

**JOURNAL**

**of the**

**HOUSE OF REPRESENTATIVES**

**of the**

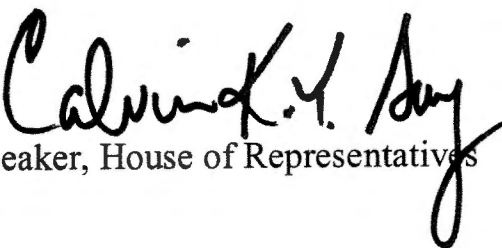
**TWENTY-FIRST LEGISLATURE  
STATE OF HAWAII**

**SPECIAL SESSION OF 2001**

**Convened Monday, June 4, 2001  
Adjourned Friday, June 8, 2001**

## CERTIFICATE

*We hereby certify that the minutes for each day's session as appears in this House Journal are true and correct and that the original copies have been duly signed by the Speaker and the Clerk of the House of Representatives and are on file in the Archives of the State of Hawaii.*

  
Speaker, House of Representatives

  
Clerk, House of Representatives

**SPECIAL SESSION OF 2001**  
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**THE  
TWENTY-FIRST LEGISLATURE  
STATE OF HAWAII  
SPECIAL SESSION OF 2001  
JOURNAL OF THE HOUSE**

**FIRST DAY**

**Monday, June 4, 2001**

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, and the Proclamation issued by Governor Benjamin J. Cayetano on May 30, 2001, which was read by the Clerk, the House of Representatives of the Twenty-First Legislature of the State of Hawaii convened in Special Session on Monday, June 4, 2001.

The Honorable Calvin K.Y. Say, member of the Eighteenth District, having been elected Speaker of the House of Representatives on the Opening Day of the Twenty-First Legislature and retaining that position under the provision of Rule 1.5 of the Rules of the House of Representatives, called the House to order at 10:16 o'clock a.m.

The invocation was delivered by Representative Bertha C. Kawakami, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Hamakawa, Marumoto, McDermott, Meyer and Stonebraker, who were excused.

**GOVERNOR'S MESSAGE**

The following message from the Governor (Gov. Msg. No. 1, Special Session) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 1, Special Session transmitting the proclamation convening the Twenty-First Legislature in special session on Monday, June 4, 2001, at 10:00 a.m., as follows:

"May 30, 2001

The Honorable Calvin K.Y. Say, Speaker  
and Members of the House of Representatives  
Twenty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

Transmitted herewith is the proclamation convening the Twenty-First Legislature of the State of Hawaii in special session on Monday, June 4, 2001, at 10:00 a.m.

With warmest personal regards,

Aloha,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO

**PROCLAMATION**

**WHEREAS**, under Section 10 of Article III of the Constitution of the State of Hawaii, the Governor may convene both houses of the Legislature or the Senate alone in special session; and

**WHEREAS**, the Governor believes that a technical error has caused uncertainty as to the validity of the passage of the bills appropriating moneys for the biennium budgets of the Judiciary and of the Office of Hawaiian Affairs and that, therefore, the declarations in the bond authorization bill will require updating; and

**WHEREAS**, the two appropriation bills passed the Senate with all ayes and passed the House with none voting no and only eight excused and, therefore, are not controversial bills; and

**WHEREAS**, the Governor believes that the affected bills involved important appropriations that require immediate consideration by the Legislature;

**NOW, THEREFORE**, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby convene both houses of the Twenty-First Legislature of the State of Hawaii in special session on Monday, the 4<sup>th</sup> day of June, 2001, at 10 o'clock a.m., solely for the consideration of special session replacement bills to appropriate moneys for the biennium budgets of the Judiciary and of the Office of Hawaiian Affairs and to authorize the issuance of bonds for the fiscal biennium.

**DONE** at the State Capitol,  
Honolulu, State of Hawaii  
this 30th day of May, 2001

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ E. I. Anzai  
Earl I. Anzai  
Attorney General"

**INTRODUCTIONS**

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

Representative Djou introduced family members of his office manager, Ms. Wendy Miyashiro: Mrs. Sharon Miyashiro, mother; and Mr. Calvin Miyashiro, brother, who were visiting from Pasadena, California.

Representative Djou also introduced students from the Intercultural Communications College and their instructor, Mr. John Brezynski.

**ORDER OF THE DAY**

**COMMITTEE ASSIGNMENTS**

The following bills (H.B. Nos. 1 through 3, Special Session) were referred to committee by the Speaker:

**H.B.**  
**Nos.**

**Referred to:**

- 1 Committee on Finance
- 2 Committee on Finance
- 3 Committee on Finance

**INTRODUCTION OF BILLS**

On motion by Representative Lee, seconded by Representative Pendleton and carried, the following bills (H.B. Nos. 1 through 3, Special Session) passed First Reading by title and were referred to Printing: (Representatives Bukoski, Hamakawa, Marumoto, McDermott, Meyer and Stonebraker were excused.)

**H.B. Nos.**

- 1 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Representative Say.

- 2 "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Say.

- 3 "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Representative Say.

At this time the Chair announced that H.B. Nos. 1 through 3 would be referred to the Committee on Finance.

**ANNOUNCEMENTS**

Representative Takamine for the Committee on Finance announced that a hearing would be held for H.B. Nos. 1, 2 and 3, this afternoon at 2:30 p.m. in Room 308, with decision making to follow. Public notification in anticipation of this hearing and decision making session was posted and distributed on Friday, June 1st, and substantive bill drafts were made available for inspection and review on the same date.

Representative Ontai: "Mr. Speaker, on behalf of my family, I would like to thank you and the House for your expression of sympathy and aloha on the passing of my father. I really appreciate that, and especially for my mother. Thank you very much."

**ADJOURNMENT**

At 10:24 o'clock a.m., on motion by Representative Lee, seconded by Representative Pendleton and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Tuesday, June 5, 2001. (Representatives Bukoski, Hamakawa, Marumoto, McDermott, Meyer and Stonebraker were excused.)

SECOND DAY

Tuesday, June 5, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:10 o'clock a.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 Arakaki, Bukoski, Chang, Hamakawa, McDermott, Meyer, Ontai, Pendleton, Stonebraker, Takai, Takamine and Yoshinaga who were excused.

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

ORDER OF THE DAY

INTRODUCTION OF BILL

On motion by Representative Lee, seconded by Representative Thielen and carried, the following bill (H.B. No. 4, Special Session) passed First Reading by title and was referred to Printing: (Representatives Arakaki, Bukoski, Chang, Hamakawa, McDermott, Meyer, Ontai, Pendleton, Stonebraker, Takai, Takamine and Yoshinaga were excused.)

H. B. No.

- 4 "A BILL FOR AN ACT RELATING TO  
PROFESSIONAL EMPLOYMENT  
ORGANIZATIONS."

Introduced by: Representatives Marumoto, Djou, Fox, Davis, Auwae, Gomes, Ontai, Whalen, Halford, Moses and Rath.

Representative Rath rose to a point of order, stating:

"I believe she meant to say Second Reading, not First Reading."

The Chair responded, stating:

"It's First Reading, Representative Rath. It's just being introduced."

At 10:15 o'clock a.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:16 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1) recommending that H.B. No. 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 H.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Bukoski, Chang, Hamakawa,

McDermott, Meyer, Ontai, Pendleton, Stonebraker, Takai, Takamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 2) recommending that H.B. No. 2, 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 H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Bukoski, Chang, Hamakawa, McDermott, Meyer, Ontai, Pendleton, Stonebraker, Takai, Takamine and Yoshinaga being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 3) recommending that H.B. No. 3, 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 H.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Bukoski, Chang, Hamakawa, McDermott, Meyer, Ontai, Pendleton, Stonebraker, Takai, Takamine and Yoshinaga being excused.

ANNOUNCEMENT

Representative Fox announced that there would be a Minority Caucus following today's session.

ADJOURNMENT

At 10:17 o'clock a.m., on motion by Representative Lee, seconded by Representative Thielen and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Wednesday, June 6, 2001. (Representatives Arakaki, Bukoski, Chang, Hamakawa, McDermott, Meyer, Ontai, Pendleton, Stonebraker, Takai, Takamine and Yoshinaga were excused.)

## THIRD DAY

Wednesday, June 6, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:08 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Michael Puamamo Kahikina, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Chang, Fox, Hamakawa, McDermott, Meyer, Pendleton, Rath, Stonebraker and Takai who were excused.

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

## ORDER OF THE DAY

## 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 Bukoski, Chang, Fox, Hamakawa, McDermott, Meyer, Pendleton, Rath, Stonebraker and Takai were excused.)

## THIRD READING

## H.B. No. 1:

Representative M. Oshiro moved that H.B. No. 1, pass Third Reading, seconded by Representative Lee.

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

"The reservations I expressed during the Regular Session and again in Finance Committee the other day, is that it does not include anything for the Kapolei judiciary complex which is programmed and needs to be funded. We do still have next year to fund it, but after next year we are way behind schedule. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 41 ayes, with Representatives Bukoski, Chang, Fox, Hamakawa, McDermott, Meyer, Pendleton, Rath, Stonebraker and Takai being excused.

## H.B. No. 2:

Representative M. Oshiro moved that H.B. No. 2, pass Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, I want to express some concerns as a Hawaiian and as a Legislator, regarding the \$13 million operating budget.

"This is what was published in the *Ka Wai O Ola OHA* newsletter. There is a high percentage of administrative cost, about \$3.1 million which comes out to be about 24%.

"My other concern is that unless I read between the lines, it's hard to find where a lot of those expenditures are going toward Hawaiian programs. As a Hawaiian, I would like to see more of the Office of Hawaiian Affairs' budget going to Hawaiian programs.

"To express another concern, a proposal was recently considered to purchase the Waimea Falls Park. I think that since we are funding OHA annually, before we consider purchasing any more land in Hawaii, the ceded lands inventory has to be completed. Because, for all we know it may already belong to us. I don't like to buy something twice.

"In support, I am very encouraged by the Auditor's Report. OHA's response to the Auditor, line-item by line-item, was very thorough. They agreed and disagreed on all of the points. In the latest newsletter here, Haunani Apoliona also expressed her aggressive pursuit of correcting those challenges pointed out in the Auditor's Report.

"Lastly, I just want to say as a matter of philosophy, that I've heard of OHA referred to as a quasi-State organization as we move to cut this \$2.5 million tether. Perhaps this can be taken care of in a grant process as opposed to part of the State budget.

"As a suggestion to my colleagues, Mr. Speaker, I think this tether, although it is important, represents a small part of the assets and operating budget of the Office of Hawaiian Affairs.

"I think it has caused a lot of mischief. For example, I think it is the reason for the *Rice v. Cayetano* and its outcome. So therefore, this \$2.5 million, I see it as an important gesture on the part of the State to care for Hawaiians, but on the other hand I also see it as a tether that tends to decrease our dependency as well as the many responsibilities that come along with being part of the State budget.

"As a part of the management review I would like OHA to take a very strong look at the way that they practice management. I think that nine bosses are not as effective as putting responsibility on one person. Thank you, Mr. Speaker."

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

"I would like to read from the Auditor's Report. "The Office of Hawaiian Affairs is a State agency responsible for improving the conditions of all persons of Hawaiian ancestry." With that statement I would like to vote with reservations because I have concerns as to whether this is being taken care of. Thank you."

Representative Davis then rose and asked that a vote in support with reservations be recorded for all Republican members present, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 41 ayes, with Representatives Bukoski, Chang, Fox, Hamakawa, McDermott, Meyer, Pendleton, Rath, Stonebraker and Takai being excused.

**H.B. No. 3:**

3 Committee on Finance

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, H.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 41 ayes, with Representatives Bukoski, Chang, Fox, Hamakawa, McDermott, Meyer, Pendleton, Rath, Stonebraker and Takai being excused.

The Chair directed the Clerk to note that H.B. Nos. 1, 2 and 3 passed Third Reading at 10:19 o'clock a.m.

At 10:20 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:28 o'clock a.m.

**ADJOURNMENT**

At 10:30 o'clock a.m., on motion by Representative Lee, seconded by Representative Davis and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Thursday, June 7, 2001. (Representatives Ahu Isa, Bukoski, Chang, Fox, Hamakawa, Kahikina, McDermott, Pendleton, Rath, Stonebraker, Takai and Whalen were excused.)

**LATE INTRODUCTION**

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

Representative Kawakami introduced Mr. Ray Corn, Ms. Connie Corn and Ms. Jeannie Corn who were accompanied by Mr. Pomai Tenn.

**SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 1 through 3, Special Session) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 1, Special Session, transmitting S.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on June 6, 2001.

Sen. Com. No. 2, Special Session transmitting S.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on June 6, 2001.

Sen. Com. No. 3, Special Session, transmitting S.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on June 6, 2001.

On motion by Representative Lee, seconded by Representative Davis and carried, S.B. Nos. 1, 2, and 3 passed First Reading by title and further action was deferred. (Representatives Ahu Isa, Bukoski, Chang, Fox, Hamakawa, Kahikina, McDermott, Pendleton, Rath, Stonebraker, Takai and Whalen were excused.)

The Chair then announced that said Senate bills would be referred to the Committee on Finance.

**COMMITTEE ASSIGNMENTS**

The following bills (S.B. Nos. 1 through 3) were referred to committee by the Speaker:

**S.B.**  
**Nos.**

**Referred to:**

- 1 Committee on Finance
- 2 Committee on Finance



## FOURTH DAY

Thursday, June 7, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:10 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Dennis A. Arakaki, after which the Roll was called showing all members present with the exception of Representatives Bukoski, Case, Chang, Fox, Hamakawa, Magaoay, Meyer, Pendleton and Takai, who were excused.

On motion by Representative Lee, seconded by Representative Leong and carried, reading and approval of the Journals was dispensed with and the Journals of the First and Second Days were approved, with Representatives Bukoski, Case, Chang, Fox, Hamakawa, Magaoay, Meyer, Pendleton and Takai, being excused.

## ORDER OF THE DAY

## STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 4) recommending that S.B. No. 3, 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. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski, Case, Chang, Fox, Hamakawa, Magaoay, Meyer, Pendleton and Takai, being excused.

## ANNOUNCEMENT

Representative Garcia: "Mr. Speaker, thank you. On your behalf I would like to extend to you as well as all colleagues in the House, an invitation to join us for the final series of the New Economy Days. This year our final event which is called the Hawaii Digital Jam will take place at Kapono's Restaurant at the Aloha Tower Marketplace, tomorrow, from 5:00 p.m. to 1:00 a.m."

## ADJOURNMENT

At 10:17 o'clock a.m., on motion by Representative Lee, seconded by Representative Leong and carried, the House of Representatives adjourned until 10:30 o'clock a.m. tomorrow, Friday, June 8, 2001. (Representatives Bukoski, Case, Chang, Fox, Hamakawa, Magaoay, Meyer, Pendleton and Takai, who were excused.)

FIFTH DAY

Friday, June 8, 2001

The House of Representatives of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:51 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Ezra R. Kanoho, after which the Roll was called showing all members present with the exception of Representatives Ahu Isa, Arakaki, Case, Djou, Fox, Hamakawa, Kahikina, Magaoay, Pendleton, Stonebraker and Takai who were excused.

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

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following bill (H.B. No. 4) was referred to committee by the Speaker as follows:

H.B.  
No. Referred to:

- 4 Jointly to the Committee on Economic Development and Business Concerns and to the Committee on Labor, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering a certain bill on Third Reading on the basis of a modified consent calendar. (Representatives Ahu Isa, Arakaki, Case, Djou, Fox, Hamakawa, Kahikina, Magaoay, Pendleton, Stonebraker and Takai were excused.)

At 10:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:56 o'clock a.m.

THIRD READING

S.B. No. 3:

On motion by Representative M. Oshiro, seconded by Representative Lee and carried, S.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 40 ayes with, Representatives Ahu Isa, Arakaki, Case, Djou, Fox, Hamakawa, Kahikina, Magaoay, Pendleton, Stonebraker and Takai being excused.

The Chair directed the Clerk to note that S.B. No. 3 had passed Third Reading at 10:57 o'clock a.m.

At 10:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:16 o'clock a.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 4 and 5, Special Session) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 4, Special Session, informing the House that H.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading in the Senate on June 8, 2001.

Sen. Com. No. 5, Special Session, informing the House that H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading in the Senate on June 8, 2001.

RECONSIDERATION OF MEASURE  
RETURNED BY THE GOVERNOR

At this time Representative Halford moved that, the veto of the Governor to the contrary notwithstanding, H.B. No. 824, returned without the Governor's approval, pass Final Reading in its entirety, seconded by Representative Rath.

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

"Never since statehood has this Legislature overridden a veto, an essential element in American democracy. Without it, the Executive becomes too autocratic and too powerful, which is counter-productive both to good government and to our people.

"The Constitutions of the United States of America and the State of Hawaii, did not simply give the Legislature the right to override vetoes. It points out the responsibility of the Legislature as a participant in American democracy to override vetoes. As Legislators, it is our job. It's the job of each of us, to stand up for our branch of government. Thank you."

Representative Rath rose to speak in support of the motion, stating:

"I'm certain that most people are aware that I used to own a motorcycle shop and dealership in Kona and most of you have seen me scooting out of the parking lot on my motorcycle and probably swearing at me for the loud sound I made.

"I'm not going to argue the merits of this bill because we already did that. Suffice to say that having some experience with motorcycles, I realize that anything we can do to increase motorcycle safety for our citizens and the military should be done and we as a Legislature have said we should do this. From this veto, it is obvious that Governor Cayetano is not a biker. I think I might be the only biker in the Legislature.

"What this does, the Motorcycle Safety Foundation, is put a little 'icing on the cake'. You can put helmets on. You can put a motorcycle rider in a cocoon. You can put him in bubble wrap. You can't do anything better for a person on a motorcycle than to put him through the Motorcycle Safety Foundation course.

"I've been through it. I've taught it. My daughter has a motorcycle license and I will tell you that this is the kind of training for people who go out on two wheels, especially in Oahu traffic, that will keep people alive. We should do everything that we can to accommodate people to have this kind of training. We saw that as a Legislature. We saw that this is to accommodate the military and to proliferate this kind

of training for people who ride motorcycles. We all said 100% that this is a good idea.

"I read the Governor's Veto Message and, Mr. Speaker, I didn't see any reason in there at all to veto this. Like I said, I just don't think he is a biker. Obviously, this vote is not going to come down on party lines, this is going to be either pro-biker or anti-biker. Thank you, very much."

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

"I think it is no surprise to anyone here that rank and file military are not the greatest paid people in the world. The choice that they have to use a motorcycle as opposed to an automobile is often for financial reasons.

"I want to point out also that motorcycles save fuel, so all of you who want to save the environment should vote for this override.

"The military offers a motorcycle course and I took it many years ago. It is nationally approved and certified. All that we are doing here is saying, 'Military, you take a course that meets at least all the standards of the State of Hawaii, probably more. Why shouldn't we recognize that?' If we don't recognize it, then we are saying that the military is not safe. Or are we saying that they are too safe? I don't understand how the Governor can say that it is unnecessary to pass this bill. If you just look at the purpose of the bill, it is necessary. If we don't pass it, we didn't meet the purpose of the bill. Therefore it is necessary if you want to have people in the military to be accepted among our drivers on our highways and prove that they are certified. They have to take the course no matter what base they are on anywhere in the world.

"The course is identical if not better than the State course. Thank you, Mr. Speaker."

Representative Lee rose to speak in opposition to the motion, stating:

"I would first like to point out that consideration of this veto was not put on the calendar for today's session. The reason we have a calendar outlining each session's purpose is to allow each Representative to review the issues to be addressed and come to the floor prepared to act. With no notice, it is impossible to fairly review the Governor's veto message and balance his points with those of the bill itself.

"To override now is really moot as the Senate has just rejected the motion by a vote of 15 to 3.

"Furthermore, this motion has not been made in a timely manner. The Governor vetoed this bill on April 20th during this year's Regular Session. The time to take action on the veto was at that time. The State Constitution clearly states that:

Upon the receipt of a veto message ... each house shall ... reconsider the vetoed bill ... and again vote upon such bill.

This is seen in Article III, Section 17, 'Procedures Upon Veto.'

"There wasn't even enough interest in bringing up the issue at the time, and the Legislature adjourned sine die. This certainly at least raises an issue of whether the Constitution allows us to act at this time and would place a cloud over any action we might take now.

"Finally, Mr. Speaker, I'm inclined to agree with this morning's editorial in the *Advertiser* that said:

While there is no shortage of unfinished business at the Hawaii Legislature, leadership made a wise decision when it placed strict limits on what would take place during this week's special session.

"We reconvened only to fix manifest errors in two budget bills and the related bond bill. This is not the time to bring up other issues. They can be addressed next year if interest remains."

Representative Meyer rose to speak in support of the motion, stating:

"I wanted to let my colleague from Kona know that I too am a biker and have taken the training. I was made aware when I took the training, and it was actually the military that first started the intensive training because of their concern for many of their members getting in trouble with motorcycles. Because of the fact that many of these enlisted men are not paid a very large salary, motorcycles were the most economical vehicle for them to buy.

"The military was actually ahead of the State of Hawaii and they have done a remarkably good job. I think we did the right thing when we helped military personnel with the cost for quarantine. This bill would actually have given them additional assistance so that the military would not have pay the \$150 for the training.

"The Majority Leader, across from me, was smart enough to introduce this bill. I think we all heard testimony as to why this bill was a good idea. Perhaps we should have thought ahead when the veto message first came down from the Governor, but in the throes of the Legislature, when so many other balls were in the air, perhaps we all sort of missed the boat. But we felt that since we were in Special Session, this gave us the perfect opportunity to 'right' something that the Governor made a mistake on. Thank you, Mr. Speaker."

Representative Whalen rose to speak in support of the motion, stating:

"I wasn't going to say anything until I heard the Majority Floor Leader's remarks. It inspired me to speak since those comments were not made in regards to the bill itself, but as to the process.

"Her first comment was that there was no notice given and it was not on the agenda for today. The message from the Senate wasn't on the agenda today either, but we knew it was coming. The Minority doesn't control the agenda and what gets put on it.

"Secondly, regarding no notice. The Majority leadership knows very well from a few days ago that we were considering this. We discussed with the Majority leadership about the possible override and the legal basis for doing the override. There were only four bills discussed in that meeting and it was the motorcycle bill mentioned as being considered.

"So, there was notice given to Majority leadership. Whether or not the Majority communicates is out of our hands, and we have no control over that.

"It was also mentioned that this was also not done in a timely manner and that was pointed to in the Constitution as to what it says. For those who have not had the time or seen the need up to this point to actually look at it, it's on page 128 of our blue books and it says, that when we receive the veto message it is placed in the Journal and then we can proceed to reconsider the bill for an override of a veto. There is nothing about it having to be done during Regular or Special Sessions. It just says that. That is the process.

"For members who aren't aware of it, the Journal remains open. Messages come in and things are still placed in the Journal. If a veto message comes down after adjournment we won't come back to reconsider it for weeks later by the time the House and the Senate get together to consider whether or not to override the veto or to poll the members to see if the votes are even there. So, it does take time.

"The fact that the veto came during session is irrelevant. Up until ten days before session, we can send bills up to the Governor and he must either let them pass or veto them within that time. The last day of session we had hundreds of bills to pass and on that day he can give us forty or fifty bills that we had sent up to him already. Are we supposed to do all of this in one day? That is an absurd reading of the Constitution and there is no legal basis for it. There is no case law. There are no opinion. It's merely an excuse why not to do this.

"Thirdly, it's a cloud over our actions. Anyone who has any connection with lawyers knows that lawyers can find a reason to sue and go to court. These are things that a common person would say is as clear as the sky. Well, not in Kona where we have 'vog.' But yet lawyers can find something to go to court on and sue over. So that is again irrelevant.

"Finally, the newspapers were brought up as saying that the Majority leadership did the right thing by not extending it. I take issue with that because the media misquoted our position all along. We are here in session and normally our sessions went through very quickly, a few minutes and we were done. We knew we had to go through the process of the three bills. Overriding a veto does not cost the taxpayers any more money. It's not an issue they haven't heard about before. We went through the public hearing process. We heard the opposition testimony, we heard the proponents' testimony and it's nothing that is coming out of the blue. This is costing no one any more money except for those of us here who need to get back to our other jobs. But that is not coming from the taxpayers, that is coming out of our own pockets.

"So, to repair what the newspapers said about not extending the session for these other issues is erroneous. What we are doing here is merely discussing the proper role of the Legislature to override the Governor's veto when there is no substantive reason for him to veto it.

"When you take a look at the message, Mr. Speaker, there is no reason why that bill should not be overridden. The concerns of the Governor put forth in the message are extremely superficial. He says that DOT can take a look at this and through rules can do what they want to do and we shouldn't pass the law. Anyone here who has been involved in that process knows that it takes about two years to make rules. It is a very long and drawn-out process and unless you have a large constituency or know the right person the rules are not put into process to get changed.

"For those reasons Mr. Speaker, I would urge my colleagues on the Majority and the Minority side, to look beyond the rhetoric of the four reasons to vote 'no' and look at the fact that everyone voted for this bill the first time around. If there are reasons to vote 'no', then they should have been expressed when we had our first vote. To say that these things have just come to light now to consider it, means that either the testimony was not reviewed, which was readily available, or they did not go through the committee reports which listed out the concerns and the reason why they were taken care of. Then using their own staff or the Majority research staff to become aware of the issues. At this point there is no good reason not to vote 'yes' to override the veto. 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.

Roll call having been requested, the motion that H.B. No. 824, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," pass Final Reading in its entirety was put to vote by the Chair and failed to carry by the required two-thirds vote of the House pursuant to Article III, Section 17 of the Constitution of the State of Hawaii on the following show of Noes and Ayes:

Noes, 24: Abinsay, Cabrereros, Chang, Espero, Garcia, Hale, Hiraki, Ito, Kanoho, Kawakami, Lee, Luke, Morita, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Souki, Suzuki, Takamine, Takumi, Yonamine and Yoshinaga.

Ayes, 15: Auwae, Bukoski, Davis, Gomes, Halford, Jaffe, Leong, Marumoto, McDermott, Meyer, Moses, Ontai, Rath, Thielen and Whalen.

Excused, 12: Ahu Isa, Arakaki, Case, Djou, Fox, Hamakawa, Kahikina, Magaoay, Nakasone, Pendleton, Stonebraker and Takai.

At 11:34 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:39 o'clock a.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 1 and 2) were announced by the Clerk and the following action taken:

H.R. No. 1, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 5<sup>TH</sup> LEGISLATIVE DAY," was jointly offered by Representatives Say, Luke, M. Oshiro and Meyer.

On motion by Representative M. Oshiro, seconded by Representative Meyer and carried, H.R. No. 1 was adopted, with Representatives Ahu Isa, Arakaki, Case, Djou, Fox, Hamakawa, Kahikina, Magaoay, McDermott, Pendleton, Souki, Stonebraker, Takai and Yonamine being excused.

H.R. No. 2, entitled: "HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, SPECIAL SESSION OF 2001, PURSUANT TO RULE 18 OF THE RULES OF THE HOUSE OF REPRESENTATIVES," was jointly offered by Representatives Say, Luke, M. Oshiro and Meyer.

On motion by Representative M. Oshiro, seconded by Representative Meyer and carried, H.R. No. 2 was adopted, with Representative Ahu Isa, Arakaki, Case, Djou, Fox, Hamakawa, Kahikina, Magaoay, McDermott, Pendleton, Souki, Stonebraker, Takai and Yonamine being excused.

The motion was put to vote by the Chair and carried, and at 11:44 o'clock a.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, adjourned sine die. (Representatives Ahu Isa, Arakaki, Case, Djou, Fox, Hamakawa, Kahikina, Magaoay, McDermott, Pendleton, Souki, Stonebraker, Takai and Yonamine were excused.)

#### ANNOUNCEMENTS

Representative Marumoto: "I just would like to thank you for the referral of H.B. No. 4. I refer you all to Referral Sheet No. 3. I feel however that this referral could have been done in a more expeditious manner. It has been referred to three committees. This Professional Employers Organization bill was introduced four days ago and I do believe it does not require the scrutiny of three committees since both houses recently passed a similar measure, H.B. No. 502, which failed to emerge from Conference Committee. So, if you do detect a note of sarcasm in my voice, it is only because I feel that this bill, to exempt companies that provide employer services from the general excise tax, is very important, and even critical measure for small business and for the Hawaii economy. Thank you."

Madame Clerk: "Mr. Speaker, I am in receipt of Senate Resolution No. 2, informing the House and the Governor that the Senate is ready to adjourn Sine Die. May this matter be received and filed," and the Chair "so ordered."

Representative M. Oshiro: "Mr. Speaker, I would like to announce that one of our dear friends, Uncle Joe, was recently issued a warrant for his arrest by the MDA Association of Hawaii. He will be arrested on Thursday, June 14<sup>th</sup> at 9:00 a.m., and incarcerated at Tamarind Park in Bishop Square, Honolulu. He would probably need our assistance to post bail to be released. He is one of Honolulu's Most Wanted and for the members' information MDA stands for Muscular Dystrophy Association of Hawaii. Thank you, Mr. Speaker."

Representative Garcia: "I guess it is appropriate as the Chair of the Public Safety Committee to follow that announcement. But we don't have any room to spare Uncle Joe so you better be bailed out."

"Mr. Speaker, just a gentle reminder and an apology to my colleagues. It was indicated on the invitation that had been sent to them about the Hawaii Digital Jam that it was for Saturday, June 8<sup>th</sup>. But it is indeed tonight, Friday, June 8<sup>th</sup>. If the members are still willing to attend the concert they still need to RSVP, either with myself or the person indicated in the invitation in order to get special access to the seating which we have arranged for the colleagues. The bill signing on H.B. No. 175 is to take place shortly after 5:00 p.m., and the concert will run till 1:00 a.m. Please contact me to get your VIP badge. Thank you."

Representative Rath: "The First Annual Legislators Motorcycle Ride around the Big Island will be held on Labor Day and will be sponsored by myself and Representative Chang. We hope to see you all there."

#### ADJOURNMENT

Representative M. Oshiro moved that the House of Representatives of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, adjourn sine die, seconded by Representative Meyer.

GOVERNOR'S MESSAGES RECEIVED AFTER ADJOURNMENT  
OF THE 2001 SPECIAL SESSION SINE DIE

Gov. Msg. No. 2, Special Session, informing the House that on June 21, 2001, the following bills were signed into law:

House Bill No. 1, as Act 1 – Special Session, entitled: "RELATING TO THE JUDICIARY;" and

House Bill No. 2, as Act 2 – Special Session, entitled: "RELATING TO THE BUDGET OF THE OFFICE OF THE HAWAIIAN AFFAIRS."

Gov. Msg. No. 3, Special Session, informing the House that on June 28, 2001, the following bill was signed into law:

Senate Bill No. 3, as Act 3 – Special Session, entitled: "RELATING TO STATE BONDS."

**SCRep. 1 Finance on H.B. No. 1**

The purpose of this bill is to provide the necessary appropriations and authorizations for the operations of and capital improvements for the Judiciary for fiscal biennium 2001-2001.

The Judiciary testified in support of this measure.

The Judiciary Appropriations Act of 2001, H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1, was passed by the Legislature in the Regular Session of 2001. However, the bill was transmitted to the Governor in a manner that raises a question whether the procedural requirements of Article III, section 16, of the State Constitution were met. Section 16 states in part:

Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If the governor approves it, the governor shall sign it and it shall become law. If the governor does not approve such bill, the governor may return it, with the governor's objections to the legislature.

As a result, the Governor has convened a special session for the purpose of addressing the procedural flaw that may have affected the validity of certain bills, including H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 1 in substantially the same form that H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1, was transmitted to the Governor.

The only differences between this bill and H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1, are in sections 7 through 10 relating to Drug Courts, Adult Probation, Family Court Probation Officers, and the Ho'okele Navigation Project. The amounts for these programs have been reduced to correctly reflect delays in hiring associated with the new positions authorized for these activities.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 2 Finance on H.B. No. 2**

The purpose of this bill is to provide the necessary appropriations and authorizations for the operations of the Office of Hawaiian Affairs (OHA) for fiscal biennium 2001-2003.

OHA and the Administrator for OHA testified in support of this measure.

The OHA Budget Bill, H.B. No. 1100, H.D. 1, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 2001. However, the bill was transmitted to the Governor in a manner that raises a question whether the procedural requirements of Article III, section 16, of the State Constitution were met. Section 16 states in part:

Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If the governor approves it, the governor shall sign it and it shall become law. If the governor does not approve such bill, the governor may return it, with the governor's objections to the legislature.

As a result, the Governor has convened a special session for the purpose of addressing the procedural flaw that may have affected the validity of certain bills, including H.B. No. 1100, H.D. 1, S.D. 1, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 2 in substantially the same form that H.B. No. 1100, H.D. 1, S.D. 1, C.D. 1, was transmitted to the Governor.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 3 Finance on H.B. No. 3**

The purpose of this bill is to authorize the issuance of general obligation bonds and to declare that the total amount of principal and interest estimated and calculated for all bonds issued and outstanding will not cause the State's debt limit to be exceeded at the time of issuance.

Article VII, section 13, of the State Constitution requires the Legislature to include a declaration of findings in every general law that the issuance of state bonds authorized will not cause the debt limit to be exceeded at the time of issuance.

The Department of Budget and Finance testified in support of this measure.

The bond declaration bill, H.B. No. 1400, S.D. 1, C.D. 1, was passed by the Legislature in the Regular Session of 2001. Section 3 of H.B. No. 1400, S.D. 1, C.D. 1, contained a reference to the Judiciary Appropriations Act of 2001, H.B. No. 1400, S.D. 1, C.D. 1,

was transmitted to the Governor in a manner that raises a question whether the procedural requirements of Article III, section 16, of the State Constitution were met. Section 16 states in part:

Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If the governor approves it, the governor shall sign it and it shall become law. If the governor does not approve such bill, the governor may return it, with the governor's objections to the legislature.

As a result, the Governor has convened a special session for the purpose of addressing the procedural flaw that may have affected the validity of certain bills, including H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1. Your Committee has met for the purpose of properly passing H.B. No. 3 in substantially the same form that H.B. No. 1400, S.D. 1, C.D. 1, was transmitted to the Governor, except for the following:

- (1) In section 3, the reference to H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1, has been replaced by S.B. No. 1, the new Judiciary Appropriations Act of 2001, which is being considered during this special session; and
- (2) In section 1, the general fund revenue estimates made by the Council on Revenues reflect the most recent estimates as of May 25, 2001.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

#### **SCRep. 4 Finance on S.B. No. 3**

The purpose of this bill is to:

- (1) Authorize the issuance of general obligations bonds; and
- (2) Declare that the total amount of principal and interest estimated and calculated for all bonds issued and outstanding will not cause the State's debt limit to be exceeded at the time of issuance.

This bill is intended to meet the requirements of article VII, section 13, of the State Constitution that the Legislature must include a declaration of findings that the debt limit will not exceed at the time of issuance.

The Department of Budget and Finance testified in support of this bill.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.



[illegible]

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
H.R. 1    HOUSE RESOLUTION AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 5TH LEGISLATIVE DAY	9			9
H.R. 2    HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, SPECIAL SESSION OF 2001, PURSUANT TO RULE 18 OF THE RULES OF THE HOUSE OF REPRESENTATIVES	10			10

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of Senate	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
S.B. 1 A BILL FOR AN ACT RELATING TO THE JUDICIARY	5 5										
S.B. 2 A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF THE OFFICE OF HAWAIIAN AFFAIRS	5 5										
S.B. 3 A BILL FOR AN ACT RELATING TO STATE BONDS	5 5	5	6	7				11		Act 3 Special Session	