely possible to within that Fund, allocate funds to support state parks. That's not totally ruled out by the way the Fund is managed. If we start telling them how to spend \$4 million dollars of this Fund, as this bill does, S.B. No. 1169, SD 2, HD 1, there's no end. We're breaking into that Fund with legislative instructions on how to spend the money. We do it once, we do it ten times, we do it ten thousand times. We'll be back to having golf tournaments on Maui dictated by the Maui Representative who controls tourism, should that transpire at some later stage.

"We have got to keep our hands off. We have got to learn discipline and the discipline should start here by voting against this bill. Thank you, Mr. Speaker."

Representative Bukoski then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

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

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

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

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

"I believe that it's good that we pay attention to our parks. I'd rather see the money coming out of a direct appropriation from the General Fund. However, if we do fund our park repair maintenance through the tourism appropriation tax revenues, in the event that there's an emergency or tourist numbers go down precipitously, that we have a proviso in the budget that would allow us to spend the money first for tourism marketing which is really our 'life blood'.

"I do hope the Finance Committee will consider this idea. Thank you."

Representative Auwae rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

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

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

"As we have indicated previously, it makes no sense at all that we should spend in excess of \$60 million to bring tourists to Hawaii only to have them experience the horrible conditions of the State parks.

"There is an absolutely good nexus in using transient accommodation taxes for the purpose of maintaining our State parks and I am in very strong support. Thank you."

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

Representative Fox then rose in rebuttal, stating:

"There's also a nexus between using the funds to support golf tournaments, and that's the problem and that's what we have to get away from, trying to micromanage this Fund. Thank you."

Representative Moses then rose and stated:

"Nobody wants to see our parks deteriorate. We all want money for our parks, but we're directing the tourists bureau on what to do. We're telling them how to spend the money and I think that is the problem.

"A resolution to urge them to put money into the parks would be a great idea. This way we're just directing and micromanaging."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1169, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bukoski and Fox voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1002) recommending that S.B. No. 796, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 796, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1003) recommending that S.B. No. 41, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 41, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1004) recommending that S.B. No. 48, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 48, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1005) recommending that S.B. No. 1299, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1299, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative McDermott rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1299, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER SUPPLY BOARDS," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1006) recommending that S.B. No. 598, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 598, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1007) recommending that S.B. No. 735, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 735, SD 1, HD 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 Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1008) recommending that S.B. No. 1121, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1121, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Moses rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Auwae rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

Representative McDermott rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1121, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives McDermott and Moses voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1009) recommending that S.B. No. 233, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 233, SD 2, HD 1, pass Second Reading and be referred jointly to the Committee on

Consumer Protection and Commerce and Judiciary and Hawaiian Affairs, seconded by Representative Lee.

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

"The Hawaii Medical Association was against this bill and I am going to vote against it. It's a real 'pain in the back'. Thank you."

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

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

Representative Meyer rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

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

"One of the real major benchmarks of the legislation has been the reform in workers' compensation and the auto insurance industry which was patterned after our reform. One of the things in the past has been the honorable profession of chiropractors with their own training background and knowledge they've been much capable of and have benefited all of those clients who have been before them.

"But in this particular case, they are trying to expand their scope of services beyond what they have been trained and have knowledge in a working relationship with, which is the extension of the total body in the realm of the medical field.

"So, what this could lead to is a potential increase in contested hearings, second opinions and a longer delay in the care and protection of our injured workers. So I would caution the Legislature, the House especially, that we must never open the door so that we're in the seventh year of a ten year cycle of financial crisis that we all face back in the eighties and nineties. We're in the seventh year of the third ten year cycle. We need to be very careful and cautious about eroding the workers' compensation reform that we had passed five years ago. Thank you."

Representative Thielen rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

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

Representative Leong then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative B. Oshiro then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

"I was hoping people wouldn't get 'bent out of shape' with this bill. But actually, this is to bring the chiropractic profession into modern times and to help people like the Representative from Foster Village with his 'pain in the back' and wherever else he has pains.

"The first practice came into being in Hawaii around 1925 and there has been little change. There has been a lot of restrictions and yet the training and the profession has

improved over the last 77 years. What this bill would do is effectively bring the Practice Act in line with modern education and training, and provide consistency with current National Practice Standards and the widely accepted National Board Examinations.

"This bill will not increase the cost in State mandated insurance coverage as chiropractic services are restricted to a maximum of four modality and procedural codes, and these codes have usual and customary charges attached to them and are regulated. Your Committee however understands the concerns brought forth by the medical community and by colleagues, and we amended the measure by clarifying the penalties and violations. We changed the effective date to July 1, 2005, so we'd like to move this bill along and continue the discussion. Thank you, Mr. Speaker."

Representative Yonamine rose on a rebuttal, stating:

"This bill should be defeated 'hands down'.

"I think in the past, let's make it very clear, the chiropractors are asking the laymen policymakers to make a medical decision and that is precisely the problem. If and when they cannot get before the Department of Labor, other health care providers, the insurance companies, and workers association in trying to see if the chiropractors in reality, given their knowledge, background and proven experience, can then get into the total body, then so be it, and there are the proper channels to do it.

"Back into 1996, they were trying and attempting to get into the codes, which are the definitions of treatment and their fees, in which they were not qualified and they were turned down. They in turn have come before us in the past and we have turned them down and I think with due cause.

"So, I think, Mr. Speaker, I would urge our colleagues to look at this bill very cautiously and let's not ruin and backtrack on a piece of major legislation that we passed six years ago. Thank you."

Representative Case rose to speak in opposition to the measure and asked that the remarks of Representative Yonamine be entered into the Journal as his own, and the Chair "so ordered". (By reference only.)

Representative Case then continued, stating:

"Having served with the former Labor Chair at the time he referenced, I believe him to be entirely correct."

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

"This bill provides me with a 'pain in the neck'. My wife is in support, so therefore, I am in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 233, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," passed Second Reading and was jointly referred to the Committee on Consumer Protection and Commerce and Judiciary and Hawaiian Affairs, with Representatives Case, Leong, McDermott, Meyer, B. Oshiro Thielen and Yonamine voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1010) recommending that S.B. No. 221, SD 1, as amended in HD 1,

pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 221, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1011) recommending that S.B. No. 1296, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1296, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Gomes rose to declare a potential conflict of interest, stating:

"I do court appointed work."

The Chair ruled "no conflict".

Representative Whalen then rose to declare a potential conflict of interest, stating:

"Mr. Speaker, same conflict."

The Chair declared "no conflict".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1296, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES FOR APPOINTED COUNSEL," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Human Services and Housing and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1012) recommending that S.B. No. 1017, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1017, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Human Services and Housing and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1013) recommending that S.B. No. 1018, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1018, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEE SIMPLE RESIDENTIAL REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1014) recommending that S.B. No. 1026, SD 1 as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1026, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a joint report (Stand. Com. Rep. No. 1015) recommending that S.B. No. 1534, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a joint report (Stand. Com. Rep. No. 1016) recommending that S.B. No. 1529, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPENDENT ADULTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1017) recommending that S.B. No. 331, SD 2, as amended in HD1 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 331, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1018) recommending that S.B. No. 484, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 484, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Whalen rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Meyer rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Jaffe rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Gomes rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 484, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Finance, with Representatives Jaffe, Gomes, Meyer and Whalen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1019) recommending that S.B. No. 1558, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1558, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Gomes rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1558, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance, with Representative Gomes voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1020) recommending that S.B. No. 1561, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1561, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Morita and Kanoho, for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1021) recommending that S.B. No. 606, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 606, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLED WATER," passed Second Reading and was

referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Morita and Hamakawa, for the Committee on Energy and Environmental Protection and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 1022) recommending that S.B. No. 1131, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1131, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1023) recommending that S.B. No. 423, SD 1 as amended in HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 423, SD 1, HD 1, pass Second Reading and be referred to the Committee on Labor and Public Employment, seconded by Representative Lee.

Representative Thielen rose to speak in opposition of the measure, stating:

"Mr. Speaker, what this bill does is do away with an actual hearing before a judge. The Hawaii Financial Services Association came in and testified heavily in support of this bill. They don't want to be bothered by having a court hearing. I spoke to the Committee members and explained that I had been a Legal Aide attorney for five years, and one of the cases that remains the most fresh in my mind is the case where a woman was served with papers, didn't understand what they were and was afraid of what her husband might say and what would happen to them. So she put them under her mattress and they stayed there until finally a process server appeared at the door and she fortunately was brought into court. The judge at that point, to the judge's credit, was able to work out a way in which the woman would not be severely penalized, but would be able to enter into a repayment situation.

"What we have here, is two pages of what will go to someone who may not have English as their first language, may not be able to read the English written word and may not understand this at all. But, here's what will come to this person's house. This is going to hurt the low-income community the most. They're going to get this and some of them may put it under their mattress, and think it will go away if it doesn't lie out there on the surface of the countertop.

"I think the court system is set-up to protect us and protect people who have gotten themselves into this situation. I don't think we should come down on the side of the Hawaii Financial Services Association, I think we should come down on the side of the consumer and to be able to help that person. The court system is the safest and the best way. I would say that this is a bill, when you go back into your caucus, to take a look at it again. It's something that's going to hurt people and we don't need to do that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 423, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PROCEEDINGS," passed Second Reading and was

referred to the Committee on Labor and Public Employment, with Representative Thielen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1024) recommending that S.B. No. 905, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE LOBBYIST LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1025) recommending that S.B. No. 1183, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1183, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1026) recommending that S.B. No. 684, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 684, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Yoshinaga's remarks are as follows:

"Sheriffs and police officers should be justly compensated for their services, including the serving of summons and subpoenas. The current calculation of statutory fees does not take into account the total amount of time or logistical consequences that a sheriff or police officer may require in order to fulfill his duty to properly serve a summons or subpoena. If, as there many times are, obstacles or hindrances to the serving of a summons or subpoena, then the sheriff's or police officer's rate of pay becomes relatively reduced and the officers do not feel they are being justly compensated. The statutory fees charged by sheriffs and police officers for various services, including service of summons and subpoenas, should be raised so that these public officers believe they have our support and will help to ensure that they do their duties properly."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 684, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES OF THE SHERIFF'S OFFICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1027) recommending that S.B. No. 1530, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1530, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1028) recommending that S.B. No. 902, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 902, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1029) recommending that S.B. No. 1540, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1540, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A HONOLULU CITY LIGHTS LOOKOUT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1030) recommending that S.B. No. 1473, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1473, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1031) recommending that S.B. No. 633, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 633, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE HAWAII FORESTRY AND COMMUNITIES INITIATIVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.



Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1032) recommending that S.B. No. 1030, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1030, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Djou rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Thielen rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Jaffe rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Whalen rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Gomes rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Meyer rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Bukoski rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Leong rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

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

"This would provide HCDA with the authority to issue \$20 million in special facility revenue bonds. As we explained previously, special revenue bonds are not an obligation of the State and must be privately funded.

"Additionally, Mr. Speaker, a very high-powered private group composed of the most prominent businessmen in this community, have assumed responsibility for the payment of debt service on this to accomplish a very desirable purpose which would enhance not only the State of Hawaii and the City and County of Honolulu, but provide the opportunity for education and that would be a visitor attraction of which we can all be proud. Thank you, Mr. Speaker."

Representative Bukoski rose on a rebuttal, stating:

"I agree with what the Chair from Water and Land Use has said, but my concern is that there is also a \$30 million GO bond that would be coupled with this special revenue bond down the road, so, which has an affect on the State's fiscal well-being. 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. 1030, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bukoski, Djou, Gomes, Jaffe, Leong, Marumoto, Meyer, Moses, Thielen and Whalen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1033) recommending that S.B. No. 45, SD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 45, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FARMING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1034) recommending that S.B. No. 640, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 640, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Kanoho and Abinsay, for the Committee on Water and Land Use and the Committee on Agriculture presented a joint report (Stand. Com. Rep. No. 1035) recommending that S.B. No. 623, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the joint report of the Committees be adopted and S.B. No. 623, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"This is a bill that would waive the public auction requirement to enable certain agriculture lessees to get a lease extension.

"There's a situation on page 12 and 13 of the bill where it says that the Board without public auction may enter into a lease extension or a new lease and that will include lease lands held under a revocable permit issued by the Board.

"This could mean in certain instances where a person is on a month-to-month lease and all of a sudden they could convert that to a ten-year or a twenty-year lease. That is a particular issue of concern on the Windward side where there is a bit of a controversial ranching operation underway right by the marsh. This means that, that month-to-month tenant could all of a sudden get a twenty-year lease.

"I think this is a dangerous precedent. I think the bill needs to be further amended, but the problem is the bill goes to Finance and Finance isn't really the subject matter committee for land use issues and lease issues. They're the money committee. I can't support it at this point. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 623, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representative



Thielen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1036) recommending that S.B. No. 244, SD 1, pass Second Reading and be referred to the Committee on Health.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 244, SD 1, pass Second Reading and be referred to the Committee on Health, seconded by Representative Lee.

Representative Moses 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. 244, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE BENEFITS," passed Second Reading and was referred to the Committee on Health, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

At 7:26 o'clock p.m., Representative Kahikina asked for a recess, and the Chair declared a recess subject to the call of the Chair.

Upon reconvening at 7:27 o'clock p.m., the Vice Speaker assumed the rostrum.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1037) recommending that S.B. No. 1146, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1038) recommending that S.B. No. 1151, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1151, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1039) recommending that S.B. No. 1115, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1115, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1040) recommending that S.B. No. 1039, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1039, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1041) recommending that S.B. No. 1040, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1040, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1042) recommending that S.B. No. 23, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 23, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses 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. 23, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1043) recommending that S.B. No. 733, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 733, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Marumoto rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Davis rose and asked the Clerk to register a no vote for all Republicans present, and the Chair "so ordered".

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

"The problem with this, granted it does reduce the amount of the tax and employment and training fund assessments, but

it also makes that tax permanent on business in Hawaii and that's bad news for all of us. Thank you, Madame Speaker."

Representative Halford then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The Chair responded, stating:

"I believe Representative Davis indicated a "no" vote for the entire Republican Caucus present, but thank you anyway for the clarification."

Representative Whalen then rose on a point of clarification, stating:

"I believe Representative Halford is still affiliated with the Republican Caucus."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 733, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Auwae, Bukoski, Davis, Djou, Fox, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Thielen and Whalen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1044) recommending that S.B. No. 448, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 448, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Moses rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

Representative Meyer's remarks are as follows:

"This bill amends our employment discrimination laws by eliminating the current exemption for domestic employees. While none of us thinks domestic employees should be subject to sexual or racial harassment, this bill ignores the fact that domestic employment is much different from other types of employment.

"A domestic employee works in the home of the employer, often lives there, and frequently is charged with caring for the children of the employer. I am concerned about an explosion of litigation arising from parents deciding a particular applicant for a live-in child care position should not be hired for what I, as a parent, think are legitimate reasons. For example, parents should be able to consider the religious values or beliefs of someone as relevant to hiring them as an *au pair*. Religious or denominational institutions are expressly permitted by HRS 378-3(5) to give a preference to individuals of their faith or denomination. But parents and domestic employers will have no such privilege.

"Similarly, HRS 378-3(8) allows a school to consider an applicant's criminal record to determine if they are suited to work in close proximity to children. I think parents should have a similar right to deny employment in their home to

someone who is a pedophile. HRS 378-2.5 does allow all employers to look at criminal convictions that bear a "rationale relationship to the duties and responsibilities" of the employee's position. Unfortunately, HRS 378-2.5 limits the inquiry to convictions within the past 10 years. Most parents will be very uncomfortable knowing that they cannot deny employment to someone who was convicted of child molestation eleven years ago.

"Parents might also be concerned about the sexual orientation of someone who will be responsible for their children. Sadly, a parent who refuses to hire someone for a domestic position because of his or her sexual orientation has committed a discriminatory practice under this bill.

"Chapter 378 of the Hawaii Revised Statutes also declares that it is a discriminatory practice to refuse to hire someone because of disability. Employers are also required to make reasonable accommodations for a disabled employee such as structural changes or equipment alterations. It is not clear whether this bill will require that every home with a domestic employee must have wheelchair ramps, accessible bathrooms, light switches closer to the ground, Braille signs and controls, telephone that blink to signal an incoming call for the hearing impaired, or otherwise fully comply with the Americans with Disabilities Act (ADA).

"It seems to me that this bill does much more than we intended it to do. The unintended consequences of our haste to pass this bill may come back to haunt us."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 448, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Moses voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1045) recommending that S.B. No. 951, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 951, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I'll confine the bulk of my comments to Third Reading. I just feel compelled and I can't just sit down and let this measure go on without comment and I have not spoken much this evening.

"This is essentially the same measure that was before us a few weeks ago. Looking at it again and looking at the people who testified in support of it: the Hawaii Civil Rights Commission, the Hawaii State Commission on the Status of Women, ACLU, Civil Rights, the Union Rights Movement, Hate Crimes Anti Task Force, and the Anti Violence Project. They support it. I think one can say that generally those groups are liberal and 'left-leaning'. They are not moderate, middle of the road. Anyone who's been here in the Legislature or an objective person would say those are liberal, 'left-leaning' groups.

"Now lets look at the people who opposed this measure. These are people who again, testified in opposition to this measure: the Attorney General. The Department and the Attorney General that I know we have is not one that we would call a conservative fellow. He is somewhat liberal if not very liberal. The Office of the Public Defender, the Maui Prosecuting Attorney, and the Honolulu Police Department. You know it's very rare that you find the public defender and law enforcement both on the same side of an issue, and the Attorney General. Maybe these law enforcement professionals know something we don't. Or maybe we have all the wisdom here in this square building. Maybe we know it all.

"The Hawaii County Police Department also testified against it. I'm puzzled why the Honolulu Prosecutor is not here but I guess I should ask him that. Another thing I would like to point out is in section 1, it says: "Revising the bias categories to conform with those currently used by the U.S. Attorney General and the Federal Bureau of Investigation pursuant to the Hate Crime Statistics Act of 1990. The current categories are race, religion, disability, ethnicity, national origin, and sexual orientation..."

"Those may be guidelines but I do not believe they are the 'law of the land'. I do not believe that sexual orientation is part of the Civil Rights Act. It is not a protected class of people.

"Now, when we came here a few weeks ago, I had some concerns about the age, and the age is still eight. I still have concerns about the age, I think it is too low and we need to protect nine, ten, eleven and twelve year olds. They're not protected. I'm currently working with an attorney to try and draft language that would protect those young children, if we are serious about hate crimes and just not making a politically correct statement, which is what I believe we are doing here.

"To amplify that we are indeed just making a statement that is just political correctness, I think the drafter of the bill really knows it is an unworkable concept, but wants to make a politically correct statement. But at the same time if you look at who's going to get punished if they actually commit one of these hard to define hate crimes, they have to be a professional criminal, someone who has committed over two felonies. So, the bill will probably never come into practical use. There's a bit of hypocrisy there."

"The Legislature finds that the State's interests in preventing crimes motivated by bigotry and hate goes beyond its interest in preventing other felonies or misdemeanors..." Why is it more compelling if someone comes up and shoots you, kills you and takes your money, or just comes up to shoot you because of the way you look? Or they don't like the way you walk? What's the difference, you're still dead. Your family has lost somebody.

"I find this interesting on line 9: The legislature further finds that Hawaii is one of a distinct minority of states in the nation that do not have laws..."

Representative Lee rose and stated:

"Madame Speaker, I believe the Speaker has exceeded his time limit."

Representative Meyer then rose to yield her time.

Representative McDermott continued, stating:

"Thank you. Again line 9: The legislature further finds that Hawaii is one of a distinct minority of states in the nation that

do not have laws addressing hate crimes. Do you know why this is? Because we're not 'red-neck', South Carolina or Georgia. We don't have the 'KKK' driving around here in pick up trucks targeting people. We are a truly 'melting pot' of people and that's why there's no need for this, that's why it's not practical, so why are we doing this?

"I didn't want to speak on this and I promise if you don't put this on the agenda, the Order of the Day, I won't speak on it. But you keep putting it on there so I've got to keep speaking. So you asked for it you get it.

"Why do we keep putting this on here, it's a matter of political correctness and Madame Speaker, this is not...a Republican..."

Representative Lee then rose on a point of order, stating:

"I believe the speaker is going way beyond the point of the bill. He should stay to the points of the bill and I think the rest of us could understand a lot better if he wasn't making as many comments."

The Chair responded, stating:

"Representative McDermott, please proceed."

Representative McDermott continued, stating:

"It never fails, every time I talk on this issue I get interrupted. Last year, last week and again tonight. Just let me say my peace and be done with it. It's a matter of political correctness, Madame Speaker; I'm talking about the motivations of this measure. What are we doing here? We are putting into statutory language regarding sexual behavior. Chosen sexual behavior, it's the way people act, not the way they look, and not who they are.

"My wife is an American Samoan. She walks in a door, she's Samoan. She gets up, she's Samoan. She comes to the door, she's Samoan. It doesn't matter where she goes, she's Samoan. And you know what? She has experienced discrimination. Madame Speaker, you look at me and I don't look like any typical stereotype minority. I'm the classic overweight white guy, the villain.

"Madame Speaker, if I chose to go down to The Wave tonight and have sex in the backseat of a car with another guy and somebody came along and they hit us, that would be a hate crime.

"Madame Speaker, the point of this bill is to equate chosen sexual behaviors with genuine minority status – that is in the bill. What we are trying to do is legitimize, de-stigmatize put into statute, codifying into law, those sexual behaviors that some of us find objectionable and immoral. And I am one of those people.

"We have a double standard in our society. We say we want to protect hate crimes, but we don't want to protect nine-year-olds and eight-year-olds. Madame Speaker, I'm going to conclude now but just in fairness to the members of this body, I have to make this statement or announcement or whatever you want to call it. I'm going to re-bring language that changes this age from eight which is on page --, I want to speak to the merits of this measure, Lord knows -- page 7 and the age is eight. I again object. If we're not going to protect children, what are we doing here?

"So I'm again going to bring an amendment to change the age to go after pedophiles. We have a double standard in this society and I want to go after pedophiles. So I'm going to

craft the language and on Third Reading that amendment will be here again to change this age from eight. And I'm going to work with a lawyer and I'll even write the Judiciary Chair to get his input. But let's not have a double standard; let's not throw this politically correct nonsense out here.

"Now again, I apologize for speaking late on a Friday night but you guys keep bringing it up here. I'd much rather be home, having a beer and watching a John Wayne movie. Thank you."

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

"One improvement of this bill over the bill that we passed out of the House is at least it talks about the reporting provisions that we're concerned we don't participate in right now. Except the problem with the bill is that there are no funds to pay for the increased costs that are going to go into this reporting.

"But even more fundamentally Madame Speaker, there's no provision here that would allow for training and for any kind of awareness or educational efforts for the police who we expect to go out and identify what a hate crime is. And Madame Speaker, that's notwithstanding the clearly obvious cases, those that make the headlines and what not. I don't think all of the so-called hate crimes is that obvious. In many cases they may be very subtle and yet we're going to expect police just to go out there and know what it is when they see whatever it is they're supposed to see.

"We can at least provide them the funds that they need to conduct the kind of proper training and awareness that they should on this particular crime. I guess akin to what we probably provided for domestic violence and those types of issues and that kind of sensitivity and awareness. So notwithstanding maybe some other improvements, I think that's one fatal flaw with this particular bill so I go with reservations. Thank you."

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

"Just briefly, I find it ironic that a few of the testifiers on this bill said that we need this sort of extra protection where we have extended jail sentences for those people who commit those "hate crimes." We heard testifiers just the other day that extended prison sentences for drug users does nothing, that extended terms don't deter this type of criminal behavior. So it's ironic that on one hand they say we need it to protect these victims of hate crimes and yet we should do away with all minimum sentencing in other areas, because mandatory minimum sentences don't deter crimes. And I would reserve the majority of remarks for Third Reading. Thank you."

Representative Meyer rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Kahikina rose and asked the Clerk to register a no vote for him, and the Chair "so ordered."

Representative Auwae rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 951, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HATE CRIMES," passed Second Reading and was referred to the Committee on Finance, with Representatives Auwae, Kahikina, McDermott, Meyer and Whalen voting no and

Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Takumi and Ito, for the Committee on Higher Education and the Committee on Education presented a joint report (Stand. Com. Rep. No. 1046) recommending that S.B. No. 1216, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1216, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1047) recommending that S.B. No. 1325, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1325, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Kahikina and Takumi, for the Committee on Human Services and Housing and the Committee on Higher Education presented a joint report (Stand. Com. Rep. No. 1048) recommending that S.B. No. 1236, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1236, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1049) recommending that S.B. No. 1137, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1137, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PENALTIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1050) recommending that S.B. No. 840, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 840, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on

Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1051) recommending that S.B. No. 591, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 591, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1052) recommending that S.B. No. 1119, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Garcia and Hamakawa, for the Committee on Public Safety and Military Affairs and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 1053) recommending that S.B. No. 704, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 704, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1054) recommending that S.B. No. 138, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 138, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1055) recommending that S.B. No. 1133, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1133, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and

was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1056) recommending that S.B. No. 584, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 584, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION PERSONNEL," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1057) recommending that S.B. No. 132, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 132, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PEER EDUCATION PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1058) recommending that S.B. No. 382, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 382, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"This bill is similar to House Bill 1031 which crossed over on Third Reading, and I wanted to revisit some of the issues that came up during that debate.

"First of all, the opposition that I had at the time, was that this bill did two things that I thought were the wrong direction to go in from a policy perspective. The first was that we had, last year in what little civil service reform we did come out with, come up with a concept of a "bright line" for collective bargaining whereby we would leave to collective bargaining virtually all aspects of the relationship between public employees and their managers. And that we would "de-statutorize" if you want to put it that way, all aspects of that relationship.

"And in this bill what we were doing was going back on that basic concept and providing that, notwithstanding anything that existed in a collective bargaining agreement, this would in fact be the law that would govern. And that the law would be those teachers and everybody in Unit 5 would advance pretty much automatically pursuant to law after July 1, 2003. And I found that that was something we shouldn't go back on.

"The second concern I had was that I opposed automatic advancement for teachers or any other public employee based solely on experience, solely on seniority where the

advancement, whether it be salary or responsibility or anything else, was dependant on pure seniority and not on actual merit. That was the wrong way to go from a public policy perspective.

"Now I got many calls and contacts from teachers in the next couple of days indicating in fact that the bill did in fact provide for some measure of evaluation before the teachers were entitled to the automatic advancement. And there is in fact a provision in the bill which is on page 1 line 8 which says that they can advance for a "...year's satisfactory service...". And I asked each one of the teachers, would it be of any concern to you if in fact this bill was dependent of proof of satisfactory service before you advance and uniformly the answer was; No, we're willing to live with merit."

"At that point we went back and tried to understand exactly what was going on in terms of the evaluation because we got conflicting reports over whether there was in fact an evaluation process in place for teachers.

"And this is the situation as I understand it currently. The current contract between HSTA and the employer provides that for tenured teachers – and 90% of our teachers are tenured – they are not in fact subject to an annual evaluation. They are certainly monitored for fulfillment of mandatory objectives, but they are not subject to an annual evaluation process per se until performance deficiencies are documented. Then once those deficiencies are documented and the teacher is subjected to an annual evaluation process, it's not entirely clear at which point the teacher's performance then becomes unsatisfactory for purposes of receiving the increment.

"So the sum total of all of this is that in fact it is pretty much of an automatic process. And to make matters worse, we still have in our law a provision, which was part of the Governor's civil service reform package a year ago, in which that provision is repealed and that provision is HRS 89-19. Basically what that says is where there's a conflict between a statute and a collective bargaining agreement, the latter prevails.

"The proposal at the time was to say that the law would establish the guidelines in which the collective bargaining agreement needed to adjust and that has not gone through. So what we really have is perhaps a classic 'catch-22' where we have a collective bargaining agreement that doesn't really call for much of an evaluation process; a law, which says that on proof of some satisfactory performance, you can advance but then you're thrown back to the collective bargaining process.

"This situation I think can be resolved in some fashion. If it is the Legislature's conclusion that we should in fact carve out this particular aspect of the relationship and say that this is going to be provided by law, which I believe is a mistake. But nonetheless, if this Legislature decides that we should go in that direction then I think we should at least guarantee in some fashion that there is in fact a suitable evaluation process in place before there is an automatic advancement, and that is provided statutorily so that the collective bargaining agreement doesn't effectively supercede that.

"And I think that would be perfectly acceptable to the HSTA and the teachers, who I think again are willing to 'live or die' by advancement in salary range on the basis of merit and in fact, want it. And that way 90% that are doing a good job would advance and 10% that aren't, wouldn't. And I think that's really the way of modern personnel.

"So what I'm trying to say here is there's room to get a good result here, whether we do it statutorily or through the

collective bargaining process. But the mix that we have right now is not working and I would urge the concerned members to dig underneath the surface of this and see what the true picture is and find a good resolution. Thank you."

Representative Gomes 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. 382, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Case voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1059) recommending that S.B. No. 493, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 493, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1060) recommending that S.B. No. 821, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 821, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Halford 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. 821, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAPTOPS FOR LEARNING," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1061) recommending that S.B. No. 1212, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1212, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"My reservation is that the Standards Board is controlled by the teachers. I think the Board is just giving away their authority and so I have some doubts about this. But I do hope



the teachers will do a good job if this bill eventually passes into law.

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

"Brief comments again, as my esteemed colleague said that it is the teachers that will do the licensing. They will not do the emergency licensing, but they will do the following licensing. They are not accountable to the public.

"Currently the Superintendent's accountable, we have a Board of Education that's somewhat accountable, we're accountable, but autonomous bodies of teachers are not accountable.

"In view of the situation right now where someone can graduate with a Ph.D. from MIT in physics and they cannot get a job teaching mathematics or calculus or anything else.

"Those are true stories. My colleague from Mililani who doesn't happen to be here tonight, he has a masters degree from MIT in physics, and could not get a job in the DOE. He had to go to Kamehameha; they scooped him up in a 'heartbeat'. So it's a real problem. Thank you."

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

Representative Meyer rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1212, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives McDermott and Meyer voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1062) recommending that S.B. No. 1361, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1361, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTEER INCENTIVE PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1063) recommending that S.B. No. 1364, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1364, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1064) recommending that S.B. No. 1567, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1567, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL COMPLEXES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1065) recommending that S.B. No. 823, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 823, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATED TO LIMITED LIABILITY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Ito and Takumi, for the Committee on Education and the Committee on Higher Education presented a joint report (Stand. Com. Rep. No. 1066), recommending that S.B. No. 1535, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1535, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1067) recommending that S.B. No. 1203, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1203, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Halford 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. 1203, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING DEVELOPMENT FLEXIBILITY OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Souki and Kanoho, for the Committee on Transportation and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1068) recommending that S.B. No. 754, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the joint report of the Committees be adopted and S.B. No. 754, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.



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

"Senate Bill 754 is the 'son' of a bill we looked at in the previous session. The bill in the previous session was a bit more openly a 'land grab' by the Department of Transportation against lands in close proximity to the harbors, particularly Honolulu Harbor held by the Department of Land and Natural Resources. This bill is a little more indirect. It asks the Department of Land and Natural Resources to identify lands under its control that could be called maritime land. So this is, in fact, the first step to a 'land grab' once DLNR says this land belongs in the category of maritime, and then DOT can move in and grab the land for maritime use.

"The Department of Land and Natural Resources testified against this bill. I don't like to watch DOT bully DLNR and I think we should oppose this bill. Thank you."

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

"The previous speaker indicated that this is entirely to allow DLNR to classify lands for maritime use. We know that the lifeline of Hawaii is our shipping industry. We need to ensure that that lifeline is protected in perpetuity.

"The classification of the lands adjacent to harbors that could be used for that purpose, and it only indicates that before it can be used for other purposes, it can be used for other purposes but, maritime uses must be considered first, does not put any restriction. It says before you use it for any other use except for maritime, be sure that we don't need it subsequently, in essence, is what it's saying. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 754, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARITIME LANDS," passed Second Reading and was referred to the Committee on Finance, with Representative Fox voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1069) recommending that S.B. No. 98, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 98, entitled: "A BILL FOR AN ACT RELATING TO LEGAL SERVICES FOR THE INDIGENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1070) recommending that S.B. No. 1161, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1161, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF ABANDONED OR SEIZED PROPERTY ON PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep.

No. 1071), recommending that S.B. No. 1180, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1180, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1072) recommending that S.B. No. 119, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 119, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1073) recommending that S.B. No. 214, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 214, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 1074), recommending that S.B. No. 1123, SD 1, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1123, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1075) recommending that S.B. No. 1164, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1164, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FOREST STEWARDSHIP PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1076) recommending that S.B. No. 1168, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1168, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1077) recommending that S.B. No. 981, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 981, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"The bill that came over from the Senate was a good bill; it would have corrected a problem that has occurred in two instances. One I understand was on the Big Island involving Hawaiian Electric which defacto received a permit approval from the Board of Land and Natural Resources simply because one board member had to disqualify himself because he had I think some financial interest in Hawaiian Electric. And that left the Board without the requisite number to be able to vote down the permit application.

"Because we have passed that automatic permit approval law, that permit then was issued although the Board itself did not vote in favor with a majority vote on that permit application.

"The same thing happened on the Lanikai Ridge a little while ago where the Board lacked the requisite number for the vote to deny a permit for a vast huge residence up on the Lanikai Ridge.

"The bill that came over to us from the Senate was excellent and strongly supported by everyone. It provided that a simple majority of the members present at a meeting and qualified to vote shall be required to allow any decision. That corrected the problem. Unfortunately, the Committee Chair decided to increase the number of members on the Board of Land and Natural Resources in this bill. I think that's going to kill the bill.

"And I find it very unfortunate. The Department of Land and Natural Resources testified in opposition to increasing the members, as they felt that it would be something that would be better to look at during the interim and give the Department an opportunity to assess the financial ramifications of that. The Board members, of course, have to be flown to Neighbor Islands when they're holding their meetings on a Neighbor Island. There is a financial cost to doing this increase.

"Hawaiian Electric cheered. I don't think it's in the best interest of making sure that our conservation lands are well managed. But Hawaiian Electric knows very well that it's going to get permits approved because they won't have the requisite number under the present law there to vote against approving permits.

"I find it's a very unfortunate situation. The bill now goes to Finance. There is an opportunity for those Finance members to put the bill back into the format that came over from the Senate. And in that way we will make sure that our

conservation district use permits are issued, not defacto because we have a deadline by which they must be issued. But they're issued on the merits or not issued on the merits. The proponent of this additional language is Hawaiian Electric.

"You're not finding any of the other entities there. It was a very self-serving position of Hawaiian Electric that this provision was put in knowing that this probably is going to kill the bill. Thank you Madame Chair."

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

"The Board of Land and Natural Resources did not testify in opposition to this bill, nor did they indicate any opposition to the increase from six to seven members. In fact, we did that with the concurrence of the Chairman of the Board of Land and Natural Resources.

"Secondly there was no discussion between your Water and Land Use Chair and Hawaiian Electric regarding the increase in Board membership. That increase Madame Speaker and members is to strengthen the actions taken by the Board. Matters that appear before the Board have far reaching impact as they make decisions concerning the use of lands.

"It is necessary that we have a quorum; sometimes that does not occur. And the previous speaker is correct in indicating that a vote of four is required to take action whether it's in approval or disapproval. The increase of membership from six to seven only increases the likelihood that we could have four, it's no guarantee, but that assures that we will have a good number to make those very important decisions. Thank you very much Madame Speaker."

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

"I'd just like to incorporate most of the words from the Representative from Kailua. I wanted to clarify one point; I do believe that it's not necessarily a bad thing to increase membership of BNLR to make it seven. However, one of the major concerns I have, is that an additional requirement such as that may require some financial resources and this now has a Finance referral.

"I think it's interesting to note that a very similar measure was passed out of the Water and Land Use Committee, a House Bill and that one did not have a Finance referral. And when this similar version came over from the Senate it did have a Finance referral.

"So my hope and my reason for standing right now is that I do not believe we should be putting in an additional requirement that may kill it, and namely that is the financial aspect of it. So for that reason I really hope that we can move this along. Even if we can amend it and take out that last member because as spoken to by the Representative from Kailua, there are some serious ramifications that are going on with the Board voting right now and I think that the measure needs to go forward to correct that. Thank you."

Representative Thielen rose and stated:

"I want to just state to the members I was there at the Committee hearing and we questioned the Deputy Director of the Department of Land and Natural Resources. She did indicate that it would be her preference to delay on this because there would be a cost implication of \$30,000, I believe was the figure, for sending the additional Board member to the Neighbor Islands for these different hearings.

"There was no rush from the Department of Land and Natural Resources to increase the number of Board members. The main objective was to prevent the applicants for conservation district use permits from being able to get the permits because the Board was unable to act.

"When a number of four is required for a majority, it would be required for a majority whether there were six or seven board members. Increasing it doesn't change that and a majority of four to vote is three. So increasing by another member doesn't change that. What it does is cripple the bill to go to Finance where Finance is going to be struggling to find money for other measures. And it means this bill, very possibly, could die unless Finance members look at this wisely and say we will wait for another year for the increased board member but we will deal with the problem where mistakes such as Hawaiian Electric getting that permit will not happen again. Thank you."

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

"I have the same concerns that the addition of a seventh board members should be looked at in another vehicle and at another time. Thank you."

Representative Kanoho rose and stated:

"Further clarification, the figure of \$30,000 is used by the Representative from Kailua. The figure more accurately is \$5,000 for monthly meetings and \$10,000 for bimonthly meetings. Additionally, there has been some discussion between the Chair of the Water and Land Use Committee and the Finance Chair. Additional discussions to allay the fears of members who harbor them is that the Chair of the Water Land Committee will continue that discussion to indicate: if funds cannot be obtained to accommodate seven, an amendment will be made to reduce that to six. 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. 981, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1078) recommending that S.B. No. 1166, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR THE STATEWIDE TRAIL AND ACCESS PROGRAM," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Kanoho and Souki, for the Committee on Water and Land Use and the Committee on Transportation presented a joint report (Stand. Com. Rep. No. 1079) recommending that S.B. No. 216, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the joint report of the Committees be adopted and S.B. No. 216, HD 1, pass Second

Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

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

"Madame Speaker, I'm opposing this bill because first off, it's government meddling again I think interferes where it doesn't need to.

"Second, it's requiring a communications device for water borne vessels that go beyond one mile. I don't think that's the government's business and for all these reasons Madame Speaker, I think this is an unnecessary bill and it's going to be unenforceable and I don't think we should be passing it. Thank you."

Representative Jaffe rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Moses rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

"While this bill has moved through the process, it has been improved. Originally it was requiring every boat to have an emergency positioning indicating radio beacon, EPIRB, which is quite an expensive device. Now it's been amended and they can put in a VHF as an alternative type of communication.

"As others have said it's unenforceable. What concerns me is I think we're going in the wrong direction. What we really should be looking at is boating education and if people had adequate boating education they would know that they needed some kind of communication device when they work at least three miles off shore.

"While the kayaks wanted to be exempted, the way it's written now, they are not exempted. It clearly states that unless they have a motorized escort and they're more than one mile off shore, which is, one mile is not very long when you're boating and they would be breaking the law the way this bill is written now. So I hope this bill doesn't continue. Thank you."

Representative Whalen rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Auwae rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Gomes rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

"As Chair of Water and Land Use, I would be the first to agree that it's probably unenforceable. But I think that most of the testifiers indicated that it could save lives and this is what it's all about. If we extended the same philosophy, all of our automobile vehicles would not have safety belts either.

"And it is in the hope that this rule indeed will provide that safety measure to save lives. I pondered on this measure when I first came to the Water Land Committee. And in thinking about what I would do. I certainly myself would want some means of communications for my safety and the safety of any of the passengers of my vessel, particularly if they were members of my family.

"Part of the problem is that those who travel the ocean who get out there fishing or for pleasure, take it for granted and they minimize the danger involved. Experience has shown that these are the people who do get into trouble and it is for them and the safety of all others that we want to continue considering this as a life saving measure. Thank you."

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

"Briefly, Madame Speaker just to bring one aspect to the debate. I am one of those that have spent a fair bit of my life in boats that are over one mile from shore including out of sight of shore. And I think there is absolutely no doubt that EPIRBs are lifesavers. There's absolutely no doubt that when you get in trouble out there on the open ocean, if you have an EPIRBs your chances of survival are dramatically greater.

"And certainly if you have a radio, that's true. I think what has been left out of the debate thus far is the fact that when people go out on the open ocean without EPIRBs and radios, and get themselves in trouble, the rest of us pay for it in tax dollars that are spent on rescue efforts, which we all agree we should do.

"I don't think it's too much to ask that when somebody goes out and exposes himself or herself to that kind of risk and expects to get rescued if they get in trouble, that they take some mitigating factors into, to ensure that the rescue can in fact succeed rather than going on for days, sometimes even weeks.

"I do agree that in some ways this bill can be tinkered with, but I think the concept is sound. Frankly I'd like to turn it into an enforceable bill so that there's some linkage between licensure to operate a boat which we have right now and the demonstration that there is adequate gear on board to ensure a safe and cost effective rescue if that becomes necessary. Thank you."

Representative Moses rose and stated:

"The Representative from Lihue was talking about the, irresponsible people who go out and don't have the radios and I don't think this bill is going to make them get the radios as presently worded. If those people felt that it was dangerous and wanted to be more responsible they'd buy the radios. There's nothing stopping anybody from getting a radio. This bill won't make them get a radio. Thank you Madame Speaker."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 216, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Auwae, Djou, Gomes, Jaffe, Moses and Whalen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1080) recommending that S.B. No. 670, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 670, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," passed Second Reading and was

referred to the Committee Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Ito and Arakaki, for the Committee on Education and the Committee on Health presented a joint report (Stand. Com. Rep. No. 1081) recommending that S.B. No. 957, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 957, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUPPORT SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representatives Ito and Arakaki, for the Committee on Education and the Committee on Health presented a joint report (Stand. Com. Rep. No. 1082) recommending that S.B. No. 1303, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1303, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1083) recommending that S.B. No. 1314, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1314, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I consulted a little while ago with the Chairman of the Committee and found that the language on page 4 which says that the Community-Based Economic Development Loan and Grant Program to information technology for distressed rural areas would help my area of Puna and Ka'u and she has assured me that it will. Thank you."

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

"I'm glad to see that this will establish a joint legislative economic task force to develop clear goals. I think that if they were clear in this bill I would have fewer reservations.

"I was a little confused by the fact that this Task Force would establish a specific implementation plan and timeline along with long-term goals to diversify the economy. And I was kind of surprised to see this specific plan drawn-up because I think that is sort of the purview of the Legislature, to draw-up these plans and fund them.

"I must compliment the Chairman of the Economic Development Committee, whose heart is in the right place and is intending to help certain businesses and indeed they might, but I'm not quite sure to who or where the help will come. I'm glad to see that the previous Representative from the Puna area may benefit from this bill.

"But, one aspect of it is to establish a program to attract investment from Pacific Rim countries. There will be a general fund appropriation, but the funding amount is only \$1, so I am wondering how much the total amount will amount to.

"Secondly, there will be some building associated with this because it also calls for the planning, design and construction of physical improvements selected as part of the existing emerging comprehensive regional multi-sector community based strategic action planning process coordinated by the Hawaii Alliance for the Community Based Economic Development. I'm not quite sure where this project is or what it is. When I asked the question in Committee, my understanding was that this is probably in Oahu.

"I'm surprised that this planning, design and construction money is general fund money. We usually fund our capital improvement projects out of bond funds. This could very well be an existing project because it seems to be identified as a planning process coordinated by the Hawaii Alliance for Community-Based Economic Development. I'm not quite sure what this group is, but I have been told it is a governmental group attached administratively to the Department of Planning and Economic Development.

"There's another part of the bill where GO bonds are authorized for a blank amount of dollars, for the purpose of extending a Community-Based Economic Development Loan and Grant Program to an information technology business in a distressed rural area. This may very well be the area that the previous speaker was addressing. It's not identified in the bill so I am rather puzzled what the extension of this loan and grant program will be.

"But it will prevent already appropriated funds from lapsing at the end of the year. So, just because I am a little 'in the dark' as to the specifics of this bill, I can't give it my complete okay. Thank you, very much."

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

"Reading over the bill it looks sort of like a re-hash of the Economic Revitalization Task Force. It goes on to talk about us creating a 'think tank', as it were, of 'soothsayers' who can figure out how best to improve our economy and bring in new business and what not.

"Madame Speaker, that's easy to do and we don't need a task force for that. What we have been trying to do on this side of aisle is to lower taxes, reduce regulation, privatize, reform government, 'beef-up' and improve drastically our education system, those are the things that are going to bring business around again, with local investors and off-shore investors as well. So, notwithstanding the nice presents this bill may shower on us, I think that's the way we should go and that a task force exists right here in this body, and we just have to make the right decisions. Thank you, Madame Speaker."

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

"The previous speaker from Waialae-Kahala does not appear to be familiar with the CBED Program, which is the Rural Economic Based Community Program, that's been around for many years.

"In regard to the Task Force, because the Governor wants one-third of the funds from HTA to draw more business type activities, conferences, conventions, I thought we could agree with the Senate's bill that the Legislature could take a look at

forming the Committee. So, take notice that the members are from the House and the Senate. 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. 1314, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1084) recommending that S.B. No. 204, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 204, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1085) recommending that S.B. No. 369, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 369, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1086) recommending that S.B. No. 1264, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1264, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1087), recommending that S.B. No. 1126, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1126, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1088), recommending that S.B. No. 209, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 209, SD 2, HD 1, entitled:

"HOUSE RESOLUTION RELATING TO PARKING FOR PERSONS WITH DISABILITIES," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1089), recommending that S.B. No. 1208, SD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1208, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1090), recommending that S.B. No. 758, SD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 758, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSES," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1091) recommending that S.B. No. 1207, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1207, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1092), recommending that S.B. No. 16, SD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 16, SD 1, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"First, we must always recall that we had the highest workers' compensation schedule in the United States and it is simply because we set up a base schedule but we said we were going to factor in cost of living per year. So, year after year as the cost of living goes up, our medical fee schedule went up. By the time we go into the 1990's we had the highest one, which caused havoc with the employers who had to pay for the premiums.

"This bill calls for an undesignated blank percentage of an increase beyond 110% of our Medicare. It's a blank percentage. It is an 'across the board' increase of thousands of codes of treatment of services and what this is an increase which the employers will have to bear. That includes public

employee unions. And who pays for the public employee unions premiums? The taxpayers. The law calls for the Department of Labor's Director to review medical fee schedules every three years, or as needed, and we need to give that person the opportunity to do the data collecting in a responsible way from all of the affected entities and let that person do his/her job, in terms of raising the medical fee schedule as needed.

"What this bill does is to let the lay policymaker, perhaps at the request of certain special interest who will benefit directly from these assessment of fees. What we're doing is allowing them to dictate to us which will not benefit the workers' compensation and our employers and all of our healthcare providers. Thank you, Madame Speaker."

Representative Case rose to speak in opposition to the measure and asked that the remarks of Representative Yonamine be entered into the Journal as his own, and the Chair "so ordered". (By reference only.)

Representative Case continued, stating:

"I reference the prior work done a number of years ago in this area which has stood the test of time and we should stay with the policies that we adopted then. Thank you."

Representative Meyer rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

"Since it's going forward it should be accommodating the specialist, the doctors that have an increase cost for treating these kinds of injuries. If this is going to go forward there are several issues that this triggers, not the least of which includes some labor issues that need to be addressed. Thank you, Madame Speaker."

Representative Ahu Isa rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

"I'd just like to give some background on what's going on. In case people don't realize the 'bottom-line' base medical fee schedule, is going up on the average, 5% every year.

"So, the doctors are complaining that they aren't really getting enough compensation and that's why they're not taking on workers' compensation cases. However, there is evidence that every year it has gone up since 1995, about 5%, because Medicare fee schedule in and of itself, goes to an increase.

"People also need to realize the Medicare fee schedule on which the work comp system is based, is a little bit flawed in that it is geared toward the elderly. So, whether you can truly translate a straight 110% to the Medicare fee schedule just for workers' compensation, is a little bit sketchy to me. I do think there are certain practices that do need to have a little bit more compensation.

"If you look at what HMSA does or any of the other providers, is that they adjust the schedule. If someone goes in for a regular office visit they get Medicare plus 3% or Medicare plus 5%. But when it comes to surgery they get Medicare plus 15%. I do really think we need to look at



making more of an adjustment to the scale rather than making it flat across the board.

"I also like to point out that one of the real concerns here is a balancing act because on one side providers are saying that there's not enough compensation and that is why they're not in the business, and that is bad because when you do have genuine injured worker's with bonafide injuries and are not getting treated, that is a significant concern. However, on the other side of the coin, what we need to look at is, whether or not compensation is the issue. I would think that the real issue is that a lot of physicians don't want to do it because it is a paperwork headache. A lot of forms have to be filled out and disability certifications need to be completed. Whether the marketplace will really respond is questionable.

"I think that is the balance that the next Committee needs to look at. Thank you."

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

"The federal government pays approximately 145% versus our 110%.

"Secondly, yes the Medicare may go up, but if you are at 110% you remain at 110%. I can't see how you can get anymore than that. One of the previous speaker's in front of me did a lot in reforming workers' compensation and I can understand why he doesn't want any change.

"However, it's a complex problem that goes beyond just raising the percentage. We need to look at the Department of Labor. You have the staff shortage. Everytime the request is made for a doctor, by a doctor, to the Department of Labor for an exception to increase the reimbursement it takes an average of a year and a half to two years before it gets back to them. In the meantime there's the patient awaiting the care.

"So, I believe we need a two-pronged attack on this. We need to look at the Department of Labor and we need to see that they have the appropriate staff and need to assess the amount of paperwork it takes, and that it doesn't take a year and a half or two years to complete. We certainly need to look at the schedule. What good is it if we have a cap and the people out there are not being served? It doesn't help labor at all. Thank you, very much."

Representative Yonamine rose on a rebuttal, stating:

"First, those are exactly the reasons as proposed by the previous speakers that we should hold this bill and not have a hearing before the next Committee. One of the things is that, we've always asked the physicians to please come in and give us those treatments that go beyond 110%. So, it is their burden to come up with the evidence to show that there are certain particular treatments that exceed the 110% over Medicare.

"Now, don't forget that we've had proposals in this bill at 130% and 145% which is comparable to the federal workers' compensation schedule. So we have an arbitrary increase in the medical fee schedule, whether it is 130%, 145% without real good sound data.

"The other thing that is erroneous is that the doctors are claiming that they don't treat injured workers and yet in going through the records of the last several years we don't have the evidence that shows that injured workers are being neglected and not being cared for. We've asked the medical profession to please give us the evidence because what we have to do is to go to the Director of Labor and that person would then have

to assess those situations and make a determination of what kind of treatments go beyond 110% and perhaps then make that adjustment. But this bill does not call for any of that.

"This is why I am telling you to please hold the bill because what we need to do is ask the Director of Labor to get into a situation or a setting where he can actually look at the medical fee schedule and come up with the right sound data so that decision can be made in terms of increasing workers' compensation. Thank you, Madame Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 16, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL FEE SCHEDULES," was referred to the Committee on Finance, with Representatives Case and Yonamine voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Ahu Isa, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1093) recommending that S.B. No. 648, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 648, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I would like to again salute the Chairman of the Economic Development Committee who is trying to help the business climate in Hawaii, because it certainly does need help.

"But my reservations go to two points. One, the provisions may be overly generous. And two, they only help the high tech industry with perhaps the exception of helping athletic consultants which was mentioned in the Committee Report. I always prefer a more broad based tax relief for all businesses in Hawaii.

"The Chair did tighten up this bill considerably and I thank her for that. It was a real giveaway program when we saw it in Committee and the Tax Foundation testimony said that it had no basis in reality. There was one section which granted an exemption to qualified high-tech office buildings and rather than giving the tax credit to the person who is building the building, it would give an exemption from the general excise tax for the planning, design and construction for such a building.

"So, to me that would give the planner, architect and the contractor the exemption and not the person who is paying for all of this. How you determine who qualifies for this type of tax break is explained on page 6. The Director of Taxation, the Director of the Department of Business, Economic Development, and Tourism and the Special Advisor to the Governor for Technology Development shall certify that the building qualifies as a high-tech building.

"I think this is rather unusual. I've never seen the Advisor to the Governor have a hand in who gets tax breaks. I'd rather see some rules and regulations drawn up that would put down some criteria as to who would benefit. But when you have the Advisor to the Governor advising on who qualifies it might get a little political. If I were somebody who opposed the present Governor I wouldn't even try and go for a break.

"There are several other provisions in the measure which I'm really not familiar with since I'm not a great tax person, but I will be open minded and I will support this measure and see how it turns out after it comes out of the Finance Committee. Thank you very much."

Representative Schatz rose to declare a potential conflict of interest, stating:

"I am a partner in a high-tech company."

The Chair responded, "no conflict".

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

"I do not know why a member of my Committee, which is titled Economic Development, questions an industry written bill. We did take out, if you look at the Committee Report, number 3, deleting the provision for an infrastructure construction income tax credit. We deleted the net operating losses. We deleted creating credits for worthless debts. We deleted incubator service provisions and many other adjustments to the bill so that the Governor would not veto the bill.

"But I don't think that this bill is what the industry needs to kick-start it if we are looking towards economic development in that arena. Thank you."

Representative Souki 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. 648, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1094), recommending that S.B. No. 932, SD 2, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 932, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Hamakawa, for the Committee on Judiciary and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1095), recommending that S.B. No. 1110, SD 2, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1110, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1096) recommending that S.B. No. 850, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 850, pass Second Reading

and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Strikes hurt our whole community. Mandatory arbitration has worked well for many years for police and firefighters. I want to make just one comment on the Committee Report, it was just passed without an HD 1. The right to strike is necessary to protect the rights of these employees.

"I don't think that statement fairly addresses our police and firefighters. But I would like to comment that the rights of these employees that are being referred to, they have been through mandatory arbitration and they won an award in mandatory arbitration. Their rights will be preserved by us honoring that agreement. Thank you."

Representative Yonamine rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 850, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Halford and Yonamine voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1097) recommending that S.B. No. 1044, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1044, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1098) recommending that S.B. No. 1058, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1058, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1099) recommending that S.B. No. 1145, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1145, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No.

1100) recommending that S.B. No. 24, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 24, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1101) recommending that S.B. No. 1144, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1144, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Thielen rose and stated:

"Madame Speaker, may I ask the Chair of the Labor Committee if a covered establishment in S.B. No. 1144, is an establishment of 25 or more employees?"

At 8:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:38 o'clock p.m.

Representative Thielen rose and stated:

Thank you Madame Speaker. On the next page I will have that question, thank you."

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

"Of course I'm all in favor of increasing the minimum wage, I think it's long-overdue and I think it's a good thing that this bill has it in it: \$5.50 per hour beginning July 1, 2002; \$6.00 an hour July 1, 2003. The difficulty comes about with the tip credit. As you know under the current law, the tip credit is \$.20, minimum wage is \$5.25 which means that everybody in the tipping category makes \$5.05 per hour.

"Under this bill before us, and I realize it's a work in progress, at \$5.50 per hour beginning July 1, 2002 and for the next year, those in the tipping category will have a \$.55 credit. Therefore, instead of making \$5.05 all of these people will now be making \$4.95. So while everybody else is enjoying an increase in the minimum wage, those in the tipping category will actually go down.

"It seems to me that really isn't the best public policy for us to follow. And again I realize it's going to the Finance Committee so just for now, a no vote. Thank you."

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

"I want to thank the Chair of Labor for the way she has worked on this bill and amended it. I'm in full support of the increase in the tip credit. I think most of us know that people in the food serving business make far in excess of probably \$15 to \$20 an hour so they're not even looking at minimum wage.

"The concern I have is that small businesses in Hawaii, with the pre-paid medical coverage, are actually paying at least a dollar more an hour right now other than other states on the mainland. And nobody is taking that into consideration when they keep clamoring for raising the minimum wage.

"We are just pulling out of a recession, the economy has improved somewhat in the last three quarters, but there are some clouds on the horizon and I don't think this bill is going to help the business climate in Hawaii. Thank you."

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

"I think a fine job was done in increasing the minimum wage and also including tip credit. The tipped employees make far more than minimum wage through tips.

"The waiters and waitresses make about \$15 to \$16 an hour so there is no way, as you understand the way the tip credit works, an employer cannot reduce the wages unless the tip credit is more already than minimum wage.

"And so with the tips and with the minimum wage, they are making far more than minimum wage alone. This extra money that the employer can deduct allows him to pay people in the back room, the dishwashers and people who clean up the establishment. So he can give them more wages than minimum wage. He can't do that if all the money is going just to minimum wage and there is no reduction for tip credit. Thank you Madame Speaker."

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

"I think this is really an acknowledgement by us as a body that we recognize those people who choose to work even though at a very low rate rather than going on public assistance. I think this will support them especially those who are on welfare and will not have to get off of welfare.

"I do have some reservations as mentioned by my colleague on the left, so hopefully that problem can be remedied in the next committee but I do support the bill."

Representative Ahu Isa rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

"I support the tip credit part. It's the minimum wage I have trouble with. Here we are, imposing costs on the market place once again where we ourselves as a government aren't doing anything to relieve the cost that we impose on our taxpayers for the services that we claim that we provide and we don't do a good job of tracking the money that we spent.

"I think that's the direction we should go and if we want to talk about assisting the poor and the middle class, then the way we should go is to eliminate things like the GET on food which would not only remove the 4% from what you and I pay at the counter, but also the taxes that are paid and passed along the food pipeline. Also reduce or eliminate the GET on medical services so when people are sick they're not penalized. And also the GET on rent. I think that's the way to go rather than government continuing to impose more and more cost in the marketplace in addition to – through the minimum wage increases and in addition to other regulatory

measures that we seem to have a great affinity for. Thank you Madame Speaker."

Representative Hale rose and asked the Clerk to register an aye vote with reservations for her, and the Chair "so ordered".

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

"First of all I'd like to commend the Chair of Labor for doing a wonderful job and increasing the minimum wage and in addition to that, increasing the tip credit.

"I've stated my position on the tip credit, I believe that we needed the credit increases. As a matter of fact, my position is an increase of 25%. However, in dealing with the concerns of the Representative from the 36th district, I have also suggested that instead of having a 10% or 25% tip credit added to the \$5.50 per hour or \$5.25 per hour minimum wage, what we should do is set a bottom of a minimum wage for tipped employees.

"In other words, that until the minimum wage gets to something like \$6.75 an hour, a tipped employee will not make less than \$5.25 per hour because, at that point, the 25% or however many percent will kick in. In other words, we will give a minimum wage increase to all the other workers but we won't cut the minimum wage for tipped employees, until it is at least 10% or 25% of the minimum wage. So I hope that the Chair of Finance and the Committee can take a look at that suggestion. Thank you."

Representative Takumi rose on a point of clarification, stating:

"I too would like to thank the Labor Chair for getting this vehicle out, and so my no vote is it no way an indication, of my lack of support for this vehicle and again it will go to Finance.

"But just as a point of clarification, for those who claim that wait help make \$15 or \$16 an hour, there is wait help and there is wait help. My mother-in-law retired from Likelike Drive-In and I can assure everyone, she did not make \$15 an hour. Secondly Madame Speaker, people should keep in mind that vacation, sick leave and more importantly pensions, retirement is based upon what you get in wages and that is the \$5.05 an hour. You're not getting your vacation based on \$15 an hour. 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. 1144, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGE," passed Second Reading and was referred to the Committee on Finance, with Representatives Meyer and Takumi voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1102) recommending that S.B. No. 849, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 849, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Madame Speaker, HGEA won an arbitration award fairly by the rules and laws of our State. I understand that many in government don't want to honor that and would prefer to change it, deny it or somehow diminish it or make it go away.

"Two approaches to support what I think is the misguided approach to that, was an earlier bill to eliminate arbitration altogether. This bill is to change the rules of arbitration. Philosophically I agree more with the second approach, that if we don't like what the law was at the time, then I think it is okay for us to change the law, although I don't agree with some of the proposals in this bill and I am voting "no" on it.

"It's better for us to change the rules after we see that there's a problem with it then to go back and say, well we're just going to eliminate arbitration altogether. Thank you."

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

"The merits for fiscal and non-fiscal collective bargaining items that have been submitted by management and the unions, are on the table and what we are doing with our collective bargaining law is to restrict the ability of the arbitrator to fairly look at the merits of both the fiscal and non-fiscal items. By telling him or her that you can't project or you can't say that the State has the ability to raise the funds. What that does is, the arbitrator looks at the merits of the case and comes up with a decision that can be agreed on by both sides. So, what we are doing is completely restricting them.

"That to me, we shouldn't be at this time, amending our collective bargaining law. That includes the legislative final approval of the financial package. Thank you, Madame Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 849, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Halford and Yonamine voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1103) recommending that S.B. No. 749, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 749, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

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

Representative Meyer's remarks are as follows:

"This bill has a laudable purpose - to encourage local businesses to bid for state contracts. What concerns me is the cost to the taxpayers. This bill authorizes a 13% bid preference for local contracts on public works contracts of less than \$10 million. This Legislature is declaring that it is worth

an additional \$130,000 of the taxpayers money on a \$10 million contract to ensure a local firm gets the job.

"I support free and fair competition as the best way to get the lowest possible price for necessary government projects. Competition ensures the taxpayers get the biggest 'bang for their buck'. I have trouble justifying a 13% cost difference as being in the best interest of the people of the State of Hawaii.

"We seem to be under the impression that mainland contractors fly in all their workers. From what I have seen mainland general contractors hire local sub-contractors. Very few positions are filled by people who come to Hawaii just to work on a particular project.

"My last concern is that this bill may discriminate against the Hawaii branches of large mainland contractors. Many mainland-based contractors have had Hawaii subsidiaries or branches for many years. You know the names - and we often forget they are actually worldwide corporations. The local branches of these firms employ local people. However, they cannot qualify as a "state contractor" under this bill unless 85% of the employees of the whole company are Hawaii residents."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 749, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1104) recommending that S.B. No. 1052, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 1052, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Halford rose and asked the Clerk to register and 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. 1052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1105) recommending that S.B. No. 1082, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1082, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No.

1106) recommending that S.B. No. 446, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 446, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I feel that we are creating some kind of a double standard here. This bill is going to grant a twelve month extension of unemployment insurance benefits for Amfac Kauai sugar workers and it is also going to create a temporary special fund to be known as the Dislocated Amfac Sugar Kauai Employee Unemployment Compensation Fund.

"This is such a specific thing and I think it sets a bad precedent and that's my concern."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 446, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1107) recommending that S.B. No. 28, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 28, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Thielen rose to a point of personal privilege, stating:

"If I may ask the Chair of the Labor Committee, what is a covered establishment under State law, how many employees?"

At 8:50 p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:51 o'clock p.m.

Representative Thielen then rose and stated:

"I rose on a point of clarification and it has been clarified for me by the Labor Chair that a covered establishment under State law is that which has 50 or more employees."

Representative Thielen then continued in opposition to the measure, stating:

"The measure is going to require employers who have 50 or more employees to give 60 days notice that the employer is going to have to shut his/her doors partially or relocate the business. This will move it up to 60 days from the 45 days that's presently in the statute.

"In today's economy I see so many employers struggling to keep their businesses alive. They're not voluntarily saying, 'I'm going to shut the doors and go out of operation'. They're

trying really hard to keep going in this economy. The economy is showing signs of getting worse. That's on the horizon and that's here in our everyday. To place an added burden on an employer who is not looking with glee toward shutting shop or downsizing, I think is foolish in today's economy or in any economy.

"The 45 day notice is really even stretching it for employers. Look at the "dot.coms" in California and Silicon Valley, they shut their doors and 'boom' they were gone. It was just practically overnight that they realized they couldn't keep going and couldn't make the payrolls. I think it is an unrealistic burden to put on an employer who is under an incredible strain trying to keep the business open and operating but finds that she or he cannot do so. Thank you."

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

"This is one of those proposals that looks good on paper but in practice is counter-productive to the ability of the private sector to create and maintain jobs. So, for that reason I think that we should preserve the law as it is, it has some benefits but as you start to expand this law either in the area of the time required in advance or in the applicability of businesses, you will cross that line where you will not accomplish what you are trying to set out to accomplish. Thanks."

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

Representative Djou rose and asked the Clerk to register a no vote for him for the same reason as the Representatives from Kailua and Manoa, and the Chair "so ordered".

Representative Meyer rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Moses rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Jaffe rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Halford rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative McDermott rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Ahu Isa rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Leong rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Gomes rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 28, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Ahu Isa, Case, Djou, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses and Thielen voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

Representative Yoshinaga, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1108) recommending that S.B. No. 449, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 449, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs, seconded by Representative Lee.

Representative Fox rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 449, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Representative Fox voting no and Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker being excused.

### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Davis and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Hiraki, Ontai, Pendleton, Rath and Stonebraker were excused.)

### THIRD READING

#### S.B. No. 1061, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1061, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," passed Third Reading by a vote of 45 ayes, with Representatives Hiraki, Meyer, Ontai, Pendleton, Rath and Stonebraker being excused.

#### S.B. No. 1276, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1276, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSQUATTING," passed Third Reading by a vote of 45 ayes, with Representatives Hiraki, Meyer, Ontai, Pendleton, Rath and Stonebraker being excused.

The Chair directed the Clerk to note that S.B. No. 1061, SD 1, HD 1; and S.B. No. 1276, SD 1, HD 1, had passed Third Reading at 8:58 o'clock p.m.

### LATE INTRODUCTION

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

Representative Say introduced a very good friend, Carol.

### ANNOUNCEMENTS

Representative Schatz: "I would just like to inform the body that Representative Ken Hiraki wasn't able to join us in House Session tonight for an excellent reason. He does not have the 'chicken pox', but he has better news than that. His wife went



into labor earlier this evening, so I know every member of this Chamber wishes the Hiraki family well."

Representative Chang: "We have a birthday girl in the House, Representative Helene Hale."

Representative Hale: "Thank you all and I wish you all to be here when you're '83'."

Vice Speaker Luke: "After we adjourn if I could have all the freshman legislators meet at the front for a brief meeting."

At 8:59 o'clock p.m., Representative Hamakawa asked for a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:00 o'clock p.m.

Representative Arakaki: "I just noticed that since Monday is a holiday, your Committee on Health will be holding a hearing when we return on Tuesday, March 27, at 8:30 o'clock a.m., and I also want to wish everyone a Happy Kuhio Day."

#### ADJOURNMENT

At 9:01 o'clock p.m., on motion by Representative Lee, seconded by Representative Davis and carried, the House of Representatives adjourned until 11:30 o'clock a.m., Tuesday, March 27, 2001. (Representatives Hiraki, Meyer, Ontai, Pendleton, Rath and Stonebraker were excused.)

## FORTIETH DAY

Tuesday, March 27, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:42 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Representative Barbara Marumoto, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Hiraki, Ito, Meyer, Pendleton, Saiki, Takamine, Takumi, Whalen and Yoshinaga, who were excused.

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

## INTRODUCTIONS

Representative Lee introduced the Legislative "shadows" from various high schools and intermediate schools from around the State.

Representative Thielen introduced the members of Troop 248 and their Scout Master, Mr. David DeCaires.

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 86) was announced by the Clerk and the following action was taken:

H.R. No. 86, entitled: "HOUSE RESOLUTION RECOGNIZING THE HAWAII MEDICAL SERVICE ASSOCIATION AND THE AMERICAN DIABETES ASSOCIATION FOR THEIR EFFORTS TO RAISE AWARENESS OF DIABETES IN HAWAII," was jointly offered by Representatives Kawakami, Leong, Say, Abinsay, Arakaki, Kahikina, Lee, Ito, M. Oshiro, Kanoho, Morita, Espero, Takumi, Chang, Magaoay, Hale, Takamine, Cabrereros, Schatz, Nakasone and Souki.

On motion by Representative Kawakami, seconded by Representative Leong, H.R. No. 86 was adopted, with Representatives Hiraki, Kahikina, Marumoto, Meyer, Nakasone, Pendleton, Saiki, Takamine, Whalen and Yoshinaga being excused.

Representative Kawakami and Representative Leong introduced the following honorees who were seated on the House floor:

Dr. Laurie Tom, President of the American Diabetes Association -- Pacific Northwest Region;

Mr. Cliff K. Cisco, Sr. Vice President of the Hawaii Medical Services Association;

Ms. Wendy Sefo, Executive Director of the American Diabetes Association of Hawaii; and

Ms. Stacy K. Evensen, Vice President of Community and Government Relations of the Hawaii Medical Services Association.. Representative Kawakami also introduced the following guests who were seated in the gallery:

Mr. Scott Savik, American Healthways;

Ms. Cynthia Sachs, American Healthways;

Dr. Rick Chung, Vice President of Care Management of the Hawaii Medical Services Association;

Ms. Jennifer Diesman, Manager of Government Relations of the Hawaii Medical Services Association; and

Ms. Amy Young, Legislative Analyst with the Hawaii Medical Services Association.

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

The House of Representatives reconvened at 12:06 o'clock p.m.

## STANDING COMMITTEE REPORTS

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1109) recommending that S.B. No. 986, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 986, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1110) recommending that S.B. No. 1135, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1135, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representatives Kanoho and Garcia, for the Committee on Water and Land Use and the Committee on Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1111) recommending that S.B. No. 887, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 887, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1112), recommending that H.R. No. 27, be referred to the Committee on Economic Development and Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.R. No. 27, entitled: "HOUSE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was referred to the Committee on Economic Development and Business Concerns with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1113), recommending that H.C.R. No. 24, be referred to the Committee on Economic Development and Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was referred to the Committee on Economic Development and Business Concerns with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1114), recommending that H.R. No. 83, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 83, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO CONSIDER HOW THE HILO AREA CAN MAXIMIZE THE ECONOMIC OPPORTUNITIES PRESENTED BY THE CRUISE INDUSTRY," was referred to the Committee on Finance with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture, presented Stand. Com. Rep. No. 1115), recommending that H.C.R. No. 88, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 88, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO CONSIDER HOW THE HILO AREA CAN MAXIMIZE THE ECONOMIC OPPORTUNITIES PRESENTED BY THE CRUISE INDUSTRY," was referred to the Committee on Finance with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1116), recommending that H.R. No. 84, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 84, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO CONVENE A TASK FORCE TO STUDY SAFE ACCESS TO VIEW AND LEARN ABOUT HAWAII VOLCANOES," was referred to the Committee on Finance

with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1117), recommending that H.C.R. No. 89, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 89, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO CONVENE A TASK FORCE TO STUDY SAFE ACCESS TO VIEW AND LEARN ABOUT HAWAII VOLCANOES," was referred to the Committee on Finance with Representatives Hiraki, Marumoto, Meyer, Pendleton, Takamine, Whalen and Yoshinaga being excused.

### ANNOUNCEMENTS

Representative Espero: "For those members who are considering or will be playing in tomorrow's basketball game against the Senate, if we could have a very short meeting here in Session after Session I'd appreciate it. Thank you."

Representative Lee: "I'd like to announce that there be a Majority Caucus immediately following Session."

Representative Takai: "I just wanted to remind the members of the Education Committee, Health Committee and also the Committee on Legislative Management that we have a hearing at 2:00 p.m. today. It's a long agenda but if everybody cooperates we should get out of there quick. Thank you."

### ADJOURNMENT

At 12:09 o'clock p.m., on motion by Representative Lee, seconded by Representative Leong, carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, March 28, 2001.

# **FORTY-FIRST DAY**

**Wednesday, March 28, 2001**

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:43 o'clock a.m., with the Vice Speaker presiding.

The invocation was delivered by Brother Greg O'Donnell, President of Damien High School, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Bukoski, Case, Garcia, Halford, Ito, McDermott, Pendleton Takumi, Whalen, Yonamine and Yoshinaga who were excused.

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

## **SENATE COMMUNICATION**

The following communication from the Senate (Sen. Com. No. 450) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 450, transmitting S.C.R. No. 4, SD 1, entitled: "AUTHORIZING THE ISSUANCE OF AN EASEMENT COVERING A PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES," which was adopted in the Senate on March 27, 2001.

## **MISCELLANEOUS COMMUNICATIONS**

The following communications (Misc. Com. Nos. 9 and 10) were received by the Clerk and were placed on file:

Misc. Com. No. 9, from Diane Wakamatsu, County Clerk for the County of Maui, transmitting Resolution No. 01-45, which was adopted by the Council of the County of Maui on March 16, 2001.

Misc. Com. No. 10, from Diane Wakamatsu, County Clerk for the County of Maui, transmitting Resolution No. 01-40, which was adopted by the Council of the County of Maui on March 16, 2001.

## **INTRODUCTIONS**

Representative Lee introduced the Legislative "shadows" from various High School and Intermediate Schools from around the State.

Representative Fox introduced members of the Waikiki Citizens Patrol and the Visitor Aloha Society of Hawaii.

Representative Morita introduced a fellow colleague from the great state of Wyoming, Representative Pete Illoway and his wife, Chloe Illoway.

Representative Takamine introduced on behalf of the Big Island members and himself, community leaders from Kohala: Mr. Dennis Matsuday; Ms. Nani Svendsen; Ms. Cory Causey; Ms. Lindal Poliahu; Ms. Laura Kawai; Ms. Jeanette Martin; and Mr. Wes Marchheim.

## **ORDER OF THE DAY**

## **INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 181 and 182) were announced by the Clerk and the following action taken:

H.R. No. 181, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING THE WAIKIKI CITIZEN'S PATROL AND THE VISITOR ALOHA SOCIETY OF HAWAII FOR SPREADING SAFETY AND ALOHA IN WAIKIKI," was jointly offered by Representatives Fox, Ontai, Jaffe, Marumoto, Magaoay, Abinsay, Cabrerros, Halford, Leong, Suzuki, Takumi, Ahu Isa, Case and Chang.

On motion by Representative Fox, seconded by Representative Jaffe and carried, H.R. 181 was adopted with Representatives Bukoski, Case, Garcia, Halford, Pendleton and Yoshinaga being excused.

Representative Jaffe introduced the following honorees who were seated on the House floor:

Mr. Jeff Apaka, Head of Waikiki Citizen's Patrol, Subdistrict #2;

Mr. Ralph Shumway, Head of Waikiki Citizen's Patrol, Subdistrict #1;

Officer Leland Cadoy, Honolulu Police Department, Coordinator of the Community Area of Response;

Ms. Rika Ikeda, President and Executive Director of Visitor Aloha Society of Hawaii; and

Mr. Wai Li, Visitor Aloha Society of Hawaii volunteer.

Representative Fox introduced Mr. Darrell Large, the founder of the Visitor Aloha Society of Hawaii, and recognized members of the Waikiki Citizens' Patrol and the Visitor Aloha Society of Hawaii, who were seated in the gallery.

Representative Thielen introduced Councilmember Duke Bainum, a former House member, who was also seated in the gallery.

H.R. No. 182, entitled: "HOUSE RESOLUTION CONGRATULATING DIANE YUKIHIRO CHANG FOR HER EIGHT YEARS OF SERVICE AS SENIOR EDITOR, EDITORIAL PAGE EDITOR AND COLUMNIST OF THE HONOLULU STAR BULLETIN AND RECOGNIZING HER EFFORTS IN SUPPORT OF WOMEN'S ISSUES IN THE COMMUNITY," was jointly offered by Representatives Lee, Morita, Thielen, Ahu Isa, Marumoto, Kawakami, Luke, Hale, Yoshinaga, Jaffe, Auwae and Meyer.

On motion by Representative Lee, seconded by Representative Morita and carried, H.R. 182 was adopted with Representatives Bukoski, Case, Garcia, Gomes, Halford, Ito, Pendleton, Rath and Yoshinaga being excused.

Representative Lee introduced Ms. Diane Yukihiro Chang and her daughter, Ms. Kelly Chang, who were seated on the House floor.

Representative Thielen also introduced, from the Hawaii State Commission on the Status of Women, Ms. Allicyn Hikida Tasaka, Executive Director, and Ms. Danna Ponce, who were seated in the gallery.

At 12:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1118), recommending that H.R. No. 129, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 129, HD 1, entitled: "HOUSE RESOLUTION PRESERVING THE COMPETITIVENESS AND HEALTH OF HAWAII'S LARGEST INDUSTRY," was referred to the Committee on Finance with Representatives Arakaki, Bukoski, Case, Djou, Garcia, Ito, Pendleton, Souki, Whalen and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1119), recommending that H.C.R. No. 138, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 138, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION PRESERVING THE COMPETITIVENESS AND HEALTH OF HAWAII'S LARGEST INDUSTRY," was referred to the Committee on Finance with Representatives Arakaki, Bukoski, Case, Djou, Garcia, Ito, Pendleton, Souki, Whalen and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1120) recommending that S.B. No. 171, SD 2, as amended in HD 1, pass Second Reading and was placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 171, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Case, Djou, Garcia, Ito, Pendleton, Souki, Whalen and Yoshinaga being excused.

### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Stonebraker and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified calendar. (Representatives Bukoski, Case, Djou, Garcia, Ito, Pendleton, Souki, Whalen and Yoshinaga being excused.)

### THIRD READING

**S.B. No. 887, SD 1:**

By unanimous consent, action was deferred one day.

**S.B. No. 1135:**

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1135, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed Third Reading by a vote of 42 ayes, with Representatives Bukoski, Case, Djou, Garcia, Ito, Pendleton, Souki, Whalen and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. No. 1135, had passed Third Reading at 12:48 o'clock p.m.

### ANNOUNCEMENTS

Representative Takai: "Your Committee on Education request the waiver of the 48-hour hearing notice requirement for the purpose of holding a public hearing on H.C.R. No. 161, Rrequesting the Kamehameha Schools to conduct a Feasibility Study on Establishing a Resource Center for Students, Parents and Teachers on the Island of Kauai, the hearing is scheduled for tomorrow at 8:30 o'clock a.m., in Conference Room 329.

"Then your Committee on Health requests the waiver of the 48-hour hearing notice requirement for purpose of holding a public hearing for H.C.R. No. 80, Requesting a Hawaii State Law on Employment of Severely Handicapped Persons; and H.C.R. No. 83, Endorsing the Proclamation of February as National Heart Failure Awareness Month, these two resolution will also be heard tomorrow at 8:30 o'clock a.m., in Conference Room 329."

Representative Takumi: "On behalf of the House I'd like to offer our congratulations to our colleague who has just had another constituent, Ms. Hannah Masako Hiraki born on March 24th at 7 pounds and 2½ ounces, and she was born at 9:00 p.m. For all those who would like to give a gift, I think Representative Hiraki has set up a "1-800 number" and operators are standing by. Thank you very much."

Representative Hiraki: "Yes, thank you very much, and I'll be able to function with a few hours of sleep each night so I'm well prepared for Conference Committee, thanks."

### ADJOURNMENT

At 12:50 o'clock p.m., on motion by Representative Lee, seconded by Representative Stonebraker and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, March 29, 2001. (Representatives Bukoski, Case, Djou, Garcia, Ito, Pendleton, Souki, Whalen and Yoshinaga were excused.)

## FORTY-SECOND DAY

**Thursday, March 29, 2001**

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:42 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Colleen R. Meyer, after which the Roll was called showing all members present with the exception of Representatives Halford, Souki, Takumi, Whalen, Yonamine and Yoshinaga, who were excused.

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

### SENATE COMMUNICATIONS

The following Senate communications (Sen. Com Nos. 451 through 456) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 451, transmitting H.B. No. 587, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKER LICENSING," which passed Third Reading in the Senate on March 28, 2001.

Sen. Com. No. 452, transmitting H.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," which passed Third Reading in the Senate on March 28, 2001.

Sen. Com. No. 453, transmitting H.B. No. 1547, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," which passed Third Reading in the Senate on March 28, 2001.

Sen. Com. No. 454, transmitting H.B. No. 645, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF INCOMPETENT PERSONS," which passed Third Reading in the Senate on March 28, 2001, in an amended form.

Sen. Com. No. 455, transmitting H.B. No. 986, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION DOCUMENTS," which passed Third Reading in the Senate on March 28, 2001, in an amended form.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. Nos. 645, HD 1 (SD1); and 986, HD 1 (SD 1), and requests a conference on the subject matter of said amendments. (Representatives Halford, Souki, Whalen, Yonamine and Yoshinaga were excused.)

Sen. Com. No. 456, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills on March 28, 2001:

S.B. No. 1061, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," and

S.B. No. 1276, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSQUATTING,"

### DEPARTMENTAL COMMUNICATION

The following Departmental communication (Dept. Com. No. 16) was received by the Clerk and was placed on file:

Dept. Com. No. 16 from Marion Higa, State Auditor, transmitting the 2000 Annual Report of the Office of the Auditor.

### INTRODUCTIONS

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

Representative Takai introduced, on behalf of Representatives Arakaki and Takumi and himself, the winner of the HMSA Leader Essay Contest and Legislative Leader for a Day, State Representative Frank "Rocko" Mascoto III, a sixth grader at Pearl City Elementary.

Representative Chang introduced, on behalf of the Big Island delegation, Ilea and JoAnn Loa, their daughter Joelle and her children, Tiffany and Nicholas, from the Big Island.

Representative Blake Oshiro introduced the Massage Therapist Association of Hawaii Board members: Mr. Dustin Ebesu, President; Mr. Art Cabanilla, Vice President; Mr. Nathan Okamura, Treasurer; Ms M.L. "Mahana" Byington, Past President and Legislative Liaison, and other MTA members; and announced the sixth annual Legislative Massage Awareness Day dedicated to the late Narmada C. Boros, founding member of the Massage Therapist Association of Hawaii.

### ORDER OF THE DAY

#### COMMITTEE ASSIGNMENT

The following concurrent resolution (S.C.R. No. 4) was referred to committee by the Speaker:

#### S.C.R.

#### No.      Referred to:

4              Committee on Water and Land Use

#### COMMITTEE REASSIGNMENTS

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

#### H.R.

#### Nos.

#### Re-referred to:

63              Committee on Legislative Management, then to the Committee on Finance

118             Committee on Judiciary and Hawaiian Affairs

#### H.C.R.

#### Nos.

#### Re-referred to:

83              Committee on Health, then to the Committee on Finance

102             Committee on Legislative Management, then to the



- Committee on Finance
- 125 Committee on Judiciary and Hawaiian Affairs
- 129 Committee on Legislative Management, then to the Committee on Finance

### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

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

H.R. No. 183, entitled: "HOUSE RESOLUTION COMMENDING AHAHUI KAAHUMANU FOR THEIR DEDICATION TO THE PRESERVATION AND PERPETUATION OF THE HAWAIIAN LANGUAGE AND CULTURE," was offered by Representative Ahu Isa.

On motion by Representative Ahu Isa, seconded by Representative Kawakami and carried, H.R. No. 183 was adopted with Representatives Halford, Nakasone, Rath, Stonebraker, Whalen and Yoshinaga being excused.

Representative Ahu Isa introduced the following honorees from Ahahui Kaahumanu, who were seated on the House floor:

Ms. Margaret Kula Stafford, President;  
Ms. Mary Ann Hutchinson, immediate past President;  
Ms. Martha Ho, Secretary;  
Ms. Ann Morano, Treasurer;  
Ms. Leina'Ala Chong-Kee, Director;  
Ms. Wanda Sonognini, Director, and  
Ms. Lynette Ae'a, Director.

Representative Ahu Isa also recognized Ms. Eloise Bruns, Vice President of Ahahui Kaahumanu, who was not in attendance.

Representative Ahu Isa also introduced other members of Ahahui Kaahumanu who were seated in the gallery: Ms. Emma Bronco, Ms. Lenora Ching, Ms. Kawelo Fargie, Ms. Lorraine Maeshiro, Ms. Francis Delima, Ms. Blossom Kunewa, Ms. Gladys Brash, Ms. Lovena Wong, Ms. Rose Tam Hoy, Ms. Lehua McColgan and Ms. Flo Freitas; and Mr. Reuben Ae'a.

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

The House of Representatives reconvened at 12:10 o'clock p.m.

H.R. No. 184, entitled: "HOUSE RESOLUTION CONGRATULATING THE FOUR HONOREES OF THE 24TH ANNUAL YWCA OF OAHU LEADERLUNCHEON PROGRAM," was jointly offered by Representatives Thielen, Leong, Morita, Hale, Jaffe, Kawakami, Auwae, Marumoto, Lee, Ahu Isa.

On motion by Representative Thielen, seconded by Representative Leong and carried, H.R. No. 184 was adopted with Representatives Halford, McDermott, Nakasone, Ontai, Rath, Saiki, Schatz, Stonebraker, Takai, Whalen and Yoshinaga being excused.

Representative Thielen and Representative Leong introduced the four honorees of the 24<sup>th</sup> Annual YWCA of Oahu Leaderluncheon, and YWCA staff, who were seated on the House floor:

Ms. Alice Flanders Guild, a community volunteer, who was represented by her son, Walter Guild;

Ms. Clarice Cornett, a contractor in the field of construction;

Ms. Sheryl Seaman, President of Group 70 International;

Ms. Marivic Dar, Regional Executive President of AXA Advisors; and

Ms. Cheryl Kauhane of the YWCA of Oahu.

Representative Thielen also recognized members of the YWCA Leaderluncheon Committee who were seated in the gallery, along with a member of her staff, Ms. Desiree Poteet.

At 12:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

### UNFINISHED BUSINESS

#### S.B. No. 887, SD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 887, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," was recommitted to the Committee on Water and Land Use and the Committee on Public Safety and Military Affairs, with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Morita, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

### STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1121), recommending that H.C.R. No. 40, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1122), recommending that H.C.R. No. 41, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 41, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PHARMACEUTICAL COMPANIES DOING BUSINESS IN HAWAII THAT HAVE PROGRAMS TO ASSIST IN PROVIDING PRESCRIPTION DRUGS TO THE NEEDY TO DEVELOP A MORE CONSUMER FRIENDLY UNIFIED SYSTEM FOR FREE PRESCRIPTION DRUGS," was referred to the Committee on Consumer Protection and Commerce, with Representatives Ahu Isa, Arakaki, Halford,

Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representatives Chang and Ahu Isa, for the Committee on Tourism and Culture, and the Committee on Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 1123), recommending that H.R. No. 113, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 113, entitled: "HOUSE RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF THE HAWAII TOURISM AUTHORITY IN THE PURSUIT OF ITS TOURISM STRATEGIC PLAN, KE KUMU, AND ENCOURAGING THE HAWAII TOURISM AUTHORITY TO CONTINUE ITS EFFORTS TO STRENGTHEN THE TOURISM COMPONENT OF HAWAII'S ECONOMY," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representatives Chang and Ahu Isa, for the Committee on Tourism and Culture, and the Committee on Economic Development and Business Concerns, presented a joint report (Stand. Com. Rep. No. 1124), recommending that H.C.R. No. 116, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF THE HAWAII TOURISM AUTHORITY IN THE PURSUIT OF ITS TOURISM STRATEGIC PLAN, KE KUMU, AND ENCOURAGING THE HAWAII TOURISM AUTHORITY TO CONTINUE ITS EFFORTS TO STRENGTHEN THE TOURISM COMPONENT OF HAWAII'S ECONOMY," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1125) recommending that S.B. No. 937, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 937, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1126) recommending that S.B. No. 841, as amended in hd 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 841, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1127) recommending that S.B. No. 1062, SD 1 as

amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1062, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1128) recommending that S.B. No. 97, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 97, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 1129) recommending that S.B. No. 1078, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 1078, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga being excused.

## SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Pendleton and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Arakaki, Halford, Hiraki, Stonebraker, Takai, Yonamine and Yoshinaga were excused.)

At 12:58 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1130) recommending that S.B. No. 207, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 207, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND VEHICLE TRANSFERS," passed Third Reading by a vote of 46 ayes,

with Representatives Ahu Isa, Arakaki, Hiraki, Halford and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1131) recommending that S.B. No. 210, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 210 SD 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTS," passed Third Reading by a vote of 46 ayes, with Representatives Ahu Isa, Arakaki, Hiraki, Halford and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 207; and 210, SD 1, passed Third Reading at 12:59 o'clock p.m.

### THIRD READING

#### S.B. No. 986, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 986, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Third Reading by a vote of 46 ayes, with Representatives Ahu Isa, Arakaki, Halford, Hiraki and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. No. 986, SD 1, HD 1, passed Third Reading at 1:00 o'clock p.m.

### RECALL

Representative Fox moved that H.B. No. 263 be recalled from the Committee on Labor and Public Employment, seconded by Representative Pendleton.

Representative Pendleton also requested a roll call vote at the appropriate time.

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

"I oppose this motion basically on procedural grounds. Simply put, this motion is untimely and futile. As members well know, today is our forty-second legislative day. There are less than twenty legislative days before we adjourn sine die. House Bills were required to have been heard and passed by this body over three weeks ago.

"Even if this bill were to pass today and move to the Senate it would be dead in any event because its passage would violate our crossover deadline and the Senate in all likelihood would not accept the bill. Fifteen members of our Minority Caucus introduced this bill on January 19, 2001. If this issue is so important, then they should have requested a hearing during the normal legislative timetable. At that time the Labor Committee could have considered the request and if the bill were heard, it would have been subjected to a public hearing involving public input.

"In conclusion, let's emphasize that this motion is too late. It lacks good faith and it does not rise to the purpose and level of our constitutional recall provision. And for these reasons it should be defeated. Thank you."

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

"The bill before us is properly recalled under the procedures of the State Constitution. The State Constitution merely requires that the bill be referred to a Committee and that a twenty-day period pass from the time of referral until action is taken on the floor. We hope that the House will act favorably on this bill, and send it to the Senate.

"We recognize that according to the timetables agreed to mutually by the House and the Senate, this bill cannot be passed by the Senate this year. But in the first year of a two-year session, this bill can be moved over to the Senate and the Senate will be able to act on it in the next year. This is why we consulted with Senators as part of our process and they assured us that should the House pass this bill over, it would receive appropriate attention in the Senate.

"This is definitely something that we can debate and act on today. And even though the Senate will not be able to take action until next year, we'll get a head start on next year's action. And the bill will only have to pass the Senate. Thank you, Mr. Speaker."

Representative M. Oshiro rose to speak in opposition to the motion to recall, stating:

"This bill as mentioned earlier, was introduced by the House Minority. I believe it's a Minority package item. Approximately forty-four days ago, Mr. Speaker, twenty days, twenty-one days have already passed since the first cross and as the Minority Leader knows from experience, that the first cross deadline is an important deadline in the legislative process. It's an agreed upon deadline by both the House and Senate as far as narrowing the focus of the bills to be considered in this particular legislative session.

"That was over three weeks ago, Mr. Speaker. I think this motion is ill-advised and untimely and I suspect the intent behind this motion, Mr. Speaker. When I look at the memorandum of agreement that we signed back on February 20, 2001, it came after a lot of contentious debate as to the intent of the Constitution in this recall provision.

"One of the items out of this eight item memorandum of agreement states that: 'For any bill which has been heard or cannot get a hearing (to pass lateral or cross-over) one day notice shall be given to the Majority.' At that time, Mr. Speaker, I believe it was the intention of those who drafted this memorandum of agreement that the whole intention was to move bills out of the primary committee to the secondary committee to meet the lateral deadlines and especially to meet the crossover deadlines.

"And that's why, Mr. Speaker, I apologize to the members if I'm standing here and just arguing against this particular motion. You see, Mr. Speaker, this motion has little to do with the merits of this bill. And again as pointed out earlier, if they were really serious about this measure, we would have received a notice weeks ago."

Representative Whalen rose to a point of order, stating:

"The speaker is in violation of our House Rules as speaking to the intent or purposes of members of the body instead of sticking to the, in this case, the motion before the House."

The Chair responded:

"I believe he's addressing the issue in regards to the motion of the recall at this time."

Representative Whalen continued, stating:

"Mr. Speaker I believe his comment was that he questions the sincerity of our motives in making the motion at this time, implying that they are other than honorable in terms of trying

to pass the bill out. I don't have that particular rule in front of me. But I know it quite specifically states in our House Rules, it says, that you cannot address the personal motives or intent of other members of the House."

The Chair responded:

"I don't believe the Representative is trying to address it from a personal point of view, but from a record that was signed by the respective Minority Leader and the Majority Leader."

Representative Whalen continued, stating:

"Well again, point of order, Mr. Speaker. I don't believe that the signed agreement with the Majority Leader's interpretation as to what was in his mind has any applicability to the House as a whole.

"Secondly, despite that written agreement, our House Rules are specific that members when speaking before the body are not allowed to speak to the motive or intent of the other members.

"So whether there is an agreement or not that he has before him, our House Rules specifically say you can't do that. So my point of order is that the Majority Leader is out of order by making reference to that in implying in his speech and in trying to convince members not to recall this bill. Attacking the intentions or motives of the proponents of the bill is out of order."

The Chair responded:

"I believe the Majority Leader has his point and the Chair will rule in his favor and allow him to continue his speech in regards to the motion of the recall."

Representative Thielen rose to a point of personal privilege, stating:

"Mr. Speaker, when the Representative from the University area claimed that we lacked good faith, I let it slide. I thought it was very inappropriate and against the rules of this House and offensive. But when the Majority Leader now is leaping into the same smear attempt I really have to object. I don't think that he should..."

At 1:00 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:09 o'clock p.m. at which time the Chair recognized Representative Thielen.

Representative Thielen rose and stated

"Thank you, Mr. Speaker. I believe that I've made my point and I would appreciate it if the Majority Leader would refrain from implying that we do not have good motives. I really would take offense at his implying that. Thank you."

Representative M. Oshiro rose in response, stating:

"Mr. Speaker I just would like to again focus upon the merits of this particular motion and not the substance of this bill. This bill is being untimely brought to this Chamber. There's adequate time next year for this bill to go to the public for comment criticism and for assistance in shaping this bill. It's not a priority of the counties, Mr. Speaker. In fact none of the counties submitted any measures like this at all.

"And I only need point to the Hawaii State Association of Counties..."

Representative Whalen rose to a point of order, stating:

"I believe speaker is going into the merits of the bill versus the motion to recall. He's talking about testimony regarding the bill. There's no other way to interpret it; that he's going to the merits. If he would like for us to go into the merits that's all right with us. But if he's going to do it I believe it should be fair for the proponents as well."

The Chair responded:

"Your point is well taken and that will be taken up once the main motion is before us which is to pass Second Reading and place on the calendar for Third Reading. Representative Marcus Oshiro, would you confine your remarks to the procedure of the recall motion that is before us."

Representative M. Oshiro continued, stating:

"Mr. Speaker, I just would like to just wrap it up then. This is untimely, this is in bad faith of our agreement, and it should be defeated. Thank you, Mr. Speaker."

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

"I rise in support of the motion and the remarks strictly as to the procedural propriety of bringing this recall motion at this time. The Majority Leader referenced an agreement that was signed and agreed to between the two Caucuses and he cited various language prescribing how these recalls should take place.

"He was unable to find any language, Mr. Speaker, that would preclude recall at this time. There's no language specifically prohibiting making it impossible somehow saying that the constitutional language notwithstanding you can't recall after a certain date. There's no language in there, Mr. Speaker.

"If this is untimely for this Session and yet timely for next Session I believe the previous Speaker stated that there'll be time next Session, well then that is exactly what would happen were we to recall and move this bill at this point. It would pass this Chamber, move on to the next Chamber and be available for consideration by the Senate next Session.

"So this is not untimely and it isn't against the agreement because the agreement doesn't preclude recalling a bill at this time. Thank you, Mr. Speaker."

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

"I rise in favor of the motion to recall and any agreement notwithstanding. The purpose of the recall is to bring matters that heretofore wouldn't make it to the floor for public discussion hopefully, on those matters.

"It is somewhat disingenuous of your side of the aisle to claim that this is not proper when it is your selection of Chairman and your Committees from your side of the aisle that have not heard the bill."

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

"The speaker is committing a violation that was previously discussed by previous speakers."

The Chair responded:

"Representative Rath, I believe the Majority Leader is correct. Confine your remarks to the recall motion and not the individual who was the Chair of the Committee. Thank you."

Representative Rath continued, stating:

"Thank you, I thought that it was a little 'tit-for-tat' there you know. But a little bit of humor aside, I think this is the only way that this side of the aisle has, and the only vehicle that we have at our disposal thankfully, to bring bills like this to where they are in an open public forum, which this is. Where all members can hear discussion and debate and the public can not only hear it if they come to the gallery, they can read it in the Journal or can see it on O'lelo. So I think this is a very proper way to do it and for that reason I speak in favor of the motion and the measure. Thank you, Mr. Speaker."

Representative Schatz rose to speak in opposition to the motion to recall, stating:

"Thank you, Mr. Speaker, I'll be very brief in opposition to this motion. First of all, this bill is dead, by all rights. I understand that we do work over a period of two legislative sessions. But I think it's fair to say that if we looked at this bill three days ago we would have considered this bill to be dead. And for that reason I don't think that recalling a dead bill is particularly appropriate."

"Second, in our negotiations between the Caucuses with respect to the recall, it is my understanding, regarding one of the provisions in the eight point memorandum of agreement that the Majority Leader was referring to, I remember us talking about this and the idea was simply that there was a limited time during which bills could be properly recalled."

"And I think it was pretty fair to say that our understanding would be that for House Bills that would be before the cross. And, so in that sense I believe it's in violation of the spirit of the agreement. I don't want to impune the motives of our friends across the aisle, but I do feel that there's a violation of the spirit of our agreement. And for that reason I hope our members will oppose this recall motion."

Representative Fox rose to speak in rebuttal stating:

"Mr. Speaker, briefly. There is nothing in the agreement that says anything about the timing of this matter. The Constitution says you've got to wait twenty days. That's the sole provision. I think we have to understand what's going on here. There is a main process for moving legislation through the House and that includes internal deadlines. It includes internal deadlines from moving from one Committee to another and it includes internal deadlines for moving matters from one house to the other."

"This is the main way we do business. The constitutional amendment under which recall is brought is an alternative way to bring bills to the floor. This is a way that does not involve getting the approval of chairs of committees. It doesn't involve getting the approval of committees; it is an alternative way to consider matters. It simply says a matter cannot be brought to the floor until it has been referred for at least twenty days and you have some sense through those twenty days that this matter is not going to be acted on in the normal process."

"You then have an alternative way to bring matters to the attention of the body. That's the procedure we're invoking. It does not violate any agreement; it is within the bounds of the Constitution, which is really the main thing we should be looking at. And having said that I would urge that we go ahead and have the vote. Thank you, Mr. Speaker."

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

"Thank you, I think we all know the Twenty-First State Legislature goes over a two year period and many of us have had bills that were introduced one year and heard the next. And so this idea that this bill is dead, is just not so. This bill is very much alive. It was never heard in Committee. It was never held. So, it's as alive as any bill can be and for that reason I support this motion."

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

"Thank you, Mr. Speaker, in opposition to the motion. On a specific point which I think has been somewhat overshadowed by all the rhetoric which has occurred, and that point is in reference to the fact that this is a bicameral legislature, and that there should be free and open public discussion by each House. And this action would prevent free and open public discussion by this House and that there would be opportunity to do that next Session. Thank you."

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

The House of Representatives reconvened at 1:22 o'clock p.m. at which time the Chair recognized Representative Pendleton.

Representative Pendleton rose and stated:

"Mr. Speaker if I could clarify what I meant in asking for a roll call. My intent was to ask that we be allowed to raise our hands so that the Clerk is able to count as to whether there are the requisite seventeen for recall purposes. Thank you, Mr. Speaker."

The motion to recall H.B. No. 263 was put to vote by the Chair and upon a show of hands, H.B. No. 263 entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was recalled from the Committee on Labor and Public Employment and brought to the floor for action.

Representative Fox then moved that H.B. No. 263, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Pendleton.

Representative Pendleton also requested a roll call vote at the appropriate time.

At 1:23 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:25 o'clock p.m.

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

"Thank you, Mr. Speaker, I rise in support of House Bill 263. This bill is typical of the kind of legislation we need to see more of. For years this State has treated each county as just another department, an agency through which to channel state resources and collect state revenues. The State's relationship with the counties has been paternalistic at best and autocratic at worst."

"It seems that the only time the State recognizes the wide diversity of the counties is when it comes to promoting

tourism. Mr. Speaker, House Bill 263 is worthy of moving forward. And as a work in progress, as your Committee Chairs repeatedly reminds us, should continue for further discussion.

"We sincerely welcome your input. House Bill 263 gives us a good start toward allowing the counties some of the autonomy that their diversity deserves. It separates the traditional collective bargaining groups and the county based organizations allowing those employees who work in the county and for residents of the county, to negotiate with that county.

"Until now, the State has rendered these counties powerless to conduct their own affairs and instead dictated policy and standards. This State government has made it painfully obvious, even to direct county employees such as police officers and fire fighters, who is really in charge. The one that holds the purse strings has the power. And separating the boss from the paycheck removes accountability.

"Supporting collective bargaining on a county level is not just a push for civil service reform, it is a matter of trust in our fellow public servants.

"Our job as legislators is to write the mission statement. But once we see that common goal we must trust the other government entities of this State to do what they need to do in order to accomplish those goals.

"We must trust the University of Hawaii with the higher education in this State. We must trust the Hawaii Health Systems Corporation to provide quality health care for the people of Hawaii. And we must trust the mayors and county councils to make decisions in the best interest of the people they serve.

"The counties do not exist for the pleasure of the State. Such an approach is not democratic, but futuristic. Just as a stable, educated and informed electorate gives democracy its strength, autonomous empowered counties will make for a strong viable State. The State does not stand alone and continuing to withhold decision making power from the counties on issues that effect them will eventually crack our State's foundation.

"We desire to move this bill along so it is poised for action by the Senate next Session. Passage by this House will ensure it gets full attention by the Senate. Thank you, Mr. Speaker."

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

"I rise in support of House Bill 263 which would organize the many collective bargaining units on the county level and take away the Governor's 'trump' card in a bargaining process. This measure does deserve further discussion.

"As the law stands now, the Governor can, and at-will, stalemate any agreement in the process because he owns exactly fifty percent of the eligible votes. It is ridiculous to think that one person, even if he is the Governor, holds the power over all public collective bargaining agreements in this State. Does the Governor supervise these employees on a day to day basis? Does he know the value of their work? Does he write the contracts and ensure that standards are met? No, but even if the employee and agency and the unions come to terms on an agreement, the Governor must give the final approval.

"It is time we let the Governor take care of more pressing executive matters than concern himself with how much police officers are paid Kona. Police officers and firefighters are paid by the counties and accountable to the counties. These officers know the areas and their jurisdiction. They know which parts of their counties are trouble, which parts are for

crime. They understand existing threats to public safety in particular to their areas. They are county employees in every sense, yet when it comes to negotiate salaries, they must come to the State. Accountability and compensation is the norm, except it seems in Hawaii State government?

"In states across the nation, salary decisions are made at the lowest possible level, usually at the county level. Decisions affecting local people should be made locally. This is even more true for Hawaii. No two of our counties are the same; populations vary, economies vary, revenues vary. Though some may have slight county differences as proof of the need for overall State oversight, nothing can be further from the truth.

"As a former Finance Chair of the Hawaii County Council, I understand first hand that the management tools and the needs of employees differ from county to county. It is time for the State to loosen it's grip on counties. Geographically they're self contained yet the State refuses to let county leaders make decisions that are best for their electorates.

"Instead, the neighbor islands are treated like a microcosm in the State - Kauai, Hawaii and Maui are not miniature Honolulu. Let's stop treating them that way. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, some very quick and brief remarks. Mr. Speaker, this bill that we are recalling was recently part of Governor Cayetano's package and efforts to reform civil service and modernize Hawaii State government.

"I rise to speak in support of this bill because I believe it takes a tremendous step to bringing Hawaii to the twenty-first century in the modern information technology era and, Mr. Speaker, allow me to explain.

"Fifty years ago or so, decades ago when we originally devised our civil service laws on how collective bargaining worked here in the State. We were in an era of industrial mentality here in our nation and here in our State, when the mentality was 'bigger was better'. If you looked in business, the business model that worked was the conglomerate; we had one company doing all things. And here, just like in the State government, you could have one state entity negotiating the collective bargaining agreements for all entities and levels of government here in our State.

"But today, Mr. Speaker, in the Twenty-First Century, in the information technology era, bigger is not always necessarily better. Instead the key term is that speed and flexibility is more superior and works out. If we look at the business model that is working here today in our State and our nation's economy, it is the small and nimble companies that provide a niche service to individuals to get tailored made products to the customers that work.

"This bill will take us to a more modernized Hawaii state government by bringing us a step closer in that direction by allowing the counties to each negotiate their own collective bargaining agreements. To tailor their government needs to their own respective counties.

"For these reasons, Mr. Speaker, I strongly support this bill. I think it is a good measure that brings Hawaii into a more modern era of what is going on throughout the nation and throughout our State. And it takes us a big step forward to modernizing Hawaii, modernizing to the service rules and bringing us in line with the Twenty-First Century. Thank you, Mr. Speaker."



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

"Thank you, Mr. Speaker, rising to speak against the bill. Mr. Speaker, I appreciate the comments of my good colleagues and friends across the aisle who happens to also be members of the Labor Committee.

"But I think I go back to the comments that were echoed earlier by my friend and colleague Representative Kanoho, in that I would have wanted to have the opportunity, should the Labor Chair have had the chance to schedule a hearing, to at least have the give and take in public with all the effective parties with respect to this measure. I'm not quite comfortable in handing this over to the Senate even if for expediency purposes in preparing for the next Session. I think in a bicameral legislature and in a representative democracy that we all believe in, that this House should have had a chance to weigh in on the merits of this measure.

"For myself, a couple of things. I understand that perhaps what the proponents of the measure are trying to achieve could be already in statute -- the memorandums of agreement -- and we could have argued that in a hearing.

"Secondly, I would have wanted to ask questions of the counties on the question of accountability and responsibility. I would have asked questions for instance, on how they would come up with the revenues necessary to deal with whatever amounts they agreed to at the collective bargaining table.

"I had mentioned this at a briefing I believe it was last year on the general issue of civil service reform. And I turned to all the representatives from the counties and I said if you want the accountability you will have the responsibility to come up with whatever money is necessary to pay the agreements. And that they should not come to the State with 'hat in hand' for the money that they agreed to with the various unions.

"So I would have wanted to ask those questions and by handing it over to the Senate as being proposed now in the process, I don't think it's right. For those reasons I ask the members to vote against the measure. Thank you."

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

"I rise to speak against the motion also. I certainly appreciate the comments made by the previous Speaker. But in addition to that, while we've heard some of the rationalizations of the merits of this bill, I think we're missing the heart of it. And it seems to me that at the heart of how the current structure is established, is the principle of 'equal pay for equal work'.

"You know at one time when management could arbitrarily, depending on whether an employee catered to its needs, set differential pay rates no matter whether the job was exactly identical to another employee. This was the kind of abuse I think, that led to the establishment in the modern labor work place of the principle of equal pay for equal work.

"As a Neighbor Islander, I think I'm sensitized to the arguments of 'home rule' and the maturity of the counties and I believe that that does have merit. Yet when you look at how this principle of 'equal pay for equal work' applies to the counties, it's also raising tactical concerns that we need to take into account. It's not only the merit of the principle, but it's also its practical application.

"We've seen with the City and County of Honolulu where they've had shortages of police officers. Can you imagine the kind of competition especially facing the teacher's situation now and all of the competition by other states, try to put together a bigger financial package to attract quality people?

Can you imagine if within the State of Hawaii, a firefighter on the County of Hawaii got paid less than a firefighter in the City and County of Honolulu? What kind of competition, what kind of potential disruptions would that result in? And the mere fact I believe a colleague indicated during last year's discussion and debate over civil service reform, one of the smaller counties indicated that very concern. That if employees who are doing identical work across the State but were paid high in one county because it had the greater ability to pay, what would that do the county that had a lesser ability?

"And I think all of these factors have to be taken into consideration when looking at what this bill, what this measure attempts to achieve.

"Certainly when you look at autonomy, and it's easy to toss that label about, I think we have to look at what we did last year. I don't think anybody in this body is against making government more efficient and somehow civil service reform has become that label. And if you stand behind that then you're for greater efficiency. If you don't, then maybe you're not. And I really question that, Mr. Speaker, especially given some of the numerous measures that have passed before this body.

"But I'm sorry, let me get back to the issue of autonomy because autonomy was a significant portion of the discussion on civil service reform last year. And if you will recall, Mr. Speaker, there were a number of specific steps taken to provide for more autonomy to provide for greater say especially for those employer units that had no say, previously. And if you recall that in the civil service reform measure that was passed -- the Judiciary, HHSC, the Board of Education, the Board of Regents -- these were entities that had, in effect, no say, yet employed substantial numbers of employees.

"And if the point was that given the unique features sometimes of Neighbor Island counties or these other employer units, that they should have some say at the table. And in fact this body and the Legislature last year did recognize and acknowledge that, and in so doing took the steps to ensure that a voice was provided to these entities. And this became a part of the civil service reform measure that was passed by the Legislature.

"More importantly though, if we are to talk about unique features and unique situations and unique circumstances, whether they be of the counties or any other employer unit, then we need to talk about effective realistic mechanisms to address that. And in fact we were told, Mr. Speaker, those mechanisms already existed. That memorandum of agreement, memorandum of understanding, were a means of addressing those unique features where those are the labor organizations that represented those employees and the county or employer unit, could enter into those kinds of understandings and agreements and to address the concerns..."

Representative Lee rose to yield her time.

Representative Takamine continued, stating:

"And I'm sorry, Mr. Speaker, I'll be wrapping up. To address the concerns of uniqueness and how do we address that and be flexible given the goals and objectives of civil service reform.

"With that, Mr. Speaker, I'll end here but with one further note. And that was in moving that reform on civil service reform forward, there was one ultimate concern, and that was, our job is fiscal responsibility. Our job, among other things, is to balance the budget.

"And in so doing we realize that collective bargaining was a significant feature of doing exactly that in carrying out our responsibilities. And in so doing we noticed that while it's easy to say autonomy, cut the counties loose and all of that, we were saying we needed some structure to provide for accountability in ability to pay. And what that resulted in was, while giving the counties greater autonomy, greater say, especially in areas such as police, such as fire, we realized that ultimately, if the counties did not have the ability to pay, they ended up coming to the legislature.

"The history shows that even in the last round of negotiations when the City and County of Honolulu indicated it may have a shortfall and not be able to fund its portion, which would have then jeopardized the entire collective bargaining package, Act 100 was put into place. Many of the members across the aisle stood up and voted against it and indicated why they were voting against. But that addressed the concern by allowing that package to move forward and specifically the concern about being able to pay and the State being relied upon when the counties or any other unit, did not have that specific ability.

"Given the fact that you need some structure on accountability, that was the basis for the number of votes that was put into place in terms of the State and the other employer units. So for all of the foregoing reasons, Mr. Speaker, I do feel this measure would not only take away from that, but not even give the reform that was put into place a chance to even go into effect and see what the results of that was. So given the foregoing, I'll be voting against the measure."

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

"Mr. Speaker, I rise in support of the motion. First, I'd like to address the procedural concerns because I do agree that there are some procedural concerns in taking up this proposal in this manner. I do want to note for the record that, if the minority did not ask for a hearing on this issue with the Labor Chair, I certainly did. Not only was there no hearing, but I did not even receive the courtesy of a response. So I think it is appropriate that I stand at this time and support the measure under these circumstances.

"You know, we embarked upon an effort to reform our civil service system a few years back. Actually the minority speaker who traced this particular proposal to Governor Cayetano missed one step, it actually started with the ERTF three or four years ago. In that effect, a bipartisan group came forward and said that by binding the counties and the State and the various quasi-governmental jurisdictions together, we were essentially harming their ability to run their own show, were essentially hurting, not helping, fiscal stability.

"We took it up last year. The Chair of Finance is correct: we basically tinkered around the edges by providing for so-called memorandums of agreement, where the counties could negotiate supplemental agreements with their bargaining units, who were bound together under the law to provide the same wages, hours and working conditions as all other counties, the state, each entity.

"We also did change some of the voting requirements, but the sum total is that all we did was tinker with a system that was broken, and the system is still broken and the system remains broken, under the civil service reform that we passed last year. This is because we maintained in that law the most essential part of this issue, which is provided however, that whatever you do, the principle of 'equal pay for equal work'.

"Now the Chair of Finance is correct that that is the gist of the issue here, and that is where reasonable people can disagree on what is good and what is not good. Certainly from the labor perspective there have been concerns with 'equal pay

for equal work' that labor has historically paid particular attention to.

"However, for the most part the 'equal pay for equal work' concept came out of the 1960's, when there was a concern that growth be uniform throughout the State. And that was before 1970 when collective bargaining gave the public employees the right to bargain collectively.

"So first of all, I would submit that if our choice last year was to draw the so-called 'bright line' and provide that most things are subject to collective bargaining, what we should do is to trust in that process to provide the necessary check and balance for employees in any one of the jurisdictions to be able to negotiate a package that they feel is fair. And for each of those jurisdictions to be able to articulate their own priorities and their own reasons for affording or not being able to afford a particular pay package.

"Second, let's talk just briefly about 'equal pay for equal work'. Is the cost of a house the same in Hilo as it is in Honolulu? Is the cost of a service delivered in Na'alehu the same as it is in Kauai? The fact of the matter is that conditions differ from jurisdiction to jurisdiction.

"And it's not just between the counties. For example, we have set up the Hawaii Health Systems Corporation to be a semi-autonomous agency of State government. Unfortunately, we haven't cut them loose all the way to do what they need to do to provide, in an affordable way, and we're therefore forced to subsidize them so a bargaining unit working for HHSC has a different situation in terms of affordability and allocation of priorities than does the same bargaining unit working for, for example, the County of Maui or the County of Hawaii.

"So the fact of the matter that we come down to in the end is that 'equal pay for equal work' protects a situation which is better protected through collective bargaining. And it basically handicaps the ability of the counties and the workers to adjust their own particular situation to their own particular needs, their own particular cost of living, their own particular situation, their own particular set of priorities.

"We should get away from the idea that somehow we need to preserve this 'equal pay for equal work' system statewide. The fact of the matter is that it harms individual initiative, individual growth, individual tailor-made solutions. It basically raises the cost for everybody across the board and you know, we could debate this further, but let me just say that this is the largest single area of civil service reform remaining. This accounts for at least fifty percent of the unfinished business in civil service reform, and we should get on with it. I'm sorry we didn't do it this session. We'll see whether we do next session, but this must happen. Thank you."

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

"Thank you, Mr. Speaker, in opposition. First of all I think this would end up being a collective bargaining nightmare. We currently have thirteen bargaining units, this would end up having forty; from thirteen to forty. But the point that I want to address is that this bill would favor the more affluent counties and that although the Finance Chairman did allude to it, I think it's important enough that it be reemphasized. Kauai for example would suffer because we don't have the income or the revenues.

"And on the point of equal pay I've heard it said that the policemen on Kauai, because people think of Kauai as a laid back community have it easier. And there are compensating factors in every job, there are compensating factors in the economy. Sure, land is cheaper on the Neighbor Islands, but the cost of living is significantly higher.

"Getting back to the example of the policemen. On Kauai, a single policeman has to cover a tremendous amount of territory and everything that occurs in that area is on his responsibility. He doesn't have the luxury of a back-up as Honolulu has, certainly Oahu has its share of difficulties. But each is unique into itself such that I think, overall compensates and that the issue of 'equal pays for equal work' is a very important one. And for that reason I would strongly urge a vote against this motion. Thank you."

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

"Speaker I rise to speak against this motion. Much has been said about the 'home rule' issue on this bill, and also about the equal pay for equal work. I'll just touch upon a few of the items.

"As I was attempting to mention previously, Mr. Speaker, and raise the consciousness of this body, and that consciousness is basically this. Although this was considered last year, as the Chairman of the Finance Committee already touched upon, there have been tremendous inroads made into this area. There are supplemental agreements that are allowed under Act 253, which was passed last year. And I think, Mr. Speaker, if you talk to the personnel directors out there in the counties, you talk to the county chairs and you talk to the various administrators at the county level, they'll tell you that the current system is working fine and there's no need to tinker with it.

"And for further proof of that, Mr. Speaker, I looked through the Hawaii Association of Counties' memorandum that was sent to all the members in this House and it says basically:

Our organization, HSAC, thanks you for your continuous support of all counties concerned. HSAC is comprised of four mayors and thirty-four council members representing the counties of Hawaii, Kauai, Maui and the City and County of Honolulu.

Since 1959 we continue to work together on a common good to strengthen the institution of municipal government for the people of Hawaii. HSAC's purpose is to improve local government operations, procedures and services to the public to serve as a clearinghouse for new state and federal laws affecting the counties, and to coordinate county responses to both the state and federal legislation.

Enclosed is a copy of our HSAC Legislative Package for 2001. The proposals have unanimous approval of our four counties and we are hopeful of your support of these four measures.

"Mr. Speaker, when I look at the attachment to this memorandum, there are four items here. One bill deals with county liability for hazardous recreational activities, one deals with publication notices, one deals with tort liability for public beaches, and one deals with the public service company tax.

"Mr. Speaker, I think this bill is not a priority for the counties and for the aforementioned reasons mentioned by the members of the Majority Caucus, it should be defeated.

"Mr. Speaker, I'd also like to touch upon the 'guts' of this bill because no one has really talked to the 'guts' of this bill - what this bill will do. But if members had the bill before them and cared to look at it before they vote on it, they should pay attention to page 3 and 4. If you look at page 3 and 4 what this bill does is basically define what the public employer groups are. And it does significantly alter the voting arrangement with the counties in respect to the State of Hawaii and the Governor.

"But what I find troubling and problematic in this bill is that you have on lines 20, page 3 through line 2, on page 4. It states, 'The Chief Justice and the Hawaii Health Systems Corporation Board...' which is the State hospital system, '...shall have each one vote if they have employees in a particular bargaining unit within individual counties.'

"Well, Mr. Speaker, a lot of the members in UPW, HGEA, work in the Judiciary and work in the Health Systems Corporation. But the counties do not pay them; they are paid for by State general fund monies. To not have the employer represented in that particular bargaining arrangement does not make sense.

"On page 4, Mr. Speaker, line 3, sub-section 2, for Bargaining Units 11 and 12. Eleven is your firefighters and 12 is your police. That one makes a little more sense, Mr. Speaker, because what it does is it allows the mayors to have one vote each and to enter negotiation with the firefighters and the police.

"But the problem there, Mr. Speaker, it omits the Governor who represents the State. As you know, Mr. Speaker, we have over one hundred fifty employees working for the State of Hawaii at the airports as firefighters. We should have a say in that bargaining agreement that's excluded under this particular provision of this bill.

"For bargaining units in the next sub-section 3, for Bargaining Units 5 and 6 which are teachers and the EOs, again, this bill that would exclude the Governor of the State of Hawaii who is responsible for the State education system from being an employer. What you have here is the Board of Education and the Superintendent of Education; but the Governor of the State of Hawaii is not represented.

"Further down, Mr. Speaker, sub-section 4, for Bargaining Units 7 and 8, that's the University of Hawaii professors and assistants. The Governor is again excluded from bargaining. You have the Board of Regents and the President of the University as having a vote."

Representative Luke rose to yield her time.

Representative M. Oshiro continued, stating:

"But again, Mr. Speaker, the Governor is omitted. This is an ineffective bill, Mr. Speaker. So yesterday when I looked through the bill I asked the Deputy Director of the Department of Human Resources Development on his comments. And he said that this is problematic because it runs afoul of the situation where the Governor, by law, by Constitution has to include the funding elements for the Department of Education and the various entities of Hawaii in his Executive Budget.

"Why would it exclude him as an employer at the bargaining table makes no sense. Mr. Speaker, like so many bills that have been brought before this body on recalls this bill is defective and should be recommitted back to the Committee. Thank you, Mr. Speaker."

Representative Moses rose in response, stating:

"Thank you, Mr. Speaker, and I sincerely thank the Majority Leader for bringing up those items in the bill and it's too bad we didn't do this a lot earlier, isn't it? It's too bad that the Committee on Labor didn't see fit to hear this bill so these things could be brought up earlier and be corrected so we could be voting on this bill right now instead of debating it? But it's not our fault that the bill wasn't heard and as I said before, we do sincerely welcome any input on moving this measure forward. Thank you."

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

"Thank you, Mr. Speaker, I rise in support of the motion. I support this measure because it is an important step in moving towards negotiation of autonomy with respect to collective bargaining. As we all know from reading this bill, this bill first of all provides for autonomy for the University of Hawaii in terms of negotiating. I think bill nicely compliments the autonomy we already have. The Board of Regents decided to bring on a new president and he comes well recommended. And I imagine that one of the things he would like to have is increased autonomy. I cannot imagine, I cannot imagine a new president saying he doesn't want this additional power, this additional ability with respect to making the University of Hawaii as good as it can be. I'm not a betting man but I would be very surprised if he would oppose having this kind of authority.

"With respect to the hospital system, Mr. Speaker, I spoke with Tom Driscoll, we all have, we brought him in for briefings. Again, I would find it impossible to believe that he would oppose this kind of flexibility and this kind of decision making power on his part. One of the things he's complained about is that decisions are made that they have to live with and they have very little authority to make these decisions. They have to live with the decisions, maybe they can talk a little bit. This would really put in their hands the tools to be able to make that system sustainable.

"With respect to the counties, I know that we've heard specifically back to the County of Maui and that they support the intent of this measure. The Majority Leader has brought up some specific language concerns and as the Majority is familiar, this is a work in progress. That very few times have we allowed a few technical drafting concerns to kill a bill outright, those things can be worked out through the process.

"And of course had our letter dated February 6, 2001, a letter from our Caucus to the Labor Chair been responded to, perhaps we would be talking about a HD 1 or a bill that had these minor drafting concerns addressed. So we did request a hearing, we too believe that ideally you move through the traditional and conventional system, but if this alternative system as provided by the Constitution, namely this alternative recall measure is required, we will exercise it when necessary.

"Other speakers have spoken to equal pay and again equal pay is not precluded. This bill does nothing to preclude the counties from paying the same for the same work. What it does is allow for, as the gentleman from Kauai said, we're talking about unique...each county being unique onto itself. This bill does allow them to take some of that uniqueness into account with respect to both equal pay and the ability to pay.

"So for all those reasons, Mr. Speaker, I think this is a good measure and I would like to see it moved forward. Thank you."

Representative Case rose in response, stating:

"Thank you, Mr. Speaker. First of all, to address the Majority Leader's remarks regarding the position of the counties, I can assure the members that the counties were very much supportive of the concept of jurisdictional autonomy last year. I think a more likely interpretation of their position this year is that they did not believe, apparently accurately, that this Legislature had any will to go back and to provide full jurisdictional autonomy. And they simply decided not to address it this time around. But the record will very much reflect the support of the counties of full jurisdictional autonomy.

"I do want to spend just a little time talking about the comments of the Representative from Kapa'a, because I think

they indicate exactly what the problem is here. Let's take the County of Kauai as an example. If the County of Kauai is in fact less able than, for example, the County of Maui to pay certain public employees, or to be able to pay its public employees across the board, what the County of Maui can, then the County of Kauai is a lot better off in having the freedom to address its own situation, to fit its own solution. And that doesn't mean that the police officers or government employees or anybody else on the public payroll is going to make more or less than the County of Maui. It means that the County of Kauai can make that decision for itself. It means that if the County of Kauai gets into a negotiation and, let's take the example given of the policemen, SHOPO, it means that it can basically opt out if it feels it cannot afford a collective bargaining agreement decided on a statewide basis.

"Right now what happens is that the other three counties and the State basically make that decision for the County of Kauai. So Kauai is a lot better off with jurisdictional autonomy. It could choose to pay its policemen more as a recruitment matter if that's what it took, and allocate other resources elsewhere.

"So that's the essence of this: to allow each of the counties and the other autonomous entities within State government, HHSC, University of Hawaii primarily, to run their own show, put together their own priorities and not be handicapped by the situation that might exist elsewhere. I don't buy the, 'we're going to be short changed,' or 'put behind the eight ball' as a recruitment matter, or the argument that's put forward of 'equal pay for equal work'. Maybe it had some relevance in the 1960's, but it doesn't anymore we've got collective bargaining.

"Like I said, some of the counties cost less to live in than other counties. I think that for the most part we all choose the county we're going to live in. And that matter is determined by a number of factors, one of which is wages. But that's not the only thing going. Otherwise perhaps, I'd be living on another island today. Thank you."

At this time, Representative Lee moved that H.B. No. 263 be recommitted to the Committee on Labor and Public Employment, seconded by Representative M. Oshiro.

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

"Mr. Speaker, in opposition. A motion to recommit is a procedural matter. Let's not have the slightest hesitation about what's going on here. Anybody who votes to recommit is voting to kill the bill and a vote to recommit has the same impact as a vote against the bill itself. That's exactly what's going on.

"It's a waste of time to go through the process of recommitment if members think that it's going to change what their vote looks like. We know, and let it be perfectly clear to anybody who doesn't know, a vote to recommit is a vote against the bill itself. And I would like a roll call at the appropriate time."

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

"Speaker, I rise to speak in support of the motion. The motion to recommit is a motion supporting the idea behind the bill. By recommitting this bill we can take it back to the Committee and make the corrections and have a public discussion and debate on the merits of the bill.

"Again, Mr. Speaker, I do not know if any county wants this bill as currently drafted. If you vote against this motion..."

Representative Moses rose to a point of inquiry, stating:

"Mr. Speaker, is the Speaker speaking to the merit of the motion before us?"

The Chair responded:

"The motion is to recommit and he's speaking to the motion of the recommitment. Representative Oshiro, please confine your remarks to the motion."

Representative M. Oshiro continued, stating:

"As the Minority Leader eluded to, Mr. Speaker, if you could simplify this year or nay vote on this motion to recommit. By voting against this motion to recommit, Mr. Speaker, you are basically endorsing a defective bill? A bill that has not gotten the support of the community and the affected parties, of all the public employees involved in this bill, Mr. Speaker, of the various counties, county Chairs, and all the constituencies?

"Mr. Speaker this bill is defective, it creates problems and by not supporting the motion to recommit, members are saying that this is ready to go; to be enacted into law and it's the House position. I would not like members to vote on something that's defective and sent out of Chamber, Mr. Speaker. Thank you."

Representative Fox rose to a point of inquiry, stating:

"Am I to understand from what has just transpired that it is the intention of the Labor Committee to take this bill into consideration and fix the problems that are in the bill? Or am I to understand that a motion to recommit is just the end of it, we're not going to hear from this bill again. I really address this inquiry to the Vice Chair of the Labor Committee."

The Chair addressed Representative Saiki, asking:

"Would the Vice Chair of the Labor Committee yield to that question?"

At 2:06 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

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

Representative Fox rose and stated:

"Mr. Speaker, my thanks to the Vice Chair of the Labor Committee. He made it clear that there would be no action this year on the bill should it be recommitted."

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

"I'm rising to speak against the motion to recommit. Mr. Speaker, there's been a request from a member of the Majority Party and certainly a request from the Minority Party for the Labor Committee to hear the bill. That was not responded to and it's languishing. The bill is languishing in the Labor Committee. Now we understand from the Vice Chair of the Labor Committee there will be no hearing.

"What we have today is an attempt, by a bipartisan it turns out now, a bipartisan attempt to try to bring this bill to the floor to vote on the bill. Mr. Speaker, many times bills have gone from this Chamber to the Senate with the proponents of this those bills saying, 'Oh it's a work in progress, don't worry about it. It's a work in progress, we'll fix those defects on the Senate side,' or 'We'll fix those defects in conference committee.'

"So I think at the claims of the Majority Leader that if we were to bring the bill to the floor to vote on it, that we would be voting on a defective bill. I think those claims are spurious because there are instances in these Chambers that we recognize what we send over to the other side is not perfect, but it will have the opportunity to be fixed on the other side, we'll have the opportunity to vote it down in the last days of the session.

"So I think the idea of recommitment is exactly what our Minority Leader has said. It's a vote against the civil service reform, loud and clear."

The Chair addressed Representative Thielen.

Representative Thielen interjected: "It's a way to 'ice box' it."

Speaker Say: "Representative Thielen..."

Representative Thielen: "So that's why I'm against the motion."

Speaker Say: "The motion is to..."

Representative Thielen: "To recommit."

Speaker Say: "Not dealing..."

Representative Thielen: "That's why I'm against it."

Speaker Say: "Not dealing with the issue of civil service reform at this point."

Representative Thielen: "Okay."

Speaker Say: "Just the motion of the procedure to recommit."

Representative Thielen: "Okay, it's a motion to recommit the bill which would call for civil service reform, so..."

Speaker Say: "You can mention that. The Chair is allowing that, but we had the debate on the issue of House Bill 263."

Representative Thielen: "Correct, correct. And what I'm saying is what this does is further 'ice box' the attempt to reform civil service. So I am strongly against the motion to recommit. I think loud and clear, it's very clear what we're going to be doing in this body, by those members who vote to recommit are voting to stop civil service reform at this point. Thank you."

Representative Meyer rose to a point of clarification, stating:

"As the Majority Leader has said when in his support of his motion to recommit, that a vote against the recommitment would be a vote to enact, with many, many flaws. Now we're not enacting. He said enact a law. I would like that clarified because to pass a bill that has some problems is not enacting it into law. Could you get some clarification for me on that?"

The Chair addressed Representative M. Oshiro, stating:

"Would the Majority Leader yield to that question, for clarification of your statement? Your definition of enact."

Representative M. Oshiro responded, stating:

"I understand the question, but basically what I was saying is that a vote against the motion to recommit sends a bad message."



Representative Moses rose to a point of clarification, stating:

"Mr. Speaker, I'm a little confused here. I believe I've heard over and over again today, that it's too late to have a hearing. We should have called it forth earlier. We didn't have a hearing, and now it's too late for that. So I don't understand what the purpose is of recommitting the bill to a Labor Committee which has already said they're not going to hear the bill. I'm asking for clarification, Mr. Speaker.

"I believe voting to recommit is voting to kill this bill. We ought to just vote it down on the floor today if we have the guts."

The Chair recognized Representative Kahikina who rose and stated:

"Mr. Speaker, I was going to make a motion to call for the question."

The Chair responded:

"Thank you very much. I will first recognize Representative Saiki in response to Representative Moses' clarification."

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

"I rise in support of this motion, and just for clarification, my representation was that the Labor Committee would consider this bill as it will along with over two hundred other bills that have been referred to our Committee for hearing. Thank you."

The request for a roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Representative Yonamine rose to a point of inquiry, stating:

"Are there seventeen votes for the roll call? Do we need seventeen votes? No? Only eleven. I'm sorry."

Roll call having been requested, the motion that H.B. No. 263 entitled; "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING" be recommitment to the Committee on Labor and Public Employment was put to vote by the Chair and carried on the following show of Noes and Ayes:

Noes, 15: Auwae, Bukoski, Case, Davis, Djou, Fox, Gomes, Jaffe, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Thielen.

Ayes, 29: Abinsay, Ahu Isa, Cabrerros, Chang, Espero, Garcia, Hale, Hamakawa, Hiraki, Ito, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Souki, Suzuki, Takai, Takamine, Takumi and Yonamine.

Excused, 7: Arakaki, Halford, McDermott, Rath, Stonebraker, Whalen and Yoshinaga.

#### INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 185) was announced by the clerk and the following action taken:

H.R. No. 185, entitled: "HOUSE RESOLUTION COMMEMORATING THE TWENTIETH ANNIVERSARY OF THE FUKUOKA PREFECTURE/HAWAII SISTER-

STATE RELATIONSHIP," was jointly offered by Representatives Ito, Kahikina, Arakaki, Hamakawa, Espero, Leong, Ahu Isa, Takai, Saiki, B. Oshiro, Chang, Ontai, Suzuki, Souki, Kanoho, Kawakami and Hiraki.

Representative Ito moved that H.R. No. 185 be adopted, seconded by Representative Takai.

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

"Mr. Speaker I rise to speak in favor of this resolution: Commemorating the Twentieth Anniversary of the Fukuoka Prefecture/Hawaii Sister-State relationship."

"There are several existing sister-state relationships between Hawaii and provincial jurisdictions abroad, but the Fukuoka/Hawaii Sister-State relationship is one that has remained active through its twenty year span and continues to thrive.

"Mr. Speaker, we give credit to the Hawaii/Fukuoka Ken Jin Kai, descendants of early immigrants from Fukuoka living in Hawaii. And to the Government and the people of the Fukuoka Prefecture for the healthy status of this relationship; a relationship that has resulted in economic and commercial benefit to Hawaii.

"Mr. Speaker, travel agency statistics show that about 10% of all Japanese visitors to Hawaii come from Fukuoka and its surrounding area.

"Mr. Speaker, this resolution says "Thank You" to the Fukuoka Government and the people of Fukuoka and also recognizes the foresight of our colleagues twenty years ago.

"I urge the adoption of this resolution. Thank you."

The motion was put to vote by the Chair and H.R. No. 185 entitled: "HOUSE RESOLUTION Commemorating the twentieth anniversary of the fukuoka prefEcture/Hawaii sister-state relationship," was adopted with Representatives Arakaki, Bukoski, Halford, McDermott, Rath, Souki, Stonebraker, Whalen, Yonamine and Yoshinaga being excused.

#### ANNOUNCEMENTS

Representative Magaoay: "Mr. Speaker, I'd like to recognize our 'gladiators' who went to the 'Pantheon' last night to try to 'slay Goliath'. Our gladiators, I'd like to introduce them: Ed Case, Ron Davis, Guy Ontai, Joe Gomes, Brian Schatz, Paul Whalen, Willie Espero and myself. We also have our manager Ben Cabrerros, and Kika Bukoski who was there -- he was going to play, but he couldn't.

"Your troops performed well. We had three over-times. Apparently we were just was one sliver from victory but your troops did themselves proud and I'd like to tell you and the rest of the House, next year we'll geev'um."

Representative Leong, on behalf of the Women's Caucus, reminded everyone that April 11, 2001 would be the last day to turn in a basket for the Institute for Human Services.

Representative Case announced that the Council on Revenues briefing scheduled for this afternoon would be rescheduled as soon as possible.

Representative Takai, on behalf of Representative Arakaki, announced that the public hearing for the Committee on Health for decision making on resolutions, is resuming in room 329.



**ADJOURNMENT**

At 2:22 o'clock p.m. on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock a.m., Monday, April 2, 2001. (Representatives Arakaki, Bukoski, Halford, McDermott, Rath, Souki, Stonebraker, Takamine, Whalen and Yoshinaga were excused.)

# **FORTY-THIRD DAY**

**Monday, April 2, 2001**

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:40 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Hermina M. Morita, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Kawakami, Meyer, Saiki, Takamine, Whalen and Yoshinaga, who were excused.

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

## **SENATE COMMUNICATIONS**

The following communication from the Senate (Sen. Com. No. 457) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 457, returning H.B. No. 1176, entitled: "A BILL FOR AN ACT RELATING TO INSPECTIONS BY THE COUNTY FIRE CHIEF OR THE CHIEF'S DESIGNEES," which passed Third Reading in the Senate on March 29, 2001.

## **ORDER OF THE DAY**

### **COMMITTEE REASSIGNMENTS**

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

<u><b>S.B.</b></u> <u><b>Nos.</b></u>	<u><b>Re-referred to:</b></u>
423	Committee on Judiciary and Hawaiian Affairs
1209	Committee on Finance

The following resolution (H.R. No. 35) and concurrent resolutions (H.C.R. Nos. 30, 69 and 141) were re-referred to committee by the Speaker:

<u><b>H.R.</b></u> <u><b>No.</b></u>	<u><b>Re-referred to:</b></u>
35	Committee on Tourism and Culture, then to the Committee on Finance

<u><b>H.C.R.</b></u> <u><b>Nos.</b></u>	<u><b>Re-referred to:</b></u>
30	Committee on Tourism and Culture, then to the Committee on Finance
69	Committee on Tourism and Culture, then to the Committee on Finance
141	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

## **INTRODUCTION OF RESOLUTIONS**

## **(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 186 and 187) were announced by the Clerk and the following action taken:

H.R. No. 186, entitled: "HOUSE RESOLUTION HONORING HAWAII'S NATIVE SON, CHAD ROWAN, KNOWN THE WORLD OVER AS "AKEBONO", UPON HIS RETURN TO HAWAII FOLLOWING HIS RETIREMENT FROM THE SPORT OF SUMO WHERE HE ROSE TO THE PINNACLE OF THE SPORT, HAVING ATTAINED THE HIGHEST RANK, YOKOZUNA, OR GRAND CHAMPION," was offered by Representative Gomes.

On motion by Representative Gomes, seconded by Representative Pendleton and carried, H.R. No. 186 was adopted, with Representatives Ahu Isa, Kawakami, Nakasone, Rath, Saiki, Schatz, Takamine, Takumi, Whalen and Yoshinaga being excused.

Representative Gomes recognized honoree, Mr. Chad Rowan, "Akebono", who was represented by Ms. Sue Wilde.

H.R. No. 187, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING WAIALUA HIGH AND INTERMEDIATE SCHOOL AND WAIPAHU HIGH SCHOOL ROBOTICS TEAM FOR WINNING FIRST PLACE AT THE SILICON VALLEY REGIONAL CHAMPIONSHIP OF THE FIRST ROBOTICS COMPETITION," was offered by Representative Magaoay.

On motion by Representative Magaoay, seconded by Representative Garcia and carried, H.R. No. 187 was adopted, with Representatives Ahu Isa, Halford, Hiraki, Kahikina, Marumoto, McDermott, Nakasone, Pendleton, Rath, Saiki, Stonebraker, Whalen and Yoshinaga being excused.

Representative Magaoay introduced the following honorees that were seated on the House floor: Mr. Lyle Lopez, Waialua High School Junior; Mrs. Janice Ikeda, Teacher and Team Leader; and Mr. Stu Nishimura of the Naval Sea Systems Command, Engineering Mentor.

In addition, Representative Magaoay introduced the following team members from Waialua High School, who were seated in the gallery:

Mr. Desmond Amper; Ms. Sheri Aplaca; Ms. Hazel Calastro; Mr. Brent Claunan; Ms. Junelle Garcia; Mr. Chris Haines; Ms. Kory Ikeda; Mr. Jarvis Iwamoto; Ms. Kellie Luke; Mr. Mark Menor; Mr. David Milotta; and Mr. Tyson Sumile, accompanied by, Mr. Andy Cole, teacher; Mrs. Rory Ikeda, teacher; Mr. Ted Nagata, teacher; Mrs. Lynnette Okita, teacher; Mr. Terry Lopez, U.S. Army-Hawaii Directorate of Public Works; Dr. Deane Kihara, University of Hawaii College of Engineering; Dr. Song Choi, University of Hawaii College of Engineering; Ms. Lorna Ramiscal, University of Hawaii Space Grant College; Ms. Cathy Lopez, community volunteer; Mr. Floyd Matsumoto, community volunteer; Mr. Lloyd O'Sullivan, community volunteer; Mr. George Williams, community volunteer; Mr. Boy Amper, community volunteer; and Ms. Alicia Amper, community volunteer.

Representative Garcia introduced the following honorees who were seated on the House floor: Ms. Beverly Guiang, Waipahu High School Team Captain; Mr. Wendell Jones,

Waipahu High School Team Captain; and Mr. Todd Ericksen, Engineer, Hawaii Mapping Research Group.

In addition, Representative Garcia introduced the following team members from Waipahu High School, who were seated in the gallery:

Ms. Leiann Cadiz; Ms. Goldie Balbirona; Mr. Alan Delos Santos; Ms. Aiza Go; Ms. Charlyn Leonardo; Ms. Jennifer Paulo; Mr. Jomer Bautista; Mr. Darrel Cabias; Mr. Ross Gonda; and Mr. Mark Respicio, they were accompanied by, Mr. Mark Rognstad, Chief Engineer, Hawaii Mapping Research Group; Mr. Bob Anderson, Engineer, Hawaii Mapping Research Group; and Mr. Bill Speed, teacher and advisor.

At 12:13 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1132) recommending that S.B. No. 1065, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1065, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Chang and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1133) recommending that S.B. No. 1066, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1066, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Chang and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1134) recommending that S.B. No. 1067, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1067, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING HURRICANE PROPERTY INSURANCE RISK," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Chang and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1135) recommending that S.B. No. 1069, SD 1, as

amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1069, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Chang and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1136) recommending that S.B. No. 1079, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1079, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY PARTNERSHIPS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Chang and Yoshinaga being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1137) recommending that S.B. No. 1390, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and S.B. No. 1390, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

Representative Gomes rose in support of the measure with reservations, stating:

"My reservations have to do with the second section of the bill. My question is, why is it the Legislature's business to get involved with the healing practices at the level we are attempting to and we should just allow the exemption from the medical licensure law."

Representative Rath 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. 1390, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Ahu Isa, Chang and Yoshinaga being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary and Hawaiian Affairs presented a joint report (Stand. Com. Rep. No. 1138) recommending that S.B. No. 1077, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the joint report of the Committees be carried, and S.B. No. 1077, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, this is the trademarks and servicemarks bill. I first would like to say that I really respect the Chairs of Consumer Protection and Commerce and the Judiciary Committees. But I have real concerns about the bill and its financial implications.

"First, Mr. Speaker, I would note that if our legislation were required to have fiscal notes accompanying it, we would have seen the fiscal implication of this bill. I'm hoping in the future we will have fiscal notes as a regular, standard practice. The bill doesn't go to Finance, so I can't do an alert to the Chair of the Finance Committee.

"Let me just explain what it does do. The application and registration provisions of S.B. No. 1077, are substantially identical to the provisions of the existing Federal Lanham Act. The Lanham Act really takes care of what is the application and registration process. When we take a look at what this bill will do, the trademark examining process will cost a lot more than the \$50 application fee provided for in the bill. I can understand that my colleague from Foster Village is probably going to really 'perk up' at that, because this ultimately will be a fee increase bill or will require fees to be increased if we pass this bill.

"The trademark examining process is a very lengthy process. You have a whole process with which you have to comply under the Federal Trademark requirements. This bill is just going to duplicate that, although it does so under the guise of a 'model act'. We don't really need it. There is tremendous administrative burden and expense that this State will accept by accepting this application and registration provisions in this bill and it appears that this burden and expense aren't recognized by the administering agency or haven't been brought to the attention of the Legislature by that agency. This is what concerns me, Mr. Speaker.

"The attorneys from the Bar Association that wrote in support of the bill did note, and I am quoting from a conversation with one of the attorneys, 'That this will be a much harder task than now. There are 800 applications a year. The Bar Association Group recommended the fees be increased to \$100. That's a doubling of the fee and again, I note that my colleague from Foster Village is listening intently.

"I was really concerned about this so I talked to Mr. Ryan Ushijima, who is the Commissioner of the Securities Division. His claim to me, and I hope you all will remember this, 'We do not need to raise fees to cover the cost. My customers have told me of their desire to increase fees to reflect greater value that the proposed law provides.' Now, if you can believe that, 'I've got a bridge in Brooklyn I'd like to sell you.' The idea that the customers are asking for a fee increase. Ryan continued, 'We will continue to utilize the existing staff. We will be training in-house staff'. Mr. Speaker, there are going to be 800 applications a year, if their just simply going to use existing staff and training that staff, I wonder what that staff is doing right now, 'twiddling' their thumbs? This does not make sense that they have this staff that's sufficient to take a very complex area of the law, very time consuming, and they won't have to add any staff and his comment was 'not increase the fees'. Unless of course the consumers or customers demand to have their fees increased.

"The last thing I'd like to note is, the Bar Association in their letter stated, 'The Bar Association was advised by the DCCA that it was aware of the additional burden and intends

to make accommodations [sic] to meet the additional demand. DCCA has approximately 3000 trademark and service mark registrations on its books and receives about 800 filing...."

Representative Rath rose to yield his time.

Representative Thielen continued, stating:

"...and receives about 800 filings per year. So long as additional and properly trained personnel are hired to administer registrations under the new law, which we understand DCCA is prepared to do. The additional complexity introduced by the model bill should not be perceived as a negative". That letter is from the Bar Association that is responsible for this section of the law. Attorneys from Watanabe, Ing; Torkildson, Katz; Jackson, Godby; and Damon, Key. They have been informed by DCCA that, okay, you're going to have an additional burden and you're going to make accommodations to meet the additional demand. And the Bar Association was aware that DCCA was going to need properly trained personnel. I go back to what Ryan told me and this is what really troubles me, Mr. Speaker. We have a government employee saying one thing, and the reality from the Bar Association was that he was clearly aware that he would need additionally trained people. Clearly aware that there was going to be the need for the additional staffing and he was clearly aware that there could be a fee increase. And yet he said to me, "We do not need to raise the fees to cover the cost and we will continue to use existing staff."

"I don't believe him and I think that we will see next year or the year after that the case is all of sudden that his customers will be demanding that fees be increases, not just doubled but probably quadrupled, to cover the need of additional staff and for training that additional staff. I think this is a case where we have not been given the full information by the government employee. I think that Ryan did not fully disclose all of this or disclosed what he had been saying to the Bar Association and what their understanding was after their conversations with him.

"So, the fee increase is only one aspect of it. What it will do is possibly price some of this smaller businesses or customers out of the market because they won't be able to cover that large fee increase to be able to use this section of the law.

"I do oppose the bill and I would encourage our members to vote against it and I think that anytime that we see those fees increased to please remember, that he [Ryan] told me that he doesn't need to do that. Thank you."

Representative Rath rose and asked the Clerk to register a no vote for him and to have the remarks of Representative Thielen be entered into the Journal as his own, and the Chair "so ordered". (By reference only.)

Representative McDermott then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Halford then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Ontai then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Stonebraker then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative Jaffe then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Meyer then rose and asked the Clerk to register a no vote for her, and the Chair "so ordered".

Representative Fox then rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

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

"Just to clarify that the purpose of this bill is to conform Hawaii's trademark law to the most recent version of the Model State Trademark Act. There is nothing nefarious about the motives of the Commissioner that was alluded to earlier.

"Clearly this measure is a 'pro-business' bill and is designed to improve Hawaii's business climate. Mr. Speaker, for many businesses the most important protection they can have in operating a business here, is a protection of their intellectual property, their patents and trademarks. Without that there would be no safety or their proprietary rights could be taken away.

"So, what this bill is designed to do is to conform our law again to the Model State Trademark Act that most of the United States has already adopted, simply put. There was a question about fees being increased and again, this bill was developed after a considerable amount of discussion with the regulated community. The regulated community said, 'Yes, this bill is very important to us. We need to update our laws'. We want to have a safe harbor, if you will, in which businesses feel that their intellectual property can be protected.

"So, there was some discussion and the regulated community said, 'yes', raise the fees because we feel that it's worth it. There's nothing more important, as I said, to a business to have their intellectual property protected. The Securities Commissioner said, 'no', we think we can do it under the existing rates. We feel that our computer system has been modernized and we feel that we have a good staff. That was his response.

"So, clearly Mr. Speaker, there is nothing nefarious about this, this bill was designed update our State laws to conform with the rest of the United States. Thank you."

Representative Thielen rose on a rebuttal, stating:

"The former speaker made it sound as if people aren't able to have this protection. That's incorrect. The Federal Lanham Act covers all of this area. The intellectual properties can be protected under the Federal Lanham Act. This is simply duplication that this State does not need to take on under a system where it is going to have to spend money to train the attorneys to do that sophisticated review. There's a very sophisticated review that has to be undertaken and it is going to be costly. There is about a page full of details of all of the steps that you have to go through. This didn't have to be done because the protection is there under the Federal Lanham Act of which these different companies can take advantage of.

"The whole focus seems to come about because of 'Baywatch' which is no longer with us. It's not even an issue or a problem anymore. But evidently some people tried to register the name of 'Baywatch' and the television show had to go about getting their rights to that word back. The point is we're just adding more cost of government. It does get filtered over. The Commissioner of Securities did mention that the fees from all across the board for that Department are going to be adequate to cover the additional cost of training these people to do this.

"So, it really gets spread throughout the business community. I don't think it's a pro-business bill, we don't need it. They got protection under the Lanham Act. We don't need it. Thank you."

Representative Hiraki then rose in rebuttal, stating:

"This is just for the members out there. This is not a mandatory fee. This is not a mandatory protection. This is an option for businesses. This is an optional protection. This is an optional fee.

"If businesses want to have their intellectual property protected under State law then they file the PF fee and that's how it goes. It's not a mandatory fee should they feel that there is no need for such a State protection then of course there more then welcome to not register. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and S.B. No. 1077, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADEMARKS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Fox, Halford, Jaffe, McDermott, Meyer, Ontai, Rath, Stonebraker and Thielen voting no and Representatives Ahu Isa, Chang and Yoshinaga being excused.

## SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Pendleton and carried, the rules were suspended for the purposes of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Chang and Yoshinaga were excused.)

## THIRD READING

### S.B. No. 171, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 171, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," passed Third Reading by a vote of 48 ayes, with Representatives Ahu Isa, Chang and Yoshinaga being excused.

### S.B. No. 937:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 937, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 48 ayes, with Representatives Ahu Isa, Chang and Yoshinaga being excused.

### S.B. No. 841, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 841, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed Third Reading by a vote of 48 ayes, with Representatives Ahu Isa, Chang and Yoshinaga being excused.

### S.B. No. 1062, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1062, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

CONVERSION OF PROFESSIONAL AND VOCATIONAL LICENSES," passed Third Reading by a vote of 48 ayes, with Representatives Ahu Isa, Chang and Yoshinaga being excused.

**S.B. No. 97, HD 1:**

Representative M. Oshiro moved that the report of the Committee be adopted and S.B. No. 97, HD 1, pass Third Reading, seconded by Representative Lee.

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

"I believe that this is possibly a redundant law and not necessary as the Public Defender said. It can be prosecuted under theft laws that we have on the books now. 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. 97, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," passed Third Reading by a vote of 48 ayes, with Representatives Ahu Isa, Chang and Yoshinaga being excused.

**S.B. No. 1078, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1078, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Third Reading by a vote of 48 ayes, with Representatives Ahu Isa, Chang and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. Nos. 171, SD 2, HD 1; 937; 841, HD 1; 1062, SD 1, HD 1; 97, HD 1; and 1078, SD 1, had passed Third Reading at 12:50 o'clock p.m.

At 12:50 o'clock p.m., Representative Takamine asked for a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

**ANNOUNCEMENTS**

Representative Takamine: "I would like to request the waiver of the 48-hour hearing notice requirement to hold decision making only on the following previously heard bills:

S.B. No. 105, relating to Kikala-Keokea;  
 S.B. No. 854, relating to taxation;  
 S.B. No. 1199, relating to concessions on public property;  
 S.B. No. 1028, relating to community development districts;  
 S.B. No. 1030, relating to the Hawaii Community Development Authority;  
 S.B. No. 950, relating to Diamond Head;  
 S.B. No. 499, relating to leave sharing;  
 S.B. No. 588, relating to professional employment organizations;  
 S.B. No. 678, relating to technology;  
 S.B. No. 1081, relating to education;  
 S.B. No. 1567, relating to school complexes;  
 S.B. No. 120, relating to corrections;  
 S.B. No. 704, relating to crime victim compensation;  
 S.B. No. 1188, relating to sentencing for drug and intoxicating compounds offenses;  
 S.B. No. 992, relating to tobacco;  
 S.B. No. 336, relating to tourism;  
 S.B. No. 1029, relating to tourism;

S.B. No. 1169, relating to state parks;  
 S.B. No. 1207, relating to the University of Hawaii; and  
 S.B. No. 1068, relating to producer licensing.

"These bills will be heard on Agenda #6, scheduled for this evening at 6:00 o'clock p.m., in Conference Room 308," and the Chair "so ordered."

Representative Kahikina: "Your Committee on Human Services and Housing will resume its public hearing immediately following today's Session in Room 328, for decision making."

Representative Arakaki: "There will be an emergency meeting this afternoon at 4:00 o'clock p.m., in Conference Room 329, for the Keiki Caucus. We are going to be briefed and discuss health, safety and childcare issues in an event of a teacher's strike. I'd like to encourage all of the Keiki Caucus Members and all other interested members to attend."

Representative Gomes then rose on a point of personal privilege, stating:

"I just wanted to extend my thank you to the Chairs and members of the Agriculture and Water and Land Use Committees for coming out to Waimanalo to look at the Kailua Reservoir situation, and to have chance to meet with some of the community members and farmers to hear some of their concerns on that issue. And also with regard to the 60 million gallon water reservoir out there. I really appreciated that and I think it is excellent that we are out there as a legislative body showing our responsiveness to the community and I think it reflects well on this body. Again, I thank the Chairs and the members for their time and consideration."

Representative Lee: "There will be a Committee Chairs meeting immediately after the Session in the Majority Caucus Room."

**ADJOURNMENT**

At 12:56 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock a.m., tomorrow, Tuesday, April 3, 2001. (Representatives Ahu Isa, Chang, Whalen and Yoshinaga were excused.)



## FORTY-FOURTH DAY

Tuesday, April 3, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:47 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Pastor Kimber Liu of the Hope Chapel in Kapolei, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Bukoski, Djou, Halford, McDermott, Rath, Stonebraker and Whalen who were excused.

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

## GOVERNOR'S MESSAGE

The following messages from the Governor (Gov. Msg. No. 181) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 181 informing the House that on March 29, the following bills were signed into law:

H.B. No. 700, HD 1, RELATING TO THE SALE OF POISONS (Act 002)

H.B. No. 692, RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997 (Act 003)

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions were announced by the Clerk and the following action taken:

H.R. No. 188, entitled: "HOUSE RESOLUTION HONORING RONALD E. BRIGHT," was jointly offered by Representatives Pendleton and Say.

On motion by Representative Pendleton, seconded by Representative Ito and carried, H.R. No. 188 was adopted with Representatives Ahu Isa, Bukoski, Davis, Djou, Hale, Halford, Jaffe, Kanoho Meyer, Nakasone, Rath, Stonebraker, Thielen and Whalen being excused.

Representative Pendleton introduced Mr. Ronald E. Bright who was seated on the House floor, and his wife and son who were seated in the gallery.

H.R. No. 189, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING HONPA HONGWANJI MISSION'S LIVING TREASURES OF HAWAII PROGRAM ON ITS TWENTY-FIFTH ANNIVERSARY," was offered by Representative Hiraki.

On motion by Representative Hiraki, seconded by Representative Takamine and carried, H.R. No. 189 was adopted with Representatives Ahu Isa, Bukoski, Davis, Gomes, Hale, Halford, Jaffe, Kanoho Meyer, Nakasone, Rath, Stonebraker, Thielen and Whalen being excused.

Representatives Hiraki, Takamine, Ito and Takumi introduced the following honorees with the Honpa Hongwanji

Living Treasures of Hawaii Program and two of this year's Living Treasures, who were seated on the House floor:

Bishop Chikai Yosemite, Bishop of the Honpa Hongwanji Mission of Hawaii;

Mr. Fred Nonaka, President of the Honpa Hongwanji Mission of Hawaii;

Dr. Ko Miyatake, Living Treasures of Hawaii Program member;

Dr. Margaret Oda, Living Treasures of Hawaii Program member;

Mr. Bob Krauss, Historian, Journalist, and Living Treasure; and

Mr. Ron Bright, Educator and Living Treasure.

Representative Hiraki then recognized this year's other Living Treasures who were not in attendance:

Mr. Sean Browne, Master Sculptor;

Mr. Rocky Jenson, Artist and Master Sculptor;

Sumotori Azumazeki Oyakata Jesse "Takamiyama" Kuhaulua, Sumo Stablemaster and former sumo wrestler; and

Mr. Clarence Lee, Graphic Artist.

Representative Hiraki also introduced his office manager, Ms. JoAnn Yosemite, daughter of Bishop Yosemite, and her husband, Mr. Grant Ito.

At 12:14 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:20 o'clock p.m.

## STANDING COMMITTEE REPORTS

Representatives Morita and Kanoho for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1139), recommending that H.R. No. 8, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 8, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE FEASIBILITY OF DEVELOPING WAVE POWER AS A RENEWABLE ENERGY RESOURCE FOR HAWAII," was referred to the Committee on Finance with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer, Stonebraker and Thielen being excused.

Representatives Morita and Kanoho for the Committee on Energy and Environmental Protection and the Committee on Water and Land Use presented a joint report (Stand. Com. Rep. No. 1140), recommending that H.C.R. No. 3, be referred to the Committee on Finance.

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

Committees was adopted and H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE FEASIBILITY OF DEVELOPING WAVE POWER AS A RENEWABLE ENERGY RESOURCE FOR HAWAII," was referred to the Committee on Finance with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer, Stonebraker and Thielen being excused.

Representatives Morita and Takumi for the Committee on Energy and Environmental Protection and the Committee on Higher Education presented a joint report (Stand. Com. Rep. No. 1141), recommending that H.R. No. 115, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 115, entitled: "HOUSE RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII," was referred to the Committee on Finance with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer, Stonebraker and Thielen being excused.

Representatives Morita and Takumi for the Committee on Energy and Environmental Protection and the Committee on Higher Education presented a joint report (Stand. Com. Rep. No. 1142), recommending that H.C.R. No. 122, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII," was referred to the Committee on Finance with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer, Stonebraker and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1143) recommending that H.R. No. 117, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO COME UP WITH RECOMMENDATIONS TO MODIFY THE MAKE-UP OF ITS BOARD TO INCLUDE MORE PRIVATE SECTOR PARTICIPATION," was adopted with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer, Stonebraker and Thielen being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1144) recommending that H.C.R. No. 124, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO COME UP WITH RECOMMENDATIONS TO MODIFY THE MAKE-UP OF ITS BOARD TO INCLUDE MORE PRIVATE SECTOR PARTICIPATION," was adopted with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer, Stonebraker and Thielen being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1145) recommending that H.C.R. No. 161, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE KAMEHAMEHA SCHOOLS TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A RESOURCE CENTER FOR STUDENTS, PARENTS AND TEACHERS ON THE ISLAND OF KAUAI," was adopted with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer, Stonebraker and Thielen being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1146) recommending that S.B. No. 683, SD 1, as amended in HD 1, passed Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 683, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer and Thielen being excused.

#### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Pendleton and carried, the rules of the House were suspended to consider certain bills for Third Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer and Thielen were excused.)

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1147) recommending that S.B. No. 1104, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that S.B. No. 1104, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

Representative McDermott rose and asked the Clerk to register a no vote for him, and the Chair "so ordered".

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1104, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF FOSTER PARENTS TO PROVIDE CONSENTS FOR THE FOSTER CHILD'S EDUCATIONAL AND RECREATIONAL NEEDS," passed Third Reading by a vote of 41 ayes to 1 no, with Representative McDermott voting no, and Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kanoho, Meyer and Thielen being excused.

#### THIRD READING

##### S.B. No. 1077, SD 1:

Representative M. Oshiro moved that S.B. No. 1077, SD 1, pass Third Reading, seconded by Representative Lee.

Representative Fox rose and asked the Clerk to register a no vote for him and to reference the remarks of Representative Thielen on this measure from March 2, 2001, as his own, and the Chair "so ordered". (By reference only.)

Representative McDermott rose on a point of clarification and asked the Clerk to register a no vote for him, and the Chair "so ordered".

Representative McDermott continued:

"I made a mistake when I stood up about two minutes ago. I meant to vote 'no' on this bill not the previous bill. I got confused.

"But, I guess it's too late and I'm sorry about that."

The motion was put to vote by the Chair and carried, and S.B. No. 1077, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADEMARKS," passed Third Reading by a vote of 38 ayes to 3 noes, with Representatives Fox, McDermott and Stonebraker voting no, and Representatives Ahu Isa, Bukoski, Davis, Hale, Halford, Jaffe, Kahikina, Kanoho, Meyer and Thielen being excused.)

### ANNOUNCEMENTS

Representative Case: "Last week we had scheduled a meeting with the Council on Revenues members to discuss the revenue predictions. That meeting has been rescheduled for tomorrow morning at 10:00 a.m., in Room 312. All members are invited and welcomed to participate."

Representative Schatz, on behalf of the Committee on Water and Land Use, requested a waiver of the 48-hour hearing notice requirement for the purpose of having decision making on H.C.R. 183, Relating to Keehi Lagoon; and to hear S.C.R. 4, Relating to Submerged Lands at Lahaina, Maui, scheduled for 8:30 a.m., tomorrow, in Room 325, and the Chair "so ordered."

Representative Arakaki, for the Committee on Health requested a waiver of the 48-hour hearing notice requirement for the purpose of holding a public hearing on H.C.R. 154, Requesting a Working Group be Convened to Evaluate and Recommend Measures to Encourage the Use of Safety Programs; and H.R. 144, Requesting a Working Group be Convened to Evaluate and Recommend Measures to Encourage the Use of Safety Programs, scheduled for tomorrow morning at 8:45 a.m. in Room 329, and the Chair "so ordered."

Representative Hamakawa, for the Committees on Judiciary and Hawaiian Affairs, Human Services and Housing and Health, announced that the Committees would be holding a public hearing for the purpose of reconsideration on S.B. No. 1455, SD 1, Relating to the Children's Advocacy Center, tomorrow morning, at 9:15 a.m.

Representative Lee: "Tuesday, April 3, 2001, is officially designated as 'Equal Pay Day', symbolizing the point in 2001 when women's wages catch up to men's wages earned in 2000."

Representative Lee also announced a Majority Caucus immediately following today's session.

Representative Fox: on behalf of Representative Jaffe, reminded everyone to bring their "workout" clothes tomorrow so they can "pump it up" for the Hawaii Food Bank, to be held in the rotunda at 5:45 p.m., sharp.

### ADJOURNMENT

At 12:28 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock tomorrow, Wednesday, April 4, 2001. (Representatives Ahu Isa,

# **FORTY-FIFTH DAY**

**Wednesday, April 4, 2001**

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:58 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Jan Youth of Honpa Hongwanji Hawaii Betsuin, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Chang and Stonebraker, who were excused.

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

## **DEPARTMENTAL COMMUNICATIONS**

The following communications (Dept. Com. Nos. 17 and 18) were received by the Clerk and were placed on file:

Dept. Com. No. 17, from Ms. Marion Higa, State Auditor, transmitting copies of a report entitled: "Establishment of a Public Land Trust Information System."

Dept. Com. No. 18, from Mr. Seiji F. Naya, Director, Department of Business, Economic Development and Tourism, transmitting copies of a report entitled: "Department of Business, Economic Development and Tourism, 2001 Goals and Objectives," as required by Act 100, Session Laws of Hawaii 1999.

## **SENATE COMMUNICATIONS**

The following communication from the Senate (Sen. Com. No. 458) was received by the Clerk and was placed on file:

Sen. Com. No. 458, informing the House that the Senate has disagreed to the amendments proposed by the House in the following Senate Bills on April 3, 2001.

S.B. No. 97, entitled: "RELATING TO TELEMARKETING FRAUD";

S.B. No. 171, SD 2, entitled: "RELATING TO HEALTH INSURANCE REIMBURSEMENT";

S.B. No. 841, entitled: "RELATING TO CHECK CASHING";

S.B. No. 986, SD 1, HD 1, entitled: "RELATING TO AQUACULTURE"; and

S.B. No. 1062, SD 1, entitled: "RELATING TO THE CONVERSION OF PROFESSIONAL AND VOCATIONAL LICENSES."

## **INTRODUCTION**

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

Representative Takai introduced, on behalf of Representative Kanoho and Representative Yonamine, this year's Hawaii Junior Miss, Ms. Natalie Young, a senior from Kamehameha School, and first runner-up, Ms. Lee Anne Cox, a senior from Kauai High School.

## **ORDER OF THE DAY**

### **COMMITTEE REASSIGNMENTS**

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

#### **H.C.R.** **Nos.    Re-referred to:**

- |    |   |
|----|---|
| 17 | Committee on Human Services and Housing, then to the Committee on Finance |
| 41 | Committee on Health, then to the Committee on Finance                     |

### **INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 190 and 191) were announced by the Clerk and the following action taken:

H.R. No. 190, entitled: "HOUSE RESOLUTION CONGRATULATING HEAD COACH RILEY WALLACE, THE UNIVERSITY OF HAWAII RAINBOW WARRIORS' BASKETBALL TEAM, AND THE ENTIRE COACHING STAFF ON WINNING THEIR SECOND WESTERN ATHLETIC CONFERENCE TOURNAMENT TITLE," was offered by Representative McDermott.

On motion by Representative McDermott, seconded by Representative Case and carried, H.R. No. 190 was adopted, with Representatives Ahu Isa, Chang, Nakasone, Saiki, Stonebraker, Takumi and Yoshinaga being excused.

Representative McDermott introduced honoree, Mr. Riley Wallace, Head Coach of the University of Hawaii Warriors' Basketball Team.

Representative Case introduced honoree, Mr. Bob Nash, Associate Head Coach of the University of Hawaii Warriors' Basketball Team.

Representative Djou introduced honoree, Mr. Jackson Wheeler, Assistant Coach of the University of Hawaii Warriors' Basketball Team.

Representative Moses introduced honoree, Mr. Scott Rigot, Assistant Coach of the University of Hawaii Warriors' Basketball Team.

Representative Ontai introduced the following University of Hawaii Warriors' Basketball team members: Mr. Predrag Savovic, Team Captain, Mr. Phil Martin, Mr. Troy Ostler, Mr. Mike McIntyre, Mr. Nerijus Puida, Mr. Carl English, Mr. Bosko Radovic, Mr. Lance Takaki, Mr. Ryne Holliday, Mr. David Hilton, Mr. Ricky Terrell, Mr. Haim Shimonovich, Mr. Mindaugas Burneika, Mr. Lane O'Conner and Mr. Todd Fields.

H.R. No. 191, entitled: "HOUSE RESOLUTION HONORING AND CONGRATULATING RICHARD "BUFFALO" KALOLO'OKALANI KEAULANA AND SUNNY GARCIA ON THEIR CONTRIBUTIONS TO AND ACCOMPLISHMENTS IN THE WORLD OF SURFING AND HAWAIIAN WATERSPORTS," was jointly offered by

Representatives Kahikina and Kawakami.

On motion by Representative Kahikina, seconded by Representative Kawakami and carried, H.R. No. 191 was adopted, with Representatives Ahu Isa, Chang, Ito, Nakasone, Rath, Saiki and Yoshinaga being excused.

Representative Kahikina introduced the following honoree, Mr. Richard "Buffalo" Kalolo'okalani Keaulana. Also introduced and seated in the gallery, was Mrs. Momi Keaulana, wife of the honoree.

Representative Kawakami introduced Mr. Brian Keaulana, who accepted the certificate on behalf of Mr. Sunny Garcia.

At this time the Speaker recognized Representative Kahikina who offered an original musical composition for the honorees.

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

The House of Representatives reconvened at 12:44 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1148), recommending that H.R. No. 61, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 61, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH THE STUDENT CRIMESTOPPERS PROGRAM IN ALL HAWAII DEPARTMENTAL SCHOOL DISTRICTS TO MAINTAIN A SAFE AND SECURE ENVIRONMENT IN ALL PUBLIC SCHOOLS," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1149), recommending that H.C.R. No. 62, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH THE STUDENT CRIMESTOPPERS PROGRAM IN ALL HAWAII DEPARTMENTAL SCHOOL DISTRICTS TO MAINTAIN A SAFE AND SECURE ENVIRONMENT IN ALL PUBLIC SCHOOLS," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1150), recommending that H.C.R. No. 84, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 84, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT

SENATE AND HOUSE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representatives Ito and Arakaki, for the Committee on Education and the Committee on Health presented a joint report (Stand. Com. Rep. No. 1151), recommending that H.R. No. 40, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 40, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO ASSESS AND DETERMINE WAYS TO REDUCE THE PAPERWORK AND DUPLICATIVE PROCESS REQUIREMENTS RELATED TO EXCEPTIONAL CHILDREN AND FELIX CLASS CHILDREN AND ADOLESCENTS," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representatives Ito and Arakaki, for the Committee on Education and the Committee on Health presented a joint report (Stand. Com. Rep. No. 1152), recommending that H.C.R. No. 36, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO ASSESS AND DETERMINE WAYS TO REDUCE THE PAPERWORK AND DUPLICATIVE PROCESS REQUIREMENTS RELATED TO EXCEPTIONAL CHILDREN AND FELIX CLASS CHILDREN AND ADOLESCENTS," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representatives Ito and Suzuki, for the Committee on Education and the Committee on Legislative Management presented a joint report (Stand. Com. Rep. No. 1153), recommending that H.R. No. 87, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 87, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE COMPREHENSIVE STUDENT SUPPORT SYSTEM OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representatives Ito and Suzuki, for the Committee on Education and the Committee on Legislative Management presented a joint report (Stand. Com. Rep. No. 1154), recommending that H.C.R. No. 91, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE COMPREHENSIVE STUDENT SUPPORT SYSTEM OF

THE DEPARTMENT OF EDUCATION," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representatives Ito and Suzuki, for the Committee on Education and the Committee on Legislative Management presented a joint report (Stand. Com. Rep. No. 1155), recommending that H.C.R. No. 156, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the joint report of the Committees be adopted and H.C.R. No. 156, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise in support of this Concurrent Resolution with a concern or perhaps a proviso. I think this is good that we are seeking this information from the Legislative Reference Bureau. This information will be vital as we think about how we improve and make our public school system as good as it can be.

"The good thing is that it moves to seek information; for LRB to get information as to whether we should move to county school boards as opposed to state boards. I think that's moving in the right direction. However, while they are doing that study perhaps we could also ask LRB to study whether even local district boards, specifically on the island of Oahu, may be something that is advisable, may be appropriate and doable Mr. Speaker.

"The reason is that population on this island is so large that I think it could merit local school boards. And while the LRB is engaged in this study, while they're getting this information for us, it could be helpful to have that additional information as to whether local school boards may be the best way to go on Oahu.

"So for those reasons Mr. Speaker, I strongly support this House Concurrent Resolution and hope that maybe we can get the word to the LRB to also get that additional information to us as well. Thank you."

The motion was put to vote by the Chair and carried, and the joint report of the Committees was adopted and H.C.R. No. 156, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPLICATIONS OF ESTABLISHING LOCAL BOARDS OF EDUCATION ALONG COUNTY BOUNDARIES," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1156), recommending that H.R. No. 135, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 135, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A REVIEW OF EMPLOYEE TRAVEL POLICIES FOR ALL STATE EXECUTIVE DEPARTMENTS AND AGENCIES AND SUBMIT A REPORT OF POLICY SUGGESTIONS," was referred to the

Committee on Legislative Management, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1157), recommending that H.C.R. No. 146, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A REVIEW OF EMPLOYEE TRAVEL POLICIES FOR ALL STATE EXECUTIVE DEPARTMENTS AND AGENCIES AND SUBMIT A REPORT OF POLICY SUGGESTIONS," was referred to the Committee on Legislative Management, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1158), recommending that H.R. No. 167, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 167, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH A FULL-TIME TEMPORARY EXEMPT POSITION FOR THE WOMEN'S COMMUNITY CORRECTIONAL CENTER (WCCC) IN KAILUA TO SUPERVISE INMATES AND WORKERS IN THE WCCC NURSERY AND BUILDING MAINTENANCE PROGRAM," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1159), recommending that H.C.R. No. 193, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 193, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH A FULL-TIME TEMPORARY EXEMPT POSITION FOR THE WOMEN'S COMMUNITY CORRECTIONAL CENTER (WCCC) IN KAILUA TO SUPERVISE INMATES AND WORKERS IN THE WCCC NURSERY AND BUILDING MAINTENANCE PROGRAM," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1160), recommending that H.R. No. 76, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 76, entitled: "HOUSE RESOLUTION SUPPORTING EFFORTS TO FUND IMPROVEMENTS TO THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was referred to the Committee on Finance, with Representatives Ahu Isa,



Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1161), recommending that H.C.R. No. 86, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS TO FUND IMPROVEMENTS TO THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was referred to the Committee on Finance, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1162), recommending that H.R. No. 70, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 70, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE WITH KAMEHAMEHA SCHOOLS, BISHOP MUSEUM, AND THE OFFICE OF HAWAIIAN AFFAIRS TO LEASE KALIHI VALLEY NATURE PARK FOR A NATIVE HAWAIIAN EDUCATION CENTER," was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1163), recommending that H.C.R. No. 75, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 75, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE WITH KAMEHAMEHA SCHOOLS, BISHOP MUSEUM, AND THE OFFICE OF HAWAIIAN AFFAIRS TO LEASE KALIHI VALLEY NATURE PARK FOR A NATIVE HAWAIIAN EDUCATION CENTER," was referred to the Committee on Judiciary and Hawaiian Affairs, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Marumoto, Takai and Yoshinaga being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1164) recommending that H.C.R. No. 203, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 203, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION HONORING RICHARD 'BUFFALO' KALOLO'O'KALANI KEAULANA AS AN AMBASSADOR OF SURFING AND HAWAIIAN WATER SPORTS," was adopted, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Takai and Yoshinaga being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1165) recommending that H.C.R. No. 56, be adopted.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was adopted, with Representatives Ahu Isa, Arakaki, Bukoski, Chang, Halford, Takai and Yoshinaga being excused.

## SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Pendleton and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga were excused.)

## THIRD READING

### S.B. No. 1065, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1065, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," passed Third Reading by a vote of 45 ayes, with Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga being excused.

### S.B. No. 1066, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1066, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga being excused.

### S.B. No. 1067, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1067, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING HURRICANE PROPERTY INSURANCE RISK," passed Third Reading by a vote of 45 ayes, with Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga being excused.

### S.B. No. 1069, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1069, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga being excused.

### S.B. No. 1079, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1079, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY PARTNERSHIPS," passed Third Reading by a vote of 45 ayes, with Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga being excused.

### S.B. No. 1390, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 1390, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Third Reading by a vote of 45 ayes, with Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga being excused.

The Chair directed the Clerk to note that S.B. No. 1065, HD 1; S.B. No. 1066, SD 1, HD 1; S.B. No. 1067, SD 1, HD 1; S.B. No. 1069, SD 1, HD 1; S.B. No. 1079, SD 1, HD 1; and S.B. No. 1390, SD 1, HD 1, had passed Third Reading at 12:48 o'clock p.m.

#### **ANNOUNCEMENTS**

Representative Jaffe: "I'd like to thank Representative Blake Oshiro and his staff for the great job they've done in organizing the Hawaii Foodbank Fundraiser here at the Capitol and for their assistance in helping me put together the "Rock the Rotunda Event" this evening at 5:45 p.m. I encourage all members to lace up their sneakers and put on their work-out gear and meet me up there for a really fun, fun work-out. And if you feel compelled to just hang on the rail and just watch, I hope you will be inspired to write out a check for the Foodbank. Thank you very much, hope to see you there, 5:45 sharp. Aloha"

#### **ADJOURNMENT**

At 12:50 o'clock p.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 11:30 o'clock a.m., tomorrow, Thursday, April 5, 2001. (Representatives Ahu Isa, Arakaki, Chang, Halford, Takai and Yoshinaga were excused.)

## FORTY-SIXTH DAY

Thursday, April 5, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:46 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Keahi Renaud of Na Aikane o Pu'u Kohola, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Arakaki, Bukoski, Davis, Garcia, Gomes, Ito, Marumoto, Meyer, Pendleton, Schatz, Stonebraker and Takamine, who were excused.

On motion by Representative Lee, seconded by Representative Thielen and carried, the Journals of the House of Representatives of the Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Eighth, Thirty-Ninth, Fortieth, and Forty-First Days were approved. (Representatives Ahu Isa, Arakaki, Bukoski Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Stonebraker and Takumi were excused.)

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 182) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 182, transmitting the Department of Transportation's Annual Report for fiscal year ending June 30, 2000.

## SENATE COMMUNICATIONS

The following communications (Sen. Com. Nos. 459 through 462) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 459, transmitting S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A JOINT LEGISLATIVE TECHNOLOGY TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S TECHNOLOGY INDUSTRY," which was adopted by the Senate on April 3, 2001.

Sen. Com. No. 460, transmitting S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING ACCELERATION OF THE DEVELOPMENT OF THE KAPALAMA CONTAINER TERMINAL FACILITY," which was adopted by the Senate on April 4, 2001.

Sen. Com. No. 461, transmitting S.C.R. No. 94, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," which was adopted by the Senate on April 4, 2001.

Sen. Com. No. 462, informing the House that the Senate has disagreed to the amendment proposed by the House in the following Senate Bill on April 4, 2001:

S.B. No. 1104, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF FOSTER PARENTS TO PROVIDE CONSENTS FOR THE FOSTER CHILD'S EDUCATIONAL AND RECREATIONAL NEEDS."

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 19) was received by the Clerk and was placed on file:

Dept. Com. No. 19, from Ms. Marion H. Higa, State Auditor, Office of the Auditor, transmitting a report, Review of Revolving Funds, Trust Funds, and Trust Accounts of the Judiciary and the Department of Commerce and Consumer Affairs, Hawaiian Home Lands, Health, and Human Services.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following resolution (H.R. No. 70) and concurrent resolution (H.C.R. No. 75) were re-referred to committee by the Speaker:

H.R.  
No.Re-referred to:

70 Committee on Water and Land Use, then to the Committee on Finance

H.C.R.  
No.Re-referred to:

75 Committee on Water and Land Use, then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1166), recommending that H.R. No. 109, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 109, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A STUDY OF LEASE APPRAISAL PRACTICES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Legislative Management with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Kanoho, for the Committee on Water and Land Use presented a report (Stand. Com. Rep. No. 1167), recommending that H.C.R. No. 113, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A STUDY OF LEASE APPRAISAL PRACTICES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Legislative Management with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1168), recommending that H.R. No. 43, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE POLICE DEPARTMENTS TO ADOPT A RISK-FOCUSED POLICING MODEL," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Garcia, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1169), recommending that H.C.R. No. 39, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE POLICE DEPARTMENTS TO ADOPT A RISK-FOCUSED POLICING MODEL," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1170), recommending that H.R. No. 60, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 60, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO OFFER SCHOLASTIC ASSESSMENT TEST PREPARATION COURSES IN PUBLIC HIGH SCHOOLS FOR ELECTIVE CREDIT," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1171), recommending that H.C.R. No. 61, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO OFFER SCHOLASTIC ASSESSMENT TEST PREPARATION COURSES IN PUBLIC HIGH SCHOOLS FOR ELECTIVE CREDIT," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1172), recommending that H.R. No. 62, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 62, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPROVE STUDENT LAVATORIES IN THE PUBLIC SCHOOLS," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito,

Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1173), recommending that H.C.R. No. 63, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 63, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPROVE STUDENT LAVATORIES IN THE PUBLIC SCHOOLS," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1174), recommending that H.C.R. No. 5, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN THAT ENCOURAGES PARENTS TO BECOME MORE ACTIVELY INVOLVED IN THEIR CHILDREN'S EDUCATION," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1175), recommending that H.C.R. No. 33, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 33, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH MANDATORY COMMUNITY SERVICE, WORK EXPERIENCE, OR SERVICE LEARNING AS A REQUIREMENT FOR GRADUATION FROM HIGH SCHOOL," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representative Ito, for the Committee on Education presented a report (Stand. Com. Rep. No. 1176), recommending that H.C.R. No. 45, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO CONVENE A TASK FORCE TO DEVELOP A DEMONSTRATION PROJECT FOR GIFTED AND TALENTED STUDENTS IN THE PEARL CITY HIGH SCHOOL COMPLEX," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representatives Ito, Arakaki and Suzuki, for the Committee on Education and the Committee on Health and the Committee on Legislative Management presented a joint report (Stand. Com. Rep. No. 1177), recommending that H.C.R. No. 100, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONTINUE TO OVERSEE, ON THE LEGISLATURE'S BEHALF, THE STATE'S EFFORTS TO PROVIDE EFFECTIVE SERVICES TO FELIX CLASS CHILDREN," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a joint report (Stand. Com. Rep. No. 1178), recommending that H.R. No. 74, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 74, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND HEALTH TO CONVENE AN AD HOC TASK FORCE TO DEVELOP A COMPREHENSIVE STRATEGY TO UTILIZE FAITH-BASED HEALTH AND HUMAN SERVICES IN HAWAII," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a joint report (Stand. Com. Rep. No. 1179), recommending that H.C.R. No. 79, as amended in HD 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.C.R. No. 79, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND HEALTH TO CONVENE AN AD HOC TASK FORCE TO DEVELOP A COMPREHENSIVE STRATEGY TO UTILIZE FAITH-BASED HEALTH AND HUMAN SERVICES IN HAWAII," was referred to the Committee on Judiciary and Hawaiian Affairs with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representatives Arakaki and Ito, for the Committee on Health and the Committee on Education presented a joint report (Stand. Com. Rep. No. 1180), recommending that H.C.R. No. 6, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.C.R. No. 6, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN TO IMPROVE ORAL HEALTH FOR CHILDREN IN THE STATE," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

Representatives Arakaki and Ito, for the Committee on Health and the Committee on Education presented a joint report (Stand. Com. Rep. No. 1181), recommending that S.C.R. No. 7, SD 1, be referred to the Committee on Finance.

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

Committees was adopted and S.C.R. No. 7, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN TO IMPROVE ORAL HEALTH FOR CHILDREN IN THE STATE," was referred to the Committee on Finance with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki, Stonebraker and Takumi being excused.

### SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Thielen and carried, the rules of the House were suspended to consider a bill on Third Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Stonebraker, Souki and Takumi were excused.)

### THIRD READING

#### S.B. No. 683, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 683, SD 1, HD 1, entitled: "A BILL FOR AN ACT relating to public safety," passed Third Reading by a vote of 41 ayes, with Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki and Stonebraker being excused.

The Chair directed the Clerk to note that S.B. No. 683, SD 1, HD 1, passed Third Reading at 11:52 o'clock a.m.

### ANNOUNCEMENTS

Representative Takamine: "I request a waiver of the 48-hour hearing notice requirement for the purpose of hearing the following Senate Bills:

- S.B. No. 981, Relating to the Board of Land and Natural Resources;
- S.B. No. 1460, Relating to the intermediate appellate court; and
- S.B. No. 1577, Relating to school facilities.

"These bills will be added as an addendum to this afternoon's agenda for 2:00 p.m., in Conference Room 308.

"In addition Mr. Speaker, I would also like to request a waiver of the 48-hour hearing notice requirement for decision making only, on the following Senate Bills:

- S.B. No. 1561, Relating to the issuance of special purpose revenue bonds;
- S.B. No. 540, Relating to taxation; and
- S.B. No. 648, relating to taxation.

"Again, these measures will come up for decision making in the agendas for this afternoon's public hearing. Thank you."

Representative Fox: "Mr. Speaker, I regret to inform you and this body that Representative Pendleton is not with us this morning because his father was admitted to the emergency room at Castle Memorial Hospital. So, if I may Mr. Speaker, I would like to request that all members of this body rise for a brief prayer on behalf of Representative Pendleton and his father."

At this time, the House of Representatives stood for a moment of silent prayer for Mr. Richard Pendleton, the father of Representative David Pendleton, who was admitted to the hospital.

Speaker Say addressed the body, stating: "I would like to make mention to this body that it is very improper to have your cellular phones on the floor of the House. We need to practice proper decorum in this House and I'd like to share that rule with all of you. It's an embarrassing statement when we're having a prayer for one of our colleague's fathers and a cellular telephone is ringing."

#### **ADJOURNMENT**

At 11:55 o'clock a.m., on motion by Representative Lee, seconded by Representative Thielen and carried, the House of Representatives adjourned until 5:00 o'clock p.m., tomorrow, Friday, April 6, 2001. (Representatives Ahu Isa, Davis, Garcia, Ito, Marumoto, Meyer, Pendleton, Schatz, Souki and Stonebraker were excused.)